

Notice of Meeting

Cabinet

Date: Wednesday 18 January 2023

Time: 5.30 pm

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

For further information or enquiries please contact:

Emma Horbury - 01264 368000
ehorbury@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

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

PUBLIC PARTICIPATION SCHEME

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

Membership of Cabinet

MEMBER	WARD
Councillor P North (Chairman)	Bourne Valley
Councillor N Adams-King (Vice-Chairman)	Blackwater
Councillor P Bundy	Chilworth, Nursling & Rownhams
Councillor D Drew	Harewood
Councillor M Flood	Anna
Councillor I Jeffrey	Mid Test
Councillor A Johnston	Mid Test
Councillor T Tasker	Andover Romans

Cabinet

Wednesday 18 January 2023

AGENDA

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

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 7 December 2022**
- 6 Recommendations of the Overview and Scrutiny Committee - none**
- 7 Allocation of Community Infrastructure Levy (CIL)
Funds - Community Projects Reserve 5 - 14**

Planning
To seek approval to allocate funds to 4 projects within the borough.
- 8 Statement of Community Involvement in Planning
(2022) 15 - 113**

Planning
To approve an updated Statement of Community Involvement.
- 9 Council Tax Support Scheme 2023/24 114 - 256**

Finance and Resources
To consider the Council's Council Tax Support Scheme for 2023/24.

10 2023/24 Budget Update 257 - 272

Finance and Resources

To provide an update on the budget setting process for 2023/24 and provide information on proposals to close the budget gap.

11 Southampton University - Civic Agreement 273 - 320

Leader

To seek support to sign up to the Civic Agreement.

ITEM 7 Allocation of Community Infrastructure Levy (CIL) Funds – Community Projects Reserve

Report of the Planning Portfolio Holder

Recommended:

- 1. That the following projects are approved for CIL funding:**
 - **Nether Wallop Playing Fields – £101,000**
 - **Over Wallop Sports Pavilion – £269,766**
 - **Plaza Theatre, Romsey Additional Funding – £100,000**
 - **Bury Dene Playing Fields, Vernham Dean – £33,132**
- 2. That the projects be added to the Council’s Capital Programme, to be funded by the CIL Community Projects Reserve.**

Recommendation to Council

SUMMARY:

- The report sets out a summary of the bids received from 1 April 2022 to 30 June 2022, an evaluation of each project, and
- Funding recommendations made for each project

1 Introduction

- 1.1 The report outlines 4 projects that were submitted during the 2022 round of the CIL bidding process and the resultant funding recommendations.
- 1.2 The report includes a brief description of each project, a percentage score against the Spending Protocol scoring criteria and a funding recommendation.
- 1.3 There is currently £700,000 in the Community Projects Reserve. This is after taking into account the Regeneration Reserve, Neighbourhood Portion passed to Parish and Town Councils as well as administrative expenses.
- 1.4 The Annex to this report provides an update on previous year’s allocations. 24 projects have been allocated funding with 13 completed so far.

2 Background

- 2.1 The CIL Spending Protocol and scoring methodology was adopted by Council on the 8 November 2017.
- 2.2 This round of CIL bidding ran between 1 April and 30 June 2022.

- 2.3 Section 3 of this report identifies each project and provides a recommendation for funding based on the approved scoring methodology.
- 2.4 The approved Bid Assessment document is made up of 10 questions with a maximum score of 120 points. Questions 1 and 2 are weighted as they are linked to CIL's main purpose which is to enable or mitigate the impacts of development. An average percentage score is presented below alongside a funding recommendation.
- 2.5 All bids are assessed against the same criteria meaning that a scheme with a total cost of £15,000 will be scored in the same way as a scheme with a total cost of £15,000,000.
- 2.6 Smaller schemes are likely to score lower as the level of detail required for the project is not as significant as a large scheme. This means that the threshold for recommendation reduces along with total project cost.

3 Funding Recommendations

3.1 Project 1 – Nether Wallop Playing Fields

Lead Organisation – Nether Wallop Parish Council

Description – The provision of outdoor exercise equipment, playground apparatus, an all-weather running track, wet weather shelter, new seating and wilding improvements at The Playing Fields, Aylwards, Way, SO20 8HB.

Evaluation of project – The project scored highly against criteria relating to consultation, direct benefits and impacts on users. Extensive consultation has taken place with the local community to ensure that the project captures their ambitions. The new infrastructure to be provided caters to a wider range of users and provides easier access to those with mobility issues. A well evidenced submission that addresses an identified need in the area.

Total project cost – £203,100

Amount of CIL funding requested – £101,000

Average Score – 73%

Recommendation – That Cabinet endorse the allocation of £101,000 towards the Nether Wallop Playing Fields Project.

3.2 Project 2 – Over Wallop Sports Pavilion

Lead Organisation – Over Wallop Parish Council

Description – Construction of a new sports pavilion at the Alan Evans Memorial Ground, Salisbury Lane, Over Wallop.

Evaluation of project – The project looks to address issues of compliance with sporting bodies from the current outdated pavilion. It has strong support from the clubs that will utilise the facilities and will provide improved energy efficiency over the existing structure. A strong project that will benefit the many regular users of the Memorial Ground.

Total project cost – £539,532

Amount of CIL funding requested – £269,766

Average Score – 64%

Recommendation – That Cabinet endorse the allocation of £269,766 towards the construction of a new Sports Pavilion at the Alan Evans Memorial Ground, Over Wallop.

3.3 **Project 3 – Plaza Theatre Stage House Rebuild (Additional Funding)**

Lead Organisation – Romsey Amateur Operatic and Dramatic Society (RAODS)

Description – Extension of the stage house upwards to reach the same height as the majority of the building to allow the installation of a lighting grid, rewiring and equipment upgrade. Council approved an initial allocation of £200,000 on 20th November 2019. Building work could not take place as originally planned in 2020 due to the Covid19 pandemic. Work is now planned for May 2023 but has resulted in increased quotations. This additional £100,000 is required for the project to move forward as originally planned.

Evaluation of project – A robust project that scored well across all criteria and provides an enhanced facility to the people of Romsey and surrounding areas. Detailed risk analysis has been carried out and a project management plan is in place to ensure timely delivery of the various aspects of the scheme.

Total project cost – £789,569

Amount of CIL funding requested – £100,000

Average Score – 64%

Recommendation – That Cabinet endorse the allocation of an additional £100,000 of CIL funds towards the Plaza Theatre Stage House Rebuild.

3.4 **Project 4 – Bury Dene Playing Fields**

Lead Organisation – Vernham Dean Parish Council

Description – The provision of new play equipment at Bury Dene Playing Fields to ensure that the facilities are suitable for children of all ages and abilities.

Evaluation of project – Evidence of need was detailed and to a high standard. Local consultation showed support from the community and the existing users' desire for improvements. Outdated and unsafe equipment was recently removed after concerns raised by inspectors. This proposal seeks to not replace that equipment but to improve upon the old offer and diversify the available equipment after feedback from the nearby school and local parents.

Total project cost – £66,265

Amount of CIL funding requested – £33,132

Average Score – 51%

Recommendation – That Cabinet endorse the allocation of £33,132 towards new play equipment at Bury Dene Playing Fields.

4 Objectives and Priorities

- 4.1 This report covers the following Corporate Priorities set out in the Corporate Plan 2019 – 2023 as shown below.
- 4.2 Communities – The Plaza Theatre bid has been submitted by RAODS which is a group comprised of local residents who volunteer their time to operating the facility and putting on various shows at the theatre. The Community Projects Reserve empowers local communities by allowing them to deliver on their infrastructure priorities.

5 Consultations/Communications

- 5.1 There has been no external consultation because the report reflects the outcomes of an approved methodology. Projects listed have gone through various forms of consultation prior to bids being submitted as is required by the assessment criteria.

6 Options

- 6.1 **Option 1** – Support the recommendations and approve the allocation of £503,898 to these 4 projects.
- 6.2 **Option 2** – To refuse projects against the recommendations.

7 Option Appraisal

Option 1

- 7.1 The recommendations are transparent and fair using the criteria approved by Cabinet on the 18 October 2017.
- 7.2 If funding is not approved for the four projects then they are unlikely to be delivered. The positive impacts of the new and improved infrastructure on residents will thus not be realised.

Option 2

7.3 Projects may be approved or refused against the recommendations. Feedback will be given to applicants where a project is refused funding.

7.4 Additional funds will be available to allocate in future rounds. However all projects have met the scoring thresholds that have, in previous rounds, seen funding allocated.

8 Risk Management

8.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes/issues covered do not represent significant risks or have previously been considered by Councillors.

9 Resource Implications

9.1 The funding for these projects will come from the Council's CIL receipts. No other resources will be used.

10 Legal Implications

10.1 No legal implications for Option 1

11 Equality Issues

11.1 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.

12 Other Issues

12.1 Wards/Communities Affected – The projects listed affect the following communities: Romsey, Romsey Extra, Nether Wallop, Over Wallop and Vernham Dean.

13 Conclusion

13.1 Approval is sought to allocate £503,898 CIL funds to the following projects:

- Nether Wallop Playing Fields – £101,000
- Over Wallop Sports Pavilion – £269,766
- Plaza Theatre Additional Funding – £100,000
- Bury Dene Playing Fields – £33,132

The 4 projects will be added to the Council's Capital Programme, to be funded by the CIL Community Projects Reserve.

<p><u>Background Papers (Local Government Act 1972 Section 100D)</u> Cabinet report from 18 October 2017 - Item 9</p>			
<p><u>Confidentiality</u></p> <p>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.</p>			
No of Annexes:	1	File Ref:	N/A
<p>(Portfolio: Planning) Councillor P Bundy</p>			
Officer:	Oliver McCarthy	Ext:	8176
Report to:	Cabinet	Date:	18 January 2023

Update on previous funding allocations

The Council has allocated a total of £2,701,168 to 24 projects across the Borough. To date £923,336 has been spent to deliver 13 of these projects. Listed below are each of the 24 approved schemes and their current status. Photographs have also been included to display some of the infrastructure delivered over the past 4 years.

2018

Kings Somborne community building - £95,000 - Completed

Romsey flood alleviation scheme – £25,000 – Completed

Bourne Valley flood alleviation scheme – £20,526 – Completed

Southampton Road shared pedestrian and cycle Route – £270,000 – Completed

Barton Stacey Multi Use Games Area – £35,715 – Completed

Botley Road informal crossing point – £35,000 – Completed

2019

Plaza Theatre stage house rebuild – £200,000 – Additional funding required

Longparish playground redevelopment – £40,000 – Completed

Access improvements at Charlton Lakes – £100,355 – Completed

Ampfield Recreation Ground – £66,432 – Completed

Refurbishment of Valley Park Community Centre – £79,525 – Completed

Restoration works at Over Wallop War Memorial – £19,970 - Completed

Extension to Braishfield Village Hall – £95,813 – Completed

2020

Stockbridge travel to school plan – £95,000 – Planned for 2023

King John's House gates and signage – £36,500 – Planned for 2023

New community clubhouse at Trojans Sports Club – £350,000 – Planned for 2023/24. More detail at: <https://www.trojans.org.uk/newclub.html>

New Village Hall in Monxton – £345,000 – Planned for 2023/24

Sports Pavilion at Broughton Playing Field – £200,000 Planned for 2023/24

Abbotts Ann Sports Field community clubhouse – £250,000 – Planned 2024

North Baddesley fitness equipment – £40,000 – Completed

Traffic calming in Kings Somborne – £17,808 – Part delivered. Completion due in 2023

2021

St Mary's GP Surgery extension – £240,478 – Planned for 2023

Viney Avenue to Cupernham School pedestrian works – £13,535 – Planned for 2024

Valley Park Orchard Trail – £29,511 – Planned for 2023

Select photos from delivered projects

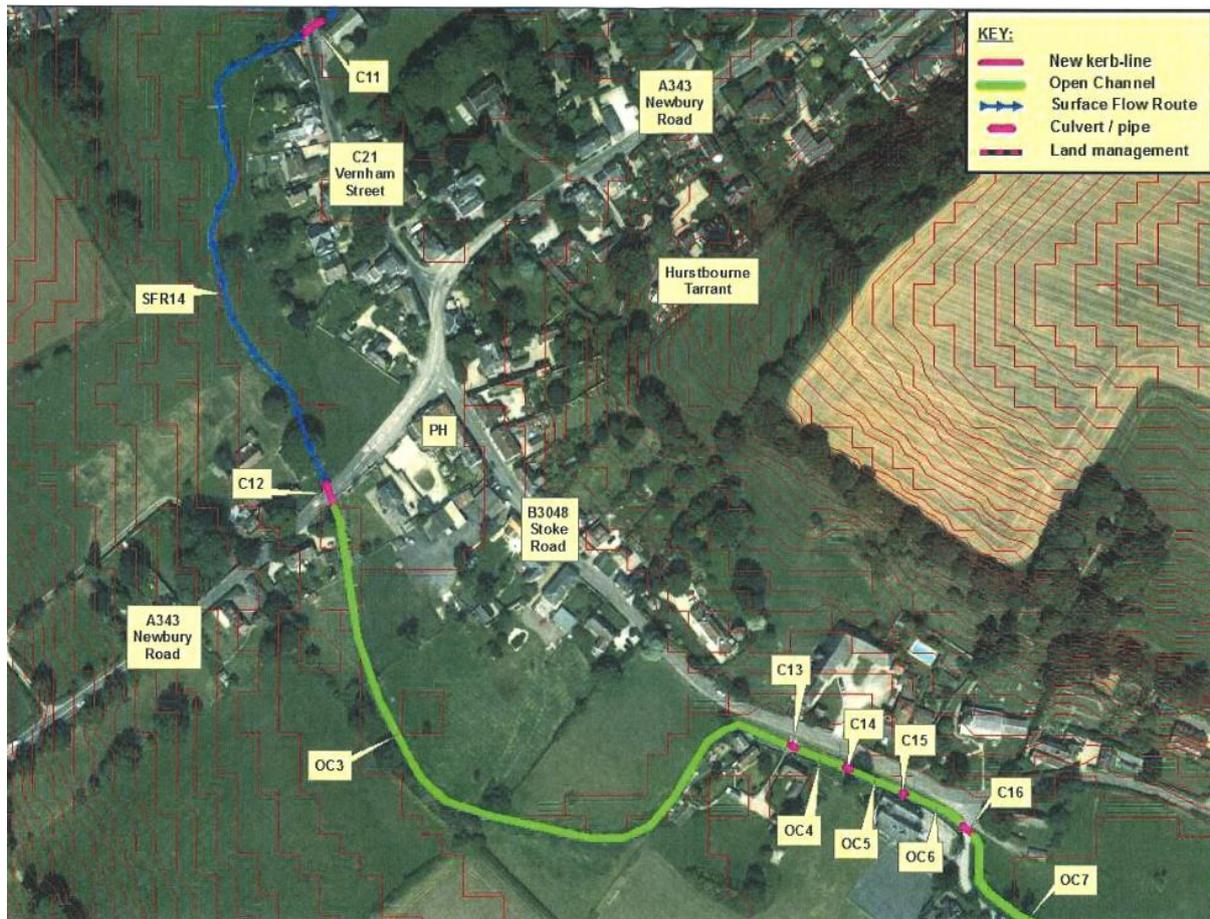
King's Somborne Community Building



Romsey Flood Alleviation Scheme



Bourne Valley Flood Alleviation Scheme



Botley Road Informal Crossing Point



Longparish Playground Redevelopment



Access Improvements at Charlton Lakes



Refurbishment of Valley Park Community Centre



ITEM 8 Statement of Community Involvement in Planning (2022)

Report of the Planning Portfolio Holder

Recommended:

- 1. That the Statement of Community Involvement in Planning (2022), attached at Annex 1 to the report, which incorporates the proposed amendments identified in Annex 2 to the report, be adopted.**
- 2. That the Head of Planning Policy and Economic Development, in consultation with the Portfolio Holder, be authorised to make changes of a minor nature to improve the presentation and correct typographical errors prior to publication.**

SUMMARY:

- The purpose of the Statement of Community Involvement (SCI) is to set out the statutory consultation measures that the Council must undertake when consulting on Planning Policy documents and publicising planning applications
- The SCI complements the Council's broader commitment contained within its Corporate Plan with regards to promoting positive community engagement with local communities, businesses, and interest groups. The preparation of an SCI is a legal requirement and, once adopted, the Council needs to ensure that it operates in accordance with its provisions.

1 Introduction

- 1.1** This report is proposing that, following public consultation, the appended Statement of Community Involvement (SCI) is adopted with the proposed amendments. This is proposed to replace the current SCI (2017). Under regulation 10A of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) the SCI is subject to a 5-year review. When adopted, the Council would need to ensure that consultation in relation to planning policy and planning applications is consistent with the content of this document.

2 Background

- 2.1** Given the complexities of the planning system, a key issue is that local communities, individuals and local groups may not fully understand how they can participate in the planning process. A Statement of Community Involvement (SCI) seeks to address this by describing how the public, businesses and interest groups can get involved in the creation of local planning policy, neighbourhood planning and the planning application decision making process. This is essential to help improve understanding and openness of the planning process.

- 2.2 Whilst the SCI primarily sets out how the Council will engage with communities it also provides useful guidance to help inform developers and applicants on how to undertake effective community consultation activities on draft masterplans and planning applications for major development proposals.
- 2.3 The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (as amended) and once adopted, the Council needs to be consistent with its content. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review Statements of Community Involvement at least once every 5 years from their adoption.
- 2.4 The Council adopted its first SCI in August 2006. Since 2006, the Council has reviewed and updated the SCI on three occasions (December 2009, September 2013, and December 2017) to take into account of changes within planning legislation. An addendum to the 2017 SCI was approved in June 2020 to enable the council to temporarily undertake revised consultation methods whilst coronavirus restrictions were in place. A draft version of the 2022 SCI was approved for consultation by Cabinet on 3 August 2022.
- 2.5 The SCI complements the Council's broader commitment contained within its then current Corporate Plan 2015-2019 to establish mechanisms and processes by which communities in Test Valley can help identify local issues and play a key role in the planning of the places where they live, work, and enjoy their leisure time. This is to be achieved through continuing community engagement, the strengthening of representative and participative democracy and by having community engagement form part of the evidence for making decisions.
- 2.6 The draft SCI (as amended following public consultation) (Annex 1) covers the following aspects of Planning:
- Barriers to Effective Participation
 - Planning Policy
 - Development Plan Documents
 - Supplementary Planning Documents
 - Other Policy Documents and Projects
 - Neighbourhood Planning
 - Community Infrastructure Levy
 - Planning Applications
 - Tree Works

3 Corporate Objectives and Priorities

- 3.1 The current Corporate Plan is focused on how to build upon the strengths of the Borough to improve the quality of life across Test Valley. The priority is to grow the already existing potential of Test Valley's communities, people, and local environment. This will be achieved by supporting local communities to plan for their needs in conjunction with councillors to develop their community leadership role.

- 3.2 The SCI also complements the approach to community involvement and partnership of the Andover Vision, Romsey Future, and the Council's Community Planning Toolkit which provides further guidance on community planning initiatives. These documents promote the Council's commitment in engaging with local communities as well as facilitating innovative opportunities to encourage participation in Council services.

4 Consultations/Communications

- 4.1 The involvement of the public and organisations in the preparation of planning policy documents is an integral part of the process.
- 4.2 The Council has undertaken consultation on its previous SCI documents. It is also good practice to do so as it demonstrates the Council's commitment in strengthening public engagement opportunities within the Planning System and maximises the reach into the community and assists in fulfilling the council's equalities obligations.
- 4.3 On 3 August 2022 the Cabinet agreed to consult on the draft 2022 version of the SCI. The consultation ran initially from 2 September 2022 to 28 October 2022 (an eight-week period). The consultation was repeated from 11 November 2022 to 16 December 2022 allowing a further five-week period for comments to be made. The consultation was repeated as it became apparent that not all consultees intended to be informed of the proposed SCI received notification at the time of the original consultation. Representations received during the initial consultation did not need to be resubmitted and were considered in finalising the document. Statutory consultees were notified of the consultation in advance of the start date with the document also being advertised on the council's website.
- 4.4 A total of eighteen representations were received during the public consultation periods. A summary of their comments, and an officer response and any consequent proposed amendments are included within Annex 2. Additionally, further non-substantive amendments have been made to improve the overall legibility and style of the document.

5 Options

- 5.1 The Cabinet of August 2022 agreed that an updated draft SCI 2022 be published for public consultation with the aim of replacing the current SCI 2017 as it contained outdated advice in terms of process and public consultation arrangements, and it is not particularly user friendly. The options to consider are whether or not to adopt the draft document incorporating the amendments (Annex 2) which follow the public consultation, or to retain the current SCI.

6 Option Appraisal

6.1 Option 1 – Adopt a new SCI

To adopt the revised SCI incorporating the amendments in Annex 2 (recommended). This will ensure that the Council is complying with legislation to review the SCI every 5 years and to have an up-to-date SCI. The updated SCI would accord with current arrangements for public consultation and community engagement on planning matters.

6.2 The representations from the public have shown a keen interest in being involved in, and informed of, planning application consultations. Concerns have been raised regarding the weight given to parish council comments. Any representations made by Parish Councils which raise matters that are material to the development proposed will be considered as part of the assessment and decision-making process relating to planning applications.

6.3 Recommendations have been made from representations received from the public consultation relating to the style and legibility of the document and, in this regard, we have removed all hyperlinks from the document and instead added them to footnotes along with web addresses.

6.4 Some representations expressed the view that the process of submitting bids for CIL funding is unclear and therefore a detailed explanation has been added to paragraph 10.8.

6.5 Representations received requested clarity on specific consultative bodies and statutory consultees and how they differ. This has now been clearly defined in the glossary.

Option 2 – retain the existing SCI

6.6 To carry on using the previously adopted 2017 SCI. This is not considered to be an appropriate option because it would mean that the Council have an out-of-date SCI. It will also not accord with current arrangements for public consultation and community engagement on planning matters and National policy, regulations and/or wider corporate practice or objectives and will not consider the amendments made because of the public consultation.

6.7 Option 3 to adopt some alternatively worded SCI

6.8 Option 1 has been prepared on the basis of professional officer input and with the benefit of public consultation and is therefore recommended in preference to Options 2 and 3.

7 Risk Management

7.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes / issues covered do not represent significant risks or have previously been considered by Councillors at Cabinet on 3 August 2022.

8 Resource Implications

- 8.1 The SCI is a requirement of Section 18 of the Planning and Compulsory Purchase Act 2004 with the Council being legally obliged to comply with the SCI once it is adopted. Provision has been made in budgets for the implementation of the Local Development Framework, including the production of the SCI.

9 Legal Implications

- 9.1 Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)¹, local planning authorities must review Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. In addition, the revised SCI has been produced in accordance with the statutory requirements of the Planning and Compulsory Purchase Act 2004 (as amended), The Localism Act 2011, The Neighbourhood Planning (General) Regulations 2012, The Community Infrastructure Levy Regulations 2010 and Town and Country Planning (Development Management Procedure) (England) Order 2015.

10 Equality Issues

- 10.1 An EQIA is not needed because a full EQIA screening was completed in accordance with the Council's EQIA methodology for 3 August 2022 Cabinet and no potential or unlawful discrimination and/or low level or minor negative impact were identified. This has not changed since the draft document was subject of public consultation and revised in light of representations received.

11 Other Issues

- 11.1 Community Safety – no direct issues
- 11.2 Environmental Health Issues – no direct issues
- 11.3 Sustainability and Addressing a Changing Climate – no direct issues
- 11.4 Property Issues – no direct issues
- 11.5 Wards/Communities Affected – all Wards

12 Conclusion

- 12.1 It is a requirement of the planning system that the Council produces a Statement of Community Involvement (SCI) which sets out how it intends to involve the local community in the preparation of planning policy documents and the consideration of planning applications. The Council's current SCI needs to be revised to be brought up to date with the Council's consultation

¹ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

practices and National policy, regulations and/or wider corporate practice or objectives and the amendments made because of the public consultation
 Following the outcome of public consultation, the recommendation is that the SCI 2022 (Annex 1) incorporating the proposed amendments and further changes to improve the overall legibility and style of the document be adopted.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Corporate Plan 2019-2023			
Statement of Community Involvement 2017			
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:	Pp1.1
(Portfolio: Planning) Councillor P Bundy			
Officer:	Pam Ciurtin	Ext:	8260
Report to:	Cabinet	Date:	18 January 2023

Test Valley Borough Council

Statement of Community Involvement in Planning

A guide on how you can get involved in planning decisions

How to have your say

Public consultation runs from ~~Friday 2 September to 12noon Friday 28 October 2022.~~

Background

On the 3rd August 2022 the Cabinet agreed to consult on the draft 2022 version of the SCI. The consultation ran from the 2nd September 2022 to the 28th October 2022 (an eight-week period). The consultation was repeated from the 11th November 2022 for a five-week period to the 16th December 2022.

A draft Statement of Community Involvement (SCI) is published for public consultation to give residents, businesses, Parish and Town Councils and other groups an opportunity to have a say on how they want to be involved in guiding future development within Test Valley. Decisions we make, and policies we set, affect local residents, businesses and organisations now and in the future, so it's important that everyone has the opportunity to be involved from the start. We aim to work positively and proactively with our local communities to make sure they are fully informed, feel involved in the decision-making process and have timely and meaningful opportunities to have a say on planning matters upon which we consult. This Statement of Community Involvement ('SCI') explains how we ensure this happens.

~~The Council welcomes suggestions on community engagement techniques that are considered to encourage effective participation. The Council will consider the comments received and where appropriate will make amendments to the SCI. A full schedule of representations and officer responses will be made publicly available when the final SCI is taken to Council for adoption. Comments cannot be treated as confidential. Your personal information, such as your postal and email address will not be published and signatures will be redacted, but your name and organisation (if relevant) will be published.~~

~~The Planning Policy Team maintains a database of consultees who wish to be kept informed about Planning Policy documents. In responding to this consultation, you can opt in or request that your contact details are added to the consultation database. If you do not want to be contacted about future consultations please state this in your response. You can, of course, contact us at any time to request the removal of your details from the database.~~

~~If exceptional circumstances arise, for example if coronavirus restrictions are in place, then revised consultation methods may be necessary. In these circumstances, the Council will temporarily undertake revised consultation methods, with regard to statutory requirements and the consultation principles and approaches as set out in this document for planning policy documents.~~

~~The period of public consultation will also be extended beyond the minimum periods set out in this document.~~

Where can I view the document?

You can view the document online at: www.testvalley.gov.uk/planning-and-building/planningpolicy

Paper copies of the document are available for inspection and purchase from the Council's Andover and Romsey offices during normal office hours in the absence of any coronavirus restrictions.

How do I comment?

If you would like to comment on this document please send your views via email or to the postal address below. Additionally, if you have any queries on the content of this document please contact the Planning Policy and Economic Development Service.

Telephone: 01264 368000

E-mail: planningpolicy@testvalley.gov.uk

Write to : Planning Policy and Economic Development Service
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
Hampshire SP10 3AJ

Contents Page

1	Introduction	6
	What is a Statement of Community Involvement?	6
2	Why is it important to produce a new SCI?	7
	Growing our Potential – the Corporate Plan 2019 - 2023	7
	Test Valley Borough Council Customer Charter 2015	7
	Test Valley Community Planning Toolkit	8
	Andover Vision 2017 - 37	8
	Romsey Future – A Vision for Romsey 2022 – 2042	8
3	Why should I / my community get involved?	910
4	Barriers to effective participation	1011
	<i>Table 1: Barriers to Effective Participation</i>	<i>1011</i>
5	Planning Policy	1113
	What is Planning Policy?	1113
6	Development Plan Documents (DPDs)	1144
	How can you get involved?	1244
	Who will the Council consult on DPDs?	1245
	<i>Table 2: Potential Consultation Methods and their Effectiveness</i> . <u>Error! Bookmark not defined.</u> <i>19</i>	
	When to get involved	2124
	<i>Table 3: Key Statutory Stages of Development Plan Production</i>	<i>2124</i>
7	Supplementary Planning Documents	2528
	Getting involved in preparing Supplementary Planning Documents	2528
	<i>Table 4: Getting Involved in Preparing Supplementary Planning Document</i>	<i>2629</i>
	Village / Town Design Statements	2730
8	Other Policy Documents and Projects	2831
	Sustainability Appraisal Scoping Report	2831
	Statement of Community Involvement (SCI).....	2831
9	Neighbourhood Planning	2932
	The Council's role in Neighbourhood Planning	3033
	Figure 2: The Main Elements of the Neighbourhood Development Plan Preparation Process	3134
	<i>Table 5: Key statutory requirements that the Council must undertake when supporting the preparation of Neighbourhood Development Plans</i>	<i>3235</i>
10	Community Infrastructure Levy	3639
	Charging Schedule	3639

<i>Table 6: Opportunities to make representations in the preparation of a CIL Charging Schedule</i>		<u>3841</u>
CIL Expenditure		<u>4245</u>
11	Planning Applications	<u>4346</u>
	Community involvement in decision making	<u>4346</u>
	Pre-Application Advice.....	<u>4347</u>
	Community Involvement in Planning Applications	<u>4447</u>
	Publicising Planning Applications	<u>4548</u>
	How to view a Planning Application	<u>4548</u>
	How to make a comment / view a comment on a Planning Application	<u>4648</u>
	Significant / Sensitive Planning Applications	<u>4649</u>
	Major Planning Applications	<u>4649</u>
	Applications of Significant Interest.....	<u>4649</u>
	Public Rights of Way / Conservation Area / Listed Building Consent.....	<u>4649</u>
	Applications for Prior Approval	<u>4749</u>
	Determining a Planning Application	<u>4750</u>
	Planning Committees.....	<u>4750</u>
11.4	Community involvement in decision making	<u>4851</u>
12	Tree Works	<u>4851</u>
	Applications for consent to work on trees subject to Tree Preservation Orders	<u>4851</u>
	How to view a Tree Works Application	<u>4951</u>
	How to make a comment / view a comment on a Tree Works Application	<u>4951</u>
	Determining Tree Works Applications.....	<u>4952</u>
	Notifications of intent to undertake works to trees within a Conservation Area.	<u>4952</u>
	Hedgerow Removal Notices	<u>5052</u>
13	Planning Aid England	<u>5053</u>
Appendix 1 – Community demographics and possible engagement methods		54
Appendix 2 – Publicising Planning Applications		<u>5457</u>
Glossary		<u>6165</u>

1 Introduction

What is a Statement of Community Involvement?

- 1.1 Given the complexities of the planning system, a key issue is that local communities, individuals and local groups do not fully understand how they can participate in the planning process.
- 1.2 A Statement of Community Involvement (SCI) seeks to address this by describing how the public, businesses and interest groups can get involved in the creation of local planning policy, neighbourhood planning and the planning application decision making process aimed at shaping where we live, work and enjoy the natural and built environment. This is essential to help improve understanding and openness of the planning process. It also identifies how people and groups can engage with the planning system in the best way.
- 1.3 Effective consultation enables stakeholders and the public to express their views. However, there may be instances where the Council has to balance all relevant matters or considerations, and this may mean a different outcome to some of the views expressed. Where this is the case, the Council will be transparent in its reasoning.
- 1.4 The Council's Corporate Plan 2019-23¹ sets out an overarching strategy for the Borough. It aims to establish mechanisms and processes by which communities in Test Valley can help identify local issues and play a key role in the planning of the places where they live, work and spend their leisure timeenjoy. The Council want to achieve this through continuing community engagement, the strengthening of representative and participative democracy and having community engagement form part of the evidence for making decisions. The SCI is one of the tools which sets out how this commitment will be delivered.
- 1.5 Whilst the SCI primarily sets out how the Council will engage with communities, it also provides guidance to help inform developers and applicants on how to undertake effective community consultation activities on draft masterplans and planning applications for major development proposals.

¹ More information on the Corporate Plan is available at:
<https://www.testvalley.gov.uk/aboutyourcouncil/corporatedirection/corporate-plan-for-2019-to-2023>

2 Why is it important to produce a new SCI?

- 2.1 The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (as amended). Once adopted, the Council is legally obliged to comply with its SCI². ~~Under regulation 10a of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) The SCI is subject to a 5 year review after its adoption date. The council has to update the SCI every 5 years³.~~ This version reflects the government's latest planning policy guidance and legislation including the revised National Planning Policy Framework (NPPF, 2021). For Planning purposes, Test Valley Borough Council does not cover that part of the borough that lies within the New Forest National Park, therefore the SCI does not cover engagement in this area.

Growing our Potential – the Corporate Plan 2019 - 2023

- 2.2 The Corporate Plan identifies a priority to 'grow the potential of communities to be empowered, connected and able to build upon their strengths'. Through the Corporate Plan the Council is striving to be an organisation of excellence, committed to empowering communities by improving the quality of life of all the people of Test Valley as well as supporting communities to plan for their own needs, do more for themselves, and support Councillors to develop their community leadership role.
- 2.3 Further information can be found here:
<https://www.testvalley.gov.uk/aboutyourcouncil/corporatedirection/corporate-plan-for-2019-to-2023>

Test Valley Borough Council Customer Charter 2015

- 2.4 The Council's Customer Charter⁴ sets out the following vision:

To be an organisation of excellence committed to improving the quality of life of all the people of Test Valley.

It is our aim to ensure each person who contacts the Council is treated as an individual and has a positive experience. Understanding customer needs is at the centre of how we develop the way we conduct our business with and on behalf of the citizens of the Borough.

- 2.4 Customer service is a key priority and the Council recognises that there have been significant changes in the way communities and the Council interact. Access to the internet has increased and there has been a shift towards online services and correspondence by email and social media. Despite these

² ~~The Council adopted its first SCI in August 2006. Since then, the Council has reviewed and updated the SCI in 2009, 2013 and 2017 to take account of key changes within planning legislation. We adopted our previous SCI in 2017~~

^{3 3}. ~~Under regulation 10a of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) The SCI is subject to a 5 year review after its adoption date.~~

⁴ Available at: <https://www.testvalley.gov.uk/aboutyourcouncil/howarewedoing/customercharter>

changes, there remains a significant number of people that are unable to use electronic forms of communication and access to information or prefer not to do so. As such, we will continue to ensure that consultation materials are available in a variety of formats and that there are varied ways of taking part in consultations to encourage the widest possible accessibility and inclusivity.

- 2.5 To ensure that customer service and community engagement is united across all Council functions, this SCI ensures that local communities are informed on how they can get involved in local planning policy, neighbourhood planning and planning applications.

Test Valley Community Planning Toolkit

- 2.6 Test Valley Borough Council and the Test Valley Association of Town and Parish Councils have jointly developed this toolkit as a guide to the different types of community plans available to communities (i.e., Parish Plans, Neighbourhood Plans, and Village Design Statements); along with practical tools and guidance to help you take forward these initiatives. It is a live document and updates will be made, with additional information included when appropriate.⁵

Andover Vision 2017 - 37

- 2.7 Andover Vision is a partnership of Andover's residents, community groups, businesses and public bodies. This document sets out the partnership's ambitions for the town and its future over the next 20 years. It has been shaped by local people through extensive consultation and has been brought together by the Vision partnership. The Andover Vision is underpinned by five themes, one of which is 'Being Part of a Connected Community'. This SCI complements this theme by supporting communities to get involved in planning matters.⁶

Romsey Future – A Vision for Romsey 2022 – 2042

- 2.8 Romsey Future sets out a long term vision for Romsey. Romsey Future is a partnership of many groups and organisations working together to build consensus and deliver on shared ambitions. The vision for Romsey will be delivered through a set of strategic ambitions. Each ambition has been developed as a result of local organisations and the community coming together to talk about what a successful Romsey will look like in 20 years. The vision has then been grounded by reviewing a strong evidence base of what's needed and why. Romsey Future is underpinned by five principles one of which is 'Be inclusive by bringing together all of our communities within Romsey'. This SCI

⁵ <http://www.testvalley.gov.uk/cpt>

⁶ <https://www.andovervision.org.uk/>

complements this theme by supporting communities to get involved in planning matters. [to get involved in planning matters.](#)⁷

<https://www.romseyfuture.org.uk/>

3 Why should I / my community get involved?

- 3.1 Our role as the Local Planning Authority is to ensure the planning process, rules and policies are followed properly. It is also very important that the policies we create and the planning decisions we make take into account the views of local communities. The planning process seeks to promote sustainable development through managing, guiding and facilitating the provision of new homes, economic growth and investment, leisure and recreation facilities, retail and provision of new infrastructure. The principal purpose of the planning system is to ensure that new development meets the social and economic needs of our communities whilst at the same time conserving the natural and built environment.
- 3.2 Planning has a direct impact on the daily lives of residents and the business community therefore it is important that [the decision making process for development proposals](#) ~~are~~is transparent and that you have the opportunity to have a say in the planning decisions that are made by the Council. The public has a right to get involved and the only way that the Council will understand what people's views are if they are told by the public.
- 3.3 Getting involved at an early stage of the planning process means that you can make your views known and thus help shape planning decisions. Your local knowledge is a valuable resource to help us understand the aspirations of local communities.
- 3.4 There are different aspects of the planning system that people can get involved with such as Planning Policy, including Neighbourhood Plans, Planning Applications, and reporting unauthorised development. This SCI is designed to assist you with the different aspects of the planning system as well as inform you of the different stages of when you can get involved and how to get involved.

⁷ <https://www.romseyfuture.org.uk/>

4 Barriers to effective participation

- 4.1 Consulting residents, community organisations and businesses is not without its challenges and we recognise that there are barriers to effective participation. Through this SCI we will strive to minimise-address these barriers wherever possible. The main barriers are set out in Table 1.

Table 1: Barriers to Effective Participation

Barriers To Effective Participation	Why
Planning Jargon	<p>Whilst the Planning System is trying to simplify the planning process there is still technical jargon and abbreviations used. Plain English will be used wherever possible, and the Council will provide glossaries within Planning Policy documents to explain any planning language or terms that we use. Jargon Busters of Planning terms can be found on the Planning Portal and Planning Aid websites:</p> <p>https://www.planningportal.co.uk/directory/4/a_to_z https://planningaid.zendesk.com/hc/en-us/articles/209767445-Jargon-buster-glossary-of-planning-terms</p>
Community demographics and possible engagement methods – see appendix 1	<p>The Council is conscious that there are certain community demographics that find us less accessible and whose views are often under represented. It is important that efforts are made to seek views from these under represented or “seldom heard” groups. This SCI sets out a range of consultation techniques and approaches to ensure that involvement is inclusive and accessible as possible. We will continuously review the way we do this.</p>
Doubts / concerns that views won’t be taken into account or won’t make a difference	<p>The Council is committed to listening to what their residents and business community has to say. The Council will carry out necessary steps to explore possible solutions and where justified, changes will be made. However, the Council has <u>make decisions based on national and local planning policy to act in accordance with planning law</u> and therefore it is not always possible to <u>Make decisions that accord with views expressed</u> address all concerns especially if it is not a planning issue (e.g. if proposed development is considered to have an impact on local property prices). Where this is the case, the Council will provide reasoning for its response.</p>
Consultation Fatigue / multiple consultations	<p>The Council will carry out public consultation where it is justified and it is a legal requirement to do so e.g. because something has changed such as</p>

Barriers To Effective Participation	Why
	Government guidance or there is new evidence. There may be instances when the Council is carrying out frequent consultation exercises (such as for the Local Plan) however this enables the community to get involved should they have missed out previously.
Technology	Whilst digital technology makes communication easier to administer and access, there are members of the community that are not able to use technology or have access to email or internet ⁸ . In undertaking consultation, the Council will not disadvantage these groups.

5 Planning Policy

What is Planning Policy?

- 5.1 In a nutshell, the Council's Planning Policy team is responsible for preparing Development Plan Documents, such as the Local Plan, and Supplementary Planning Documents. Collectively these documents deliver the planning strategy and policies for future development in Test Valley. This type of work is referred to as 'Planning Policy'.
- 5.2 The approach to preparing Planning Policy documents differs, taking account of the legal framework in place. Therefore, the SCI includes separate sections for the document types to help explain how you can get involved in their preparation. We will take account of the consultation approaches identified below for all consultations, although they may be applied in different ways to reflect the requirements and processes for different types of Planning Policy documents.

6 Development Plan Documents (DPDs)

- 6.1 The National Planning Policy Framework (NPPF) requires Local Planning Authorities to prepare DPDs to set out a vision ("forward planning") for the future development of the Borough (usually 15-20 years). DPDs aim at addressing needs and opportunities in relation to population growth, housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. DPDs are underpinned by evidence base studies such as housing and economic projections to understand future growth.

⁸ For details on how to access computers for customer use in a number of public locations please view: <http://www.testvalley.gov.uk/business/learningeducationandskills/pcsinthecommunity/>

- 6.2 The Council is legally required to monitor the effectiveness of the Local Plan and ensure that it is kept up-to-date. Whilst Local plans cover a minimum plan period of 15 years, changes happen regularly, both nationally and locally, so the Local Plan needs to be reviewed regularly to ensure that its policies are up-to-date. Your local community can make a contribution to the review of the Local Plan, for instance you can undertake studies of local green spaces to protect, traffic studies and audits of local facilities.
- 6.3 Currently the Council's only DPD is the Test Valley Borough Revised Local Plan DPD 2011-2029. The Council has commenced work on the preparation of the next Local Plan.
- 6.4 Further information on the review of the Local Plan and how to get involved within the review process can be found within Test Valley Community Planning Toolkit (<http://www.testvalley.gov.uk/cpt>). Please refer to Practical Guide 3C.

How can you get involved?

- 6.5 DPDs could affect where you live, work, shop, play and how you get around. If you are interested in your area and would like to be involved in shaping future planned growth then DPDs will be relevant to you. The earlier you can get involved, the better the chance you can help influence shaping the plan as well as having an understanding of the Plan making process.
- 6.6 The council maintains a 'Keep Informed Database' of individuals, groups, stakeholders and other consultees who we contact on [consultations for all planning policy documents such as the Local Plan, supplementary planning documents, neighbourhood planning documents, the SHEELA etc.](#) You can register your contact details i.e. email address or by postal address if an email address is not available. Your details will not be passed on to third parties and you can request to have your details removed at any time. This applies to the development of planning policy only and not the determination of planning applications. Please contact:

Email: planningpolicy@testvalley.gov.uk
Telephone: 01264 368000

Who will the Council consult on DPDs?

- 6.7 Government Regulations⁹ require us to ensure that certain organisations, known as Specific Consultation Bodies¹⁰, are consulted at key stages during the preparation of the DPD where that organisation may have an interest in the

⁹ Town and Country Planning (Local Planning) (England) Regulations 2012 [S.I 2012 No. 767]

¹⁰ Consultation and pre-decision matters - GOV.UK (www.gov.uk)

document. These include neighbouring planning authorities¹¹, parish councils within and adjoining our area, Environment Agency, Natural England, and Historic England for example.

- 6.8 In addition there is a legal requirement to notify General Consultation Bodies as appropriate. This includes certain types of voluntary bodies and organisations that represent the interests of different communities and representing the interests of businesses within the Borough. This includes voluntary groups, groups for people with disabilities, and religious groups.
- 6.9 In some cases, we have a degree of discretion over whether to notify certain consultation bodies. For example, if the topic of the document in question is not likely to be of interest or relevance to that body they will not be consulted. We will seek to target consultation towards those most likely to be affected, for example by setting up workshops on particular topics or hosting public exhibitions in areas of site allocation proposals.
- 6.10 In addition, the council is committed to involving a wide range of other individuals and organisations, including members of the 'hard to reach' groups.

How will we consult?

- 6.11 The Government sets out statutory¹² consultation requirements that the Council must follow. In addition to the requirements, the council will carefully consider options for additional community involvement to maximise the likelihood that all residents in Test Valley are made aware of any planning proposals and of the opportunity to comment on them. We will do this taking account of the consultation approaches identified in this section.
- 6.12 DPDs are supported by additional documents (e.g., Sustainability Appraisals and potentially Habitat Regulations Assessments) and technical studies (referred to as the evidence base). With regards to providing hard copies for reference purposes at the Council Offices, the Council will only provide paper copies of the main consultation document (i.e., the Local Plan), Sustainability Appraisal and Habitat Regulations Assessments (where relevant) and this is if there are no coronavirus restrictions in place. All evidence base reports will be publicly available on the Council's website, however, should you wish to receive a hard copy of the consultation document and any evidence base document please contact the Planning Policy team (this will be subject to staff costs of printing, postage and packaging).

¹¹ Neighbouring planning authorities are Basingstoke & Deane Borough Council, Eastleigh Borough Council, New Forest District Council, New Forest National Park Authority, Southampton City Council, West Berkshire Council, Wiltshire Council, and Winchester City Council.

¹² Town and Country Planning (Local Planning) (England) Regulations 2012 [S.I 2012 No. 767] (as amended)

Consultation Principles- Planning Policies

To Inform:

6.13 Planning Policy will inform people of the planning process and to provide people with the information they need to get involved at the earliest opportunity possible. The following approaches, where relevant will be used to inform people:

Statutory Requirements:

- Electronic version of the consultation document will be made publicly available on the Council's website
- Hard copies for reference use will be made available during office hours¹³ at the Council Offices provided there are no coronavirus (or similar) restrictions in place.
- Hard copies for reference use will be made available at Libraries¹⁴
- Statutory Notice in local newspapers –Andover Advertiser, Romsey Advertiser and Hampshire Independent
- Consultation notifications will be sent via email / post

Additional Notification Methods That May Be Used to Advertise Consultation:

- Test Valley Borough Council Consultation Portal:
<https://testvalley.gov.uk/consultations>
- Press releases on the Council's website
<http://www.testvalley.gov.uk/news>
- Consultations may be publicised via social media – Twitter / Facebook
- Test Valley News which is circulated to all residents in the Borough
<http://www.testvalley.gov.uk/aboutyourcouncil/mediacentre/testvalleynews>

6.14 The Planning Policy team will use plain English wherever possible. For those whose first language is not English the Council provides access to a professional translation service

[To access the service please call: 0800 757 3026.](tel:08007573026)

To Involve:

6.15 The Planning Policy team will where possible and depending on coronavirus restrictions, encourage the active participation of individuals, groups, landowners and developers in the planning process through a variety of techniques such as:

- Public exhibitions
- Council Officers to attend Parish Council meetings
- Workshops

6.16 The Planning Policy team, wherever possible, undertake these consultation exercises in locations which are accessible to the local community, for example at village halls / local community halls and at a variety of times.

¹³Monday – Thursday (8:30am – 5pm) Friday (8:30am – 4:30pm)

¹⁴ Library locations: Andover, Romsey and North Baddesley

To Consult:

6.17 The local community's statutory right to be consulted and make representations is set out in the Regulations.¹⁵ The Planning Policy team will endeavour to do more than just meet the minimum statutory requirements and will also actively promote social inclusion amongst other demographics such as the hard to reach groups (Appendix 1). We will understand the needs of different stakeholders and engage and consult using appropriate and relevant consultation methods, making best use of technologies. We need to be very clear about what we are asking people and we must be sure that people understand what will happen as a result of this engagement.

To Respond:

6.18 It is important that the Planning Policy team gives proper consideration to any views expressed in consultation exercises. The Planning Policy team will take account of all responses to consultation and will report back on how views expressed in representations have been taken into account in the Council's decision making processes. Respondents will be advised of the dates of meetings of the Council when their comments are to be considered and details of how to access the appropriate reports.

6.19 In addition to those consultation approaches set out above, the Planning Policy team will, where appropriate, undertake additional consultation and engagement approaches at various stages of the document preparation process. Not all methods will be used; they will be tailored to the specific stage, be proportionate to the importance of the document in question, take account of the resources available and any coronavirus restrictions that may be in place.

6.20 Table 2 provides an assessment of consultation methods with regards to their effectiveness. This table also provides useful information to be considered by Developers when undertaking public consultation on draft development proposals and it also provides a source of information for those local communities who wish to prepare Neighbourhood Plans.

¹⁵ Town and Country Planning (Local Planning) (England) Regulations 2012 [S.I 2012 No. 767]

Table 2: Potential Consultation Methods and their Effectiveness

Consultation Method	Benefits	Weaknesses
Electronic copy of consultation document and associated documents on the Council's website.	Relevant documents will be made available on the Council's website. Customer Services at Beech Hurst as well as Andover and Romsey library, offer internet access and assistance to those who need it. There are also opportunities to respond to consultations via email and using response forms.	<ul style="list-style-type: none"> • Not everyone has access to the internet • Not everyone is able to use the internet • Large documents to download and view
Hard copies of main consultation document and any associated documents for reference use at Council Offices during office opening hours: Monday – Thursday (8:30am – 5pm) Friday (8:30am – 4:30pm)	<ul style="list-style-type: none"> • Accessible location • Inclusive for those who do not have access to the internet or not able to use the internet • Easy to read • Access to Council Officers for information 	<ul style="list-style-type: none"> • Limited to opening hours • Not able to take documents away • Coronavirus or other public health restrictions
Electronic and hard copies of main consultation document and any key associated documents for reference use at Libraries in Andover, Romsey and North Baddesley.	<ul style="list-style-type: none"> • Accessible location • Inclusive for those who do not have access to the internet • Supported access to computers where available • Easy to read • Reaches residents on cross boundary issues 	<ul style="list-style-type: none"> • Limited to opening hours • Not able to take documents away • Coronavirus or other public health restrictions
Notification emails / letters to relevant Specific Consultation Bodies and General consultation bodies upon commencement of consultation.	<ul style="list-style-type: none"> • Direct notification • Provides accurate information 	<ul style="list-style-type: none"> • Council may not be informed of changes to contact details.

Consultation Method	Benefits	Weaknesses
Notification emails / letters to those who are registered on the Keep Informed database.	<ul style="list-style-type: none"> • Direct notification • Provides accurate information • People can have their contact details removed at any time if they no longer wish to be kept informed 	<ul style="list-style-type: none"> • Council may not be informed of changes to contact details Contact details may have changed that the Council is not aware of • May not be accessible for those people whose first language is not English • May not be the most inclusive method for hard to reach groups
Statutory Notice in Local Newspapers – notice will provide details of where and when documents can be inspected. It will also detail how and when to respond to consultation documents.	<ul style="list-style-type: none"> • Can reach a wider audience • Provides the public with accurate information 	<ul style="list-style-type: none"> • May not be accessible for those people who first language is not English • May not be the most inclusive method for hard to reach groups • Only relevant to those who access local newspapers
Local press release	<ul style="list-style-type: none"> • Effective way of reaching wider community 	<ul style="list-style-type: none"> • Council has no editorial control over articles unless we choose to include a paid supplement with the paper which can be expensive
Test Valley Newsletter	<ul style="list-style-type: none"> • Distributed to all households in Test Valley • Can be provided in alternative formats • Provides the public with accurate information 	<ul style="list-style-type: none"> • Only published twice a year so may not coincide with timing of Planning Policy consultations • May not be accessible for those people who first language is not English
Social media – Twitter / Facebook	<ul style="list-style-type: none"> • Effective way of reaching hard to reach including youth, people with limited time e.g. business/professional people, working people with families 	<ul style="list-style-type: none"> • Not everyone has access to the internet or has a Twitter / Facebook account • Difficult to manage posted comments / content

Consultation Method	Benefits	Weaknesses
	<ul style="list-style-type: none"> Information can be accessed 24 hours 	
Posters	<ul style="list-style-type: none"> Can be used to publicise consultation information / events 	<ul style="list-style-type: none"> May not be located in places utilised by all sectors of the community so not wholly inclusive May not be accessible for those people who first language is not English May be removed or taken down without the council's knowledge
Leaflets	<ul style="list-style-type: none"> Can be used to publicise information/events Provides a useful summary of the main planning proposals Small leaflets are easier to provide in a variety of formats to improve accessibility 	<ul style="list-style-type: none"> Limited information Relies on others to put up / remove notices May not be accessible for those people who first language is not English
Questionnaire surveys	<ul style="list-style-type: none"> Can be used to encourage people to provide their comments Results can be analysed electronically and reported in a quantitative and qualitative format to inform production of documents 	<ul style="list-style-type: none"> Survey questions are predetermined so issues may be missed Concerns of specific groups may not come out through survey – need to target groups specifically
Public exhibitions	<ul style="list-style-type: none"> Enables people to access information display boards Provides the opportunity to speak with Council officers for further information / discuss concerns People can fill out comment forms 	<ul style="list-style-type: none"> Targeting hard-to-reach groups is still difficult May not be accessible for those people who first language is not English Creating and updating displays is expensive and time consuming Coronavirus or other public health restrictions

Consultation Method	Benefits	Weaknesses
Planning for Real Workshops¹⁶	<ul style="list-style-type: none"> • Session is led by an independent facilitator • Provides a structured, creative and meaningful session • Issues can be covered in depth and recorded • Can be targeted to represent particular groups so can address areas where under representation is required • Use of a variety of techniques to encourage high levels of participation i.e. post it notes, models, group working etc. 	<ul style="list-style-type: none"> • Issues may get raised that does not fall within the remit of Local Plans / Neighbourhood Plans • Some people are reluctant to get involved in interactive workshops • Coronavirus <u>or other public health restrictions</u>
Council Officers attending Public Meetings	<ul style="list-style-type: none"> • Reaches out to people in the local community / provides accessibility • Provides the opportunity to speak with Council Officers for further information / discuss concerns • Council Officers can understand the views of the community • Could be used as a basis for workshop exercises • Meetings are targeted at local issues rather than broader ones. 	<ul style="list-style-type: none"> • Need to ensure there is sufficient publicity in order to have a good attendance rate to encourage a constructive / meaningful meeting • Meetings could divert to unrelated or national issues rather than local issues • Sometimes there can be too many views to be heard in a limited time frame • People don't want to air their views in a public forum • The loudest voice tend to get heard • Not fully inclusive / representative of local community

¹⁶ Planning for Real (PFR) is a nationally recognised community planning process based on a 3D model. The process allows residents to register their views on a range of issues, to work together to identify priorities, and in partnership with local agencies go on to develop an action plan for change.

Consultation Method	Benefits	Weaknesses
		<ul style="list-style-type: none"> • May not be accessible for those people who first language is not English • Coronavirus restrictions
Hosting exhibitions at Secondary schools / Colleges	<ul style="list-style-type: none"> • Effective way of reaching young people and their parents 	<ul style="list-style-type: none"> • Need to ensure there is sufficient publicity in order to have a good attendance rate to encourage a constructive / meaningful session • Coronavirus <u>or other public health restrictions</u>

When to get involved

- 6.21 The Town and Country Planning (Local Planning) (England) Regulations 2012, the Planning Compulsory Purchase Act 2004 and the Localism Act 2012, sets out the prescribed stages of Development Plan preparation and also the requirements for consultation. The production of a DPD is an iterative process developed through a number of stages in consultation with the public and key stakeholders. In order for the Local Plan to be adopted by the Council, it must be found sound¹⁷ by a Government appointed Planning Inspector.
- 6.22 Further requirements are set out within the National Planning Policy Framework (NPPF)¹⁸ and guidance is provided within the National Planning Practice Guidance (PPG)¹⁹. Table 3 shows both the key stages of Plan production and the opportunities for involvement at each stage.

Table 3: Key Statutory Stages of Development Plan Production

Key Stages of Production	Your Opportunities for Involvement
<p>Initial Evidence Gathering</p> <ul style="list-style-type: none"> • Begin initial evidence gathering process (commissioning technical studies, identifying available sites, collating data, identifying the scope of the Plan) • Formulate initial aims and objectives • Start preparing the Sustainability Appraisal Scoping Report and collating baseline data • Identify relevant environmental, economic and social objectives to inform a Sustainability Appraisal 	<ul style="list-style-type: none"> • Register your contact details on the Keep Informed Database • Provide the Planning Policy team with details of any sites you may wish to promote for development • Provide the Planning Policy team with any local evidence studies
<p>Issues & Options (Optional Stage)</p> <ul style="list-style-type: none"> • Draft Local Plan considering a wide range of key topics and issues facing the Borough (such as homes and jobs needed in the area; the provision of retail, leisure and commercial development; the provision of infrastructure, community facilities and climate change protecting the environment) 	<ul style="list-style-type: none"> • Review the Issues and Options Document, evidence base and any other associated documents • Submit a formal representation to the Council outlining your comments, views and responses to any questionnaire style questions • Attend any public exhibitions / workshops

¹⁷ The NPPF sets out the criteria for a DPD being sound. The examination assesses whether the plan has been prepared in accordance with legal and procedural requirements and if it is sound. The four tests of soundness are set out in the National Planning Policy Framework (NPPF).

¹⁸ National Planning Policy Framework: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

¹⁹ National Planning Practice Guidance: <https://www.gov.uk/guidance/local-plans--2>

Key Stages of Production	Your Opportunities for Involvement
<p>etc.) as well as identifying possible options to address identified key issues</p> <ul style="list-style-type: none"> • Undertake public consultation for a minimum period of 6 weeks • Engage with local communities, businesses and other interested parties • Engage with duty to cooperate partners • Ensure compliance with the Council's adopted Statement of Community Involvement • Continue evidence gathering • Take into account of representations received from consultation to inform the next stage 	<p>All submitted representations will be made public and can be viewed by others. Signatures, postal address and email address details will be redacted.</p>
<p>Regulation 18: Consultation</p> <p>Formal Public Consultation</p> <ul style="list-style-type: none"> • Undertake public consultation for a minimum period of 6 weeks • Engage with local communities, businesses and other interested parties • Take into account representations received from consultation • Engage with duty to cooperate partners • Ensure compliance with the Council's adopted Statement of Community Involvement • Continue evidence gathering • Test emerging options through a Sustainability Appraisal 	<ul style="list-style-type: none"> • Review the Local Plan, Sustainability Appraisal, Habitat Regulations Assessment (where relevant), evidence base and identify any comments you may have • Submit a formal representation to the Council outlining your comments, support or objection • Attend any public exhibitions <p>All submitted representations will be made public and can be viewed by others. Signatures, postal address and email address details will be redacted.</p>
<p>Regulation 19: Pre-Submission Consultation</p> <p>Formal Public Consultation and final consultation stage before submitting Plan for Examination</p> <ul style="list-style-type: none"> • The Planning Policy team will have reviewed all the representations submitted during Regulation 18 consultation and make any changes to the Plan where justified 	<ul style="list-style-type: none"> • Review the Local Plan, Sustainability Appraisal and Habitat Regulations Assessment (where relevant) and identify any comments you may have • If you submitted a representation during the previous consultation and that it remains unresolved, resubmit your comments should you wish to maintain your position • Attend any public exhibitions

Key Stages of Production	Your Opportunities for Involvement
<ul style="list-style-type: none"> • The Council will provide a Schedule comprising of Officer responses to all representations received • Undertake public consultation on the revised draft Plan, Sustainability Appraisal and Habitat Regulations Assessment (where relevant) for a minimum period of 6 weeks • Engage with local communities, businesses and other interested parties • Take into account of representations received from consultation • Engage with duty to cooperate partners • Ensure compliance with the Council's adopted Statement of Community Involvement • Test emerging options through a Sustainability Appraisal 	<p>This is the final opportunity to submit a duly made representation.</p> <p>You should be specific as to why you consider the Plan to be unsound, what change (s) you are seeking and why it would make the document sound.</p> <p>The Planning Inspector will only consider written representations submitted during this stage.</p> <p>Representations submitted during Regulation 18 Consultation will not be considered by the Planning Inspector.</p>
<p>Regulation 22: Submission of Local Plan</p> <p>Final Draft Plan</p> <ul style="list-style-type: none"> • Submit Plan and any representations submitted during Regulation 19 consultation, along with the Sustainability Appraisal, evidence base, Statement of Consultation to Secretary of State • The Government will appoint a Planning Inspector • The Council has to wait for the Planning Inspector to set the timetable for Examination in Public 	<p>The Council will notify those on the Keep Informed Database and those who submitted representations that the Local Plan has been submitted to the Secretary of State for independent examination.</p>
<p>Examination of submitted Local Plan</p> <ul style="list-style-type: none"> • Independent Inspector assesses the submitted Local Plan to determine whether it has been prepared in line with the Duty to Cooperate and other legal requirements • The Council via the Programme Officer will write to representors informing them of the hearing start 	<ul style="list-style-type: none"> • The Inspector will invite participants (via the Programme Officer) to speak at the hearing sessions on those matters and issues considered relevant by the Inspector • Selected participants will receive a programme (via the Programme Officer) for hearing sessions including matters/issues and the Inspector's guidance note

Key Stages of Production	Your Opportunities for Involvement
<p>date (at least 6 weeks in advance of commencing)</p> <ul style="list-style-type: none"> • The Council can ask the Inspector to recommend main modifications to make Plan sound or comply with other legal requirements • Inspector issues a report at the end of Examination in Public <u>which may trigger consultation on any modifications</u> • Exceptionally, the Inspector will recommend the draft Local Plan to be withdrawn if it has not been prepared in accordance with the Duty to Cooperate or it is likely to be found unsound <u>for any other reasons</u> 	<ul style="list-style-type: none"> • The hearing sessions are public and anyone can observe even if they haven't been selected to participate • Further information regarding the Examination in Public process can be found within the Planning Inspectorate Procedure Guide for Local Plan Examination²⁰
<p>Adoption</p> <ul style="list-style-type: none"> • Local Plan is adopted by the Council • The Council publishes a post adoption statement 	<ul style="list-style-type: none"> • The Council will notify those on the Keep Informed Database and those who submitted representations at the Regulation 19 stage of receipt of the Inspector's Report and the date the Local Plan will be taken to Cabinet and Full Council for adoption
<p>Monitoring</p> <p>Local Plan policies are monitored against objectives and indicators and are reported within the Council's Authority's Monitoring Report (AMR)</p>	

²⁰ Planning Inspectorate's Procedure Guide for Local Plan Examination
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>

7 Supplementary Planning Documents

Getting involved in preparing Supplementary Planning Documents

- 7.1 Supplementary Planning Documents (SPDs) provide supplementary information in respect of the Policies in Development Plan Documents and provide greater detail and guidance on the application of a particular Policy in practice. SPDs do not form part of Development Plan Documents and are not subject to independent examination. However, once adopted, the SPD will be a 'material consideration' in planning decisions. At the time of writing, the Council has produced the following SPDs²¹:
- Affordable Housing
 - Cycle Strategy and Network
 - Romsey Town Access Plan
 - Test Valley Access Plan
 - Andover Town Access Plan
 - Infrastructure and Developer Contributions
 - Shopfront Design Guide
 - Residential Areas of Special Character
- 7.2 The Council is committed to involving the community in the preparation of these ~~documents, and~~ documents and has adopted a number of Village Design Statements as SPDs but the level and scope of consultation will vary according to the nature of the document being produced. If the matter is specific to a location the Council will aim to engage with local residents and groups through meetings/workshops or via community magazines and publications.
- 7.3 The preparation of an SPD is different to preparing a DPD. As with DPDs the statutory requirements for their preparation are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Key statutory stages and opportunities for community involvement are set out within Table 4 below. It is recommended that Table 4 is read in conjunction with Part 5 of the Town and Country Planning Regulations: <http://www.legislation.gov.uk/uksi/2012/767/part/5/made>
- 7.4 Before adoption, the Council will prepare a statement setting out the persons and organisations consulted, a summary of any of the issues raised, and how those issues have subsequently been addressed in the final version of the SPD.

²¹ <http://www.testvalley.gov.uk/planning-and-building/planningpolicy/local-development-framework/supplementary-planning-documents>

Table 4: Getting Involved in Preparing Supplementary Planning Document

Key Stages of Production	How Will We Consult	Your Opportunities for Involvement
Initial Background Work <ul style="list-style-type: none"> The Planning Policy team will carry out research to identify the issues and relevant policy context as part of evidence gathering 	Not applicable	<ul style="list-style-type: none"> Register your contact details on the Keep Informed Database
Regulation 12 & 13: Publish the draft SPD for consultation <ul style="list-style-type: none"> The Planning Policy team will undertake public consultation on the draft SPD for a minimum statutory period of 4 weeks 	Statutory Requirements: <ul style="list-style-type: none"> Electronic version of the consultation document will be made publicly available on the Council's website Hard copies for reference use will be made available at the Council Offices Statutory Notice within relevant local newspaper Notification to relevant specific consultation bodies Additional notification methods to be used where relevant: <ul style="list-style-type: none"> Please refer to paragraph 6.12 and Table 2 	<ul style="list-style-type: none"> Review the SPD and identify any comments you may have Submit a formal representation to the Council outlining your comments, support or objection Attend any public exhibitions / workshops / meetings if relevant
Finalise SPD <ul style="list-style-type: none"> The Planning Policy team will review all the representations submitted during consultation and make any changes to the SPD where justified The Council will provide a Schedule 	Not applicable	Not applicable

Key Stages of Production	How Will We Consult	Your Opportunities for Involvement
comprising of Officer responses to all representations received		
Regulation 14: Adoption of the SPD <ul style="list-style-type: none"> • SPD is adopted by the Council • The Council publishes a post adoption statement 	The Council will notify those who submitted representations of the date the SPD will be taken to Cabinet and Full Council for adoption	Opportunity to speak at Cabinet <u>and full council</u> meeting prior to the adoption of the document

Village / Town Design Statements

- 7.5 The preparation of Village and Town Design Statements is undertaken by the local community, headed by either the Parish Council or a working group, but supported by the Borough Council.
- 7.6 These documents can help influence the design of new development in a local community area. The local community will be expected to lead on consultation initiatives, but will be assisted by the Council wherever possible, for example by providing advice and support on appropriate consultation methods and techniques to ensure constructive and informative feedback in line with the SCI. A log should be kept of all consultation undertaken throughout the document's preparation.
- 7.7 Once a final draft of the Design Statement is completed, the Borough Council will undertake a statutory consultation for a period of at least 4 weeks and then feedback comments to the Parish Council or a working group, working with them to help address any comments received with the draft document. Once finalised the Design Statement will be adopted by the Cabinet as a Supplementary Planning Document. To be considered for adoption, the document must be guidance based on existing adopted local plan policy.

8 Other Policy Documents and Projects

Sustainability Appraisal Scoping Report

- 8.1 Sustainability appraisals are a tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic considerations). There is a requirement in the Planning and Compulsory Purchase Act that sustainability appraisals are undertaken for all Development Plan Documents.
- 8.2 The first stage of the sustainability appraisal is to consider the scope of the appraisal process. This is often set out through a Scoping Report. The scoping stage includes a review of other relevant plans, policies and programmes; information on the current state of the local environment (the baseline) and how it may change; and a discussion of the local sustainability issues. Scoping Reports also tend to set out a series of sustainability objectives that are used as a framework for undertaking the sustainability appraisal of DPDs.
- 8.3 The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) require that when assessing the scope of the sustainability appraisal process, local authorities consult Natural England, the Environment Agency, and Historic England. These organisations need to be given a period of five weeks to respond. The Council will also undertake public consultation on draft Scoping Reports [in line with the SCI](#).

Statement of Community Involvement (SCI)

- 8.4 The SCI is reviewed regularly to ensure it is in accordance with the regulations and the Council's consultation procedures. Should fundamental changes take place that warrant a fresh SCI, the Council will undertake public consultation for a minimum period of four weeks. There is no legal requirement to notify specific consultation bodies however the Council will notify those bodies considered relevant. Reference copies will be made publicly available at the Council Offices provided there are no corona-virus [or other public health related](#) restrictions in place. A summary of public representations submitted during consultation will be provided within the Schedule of Officer Responses to Representations Received and will be made publicly available on the Council's website. Those who submitted representations will be notified of the Cabinet and Council dates for adoption of the final document.

Top Tips:

- ❖ Register on the Council's Keep Informed Database
- ❖ Find out what documents are going to be produced and when – look up the Local Development Scheme: <https://testvalley.gov.uk/planning-and-building/planningpolicy/lids>
- ❖ Monitor the Council's Planning Policy webpages for updates and latest news: <http://www.testvalley.gov.uk/planning-and-building/planningpolicy>

- ❖ Contact your Parish Council and make them aware of your interest to be involved in local planning matters. Details of how to contact your Parish Council can be found here:
<https://democracy.testvalley.gov.uk/mgParishCouncilDetails.aspx?bcr=1>
- ❖ Contact other groups / people in your area and find out if they are getting involved
- ❖ Often a joint approach is best, enabling you to share ideas, expertise, resources and workload

9 Neighbourhood Planning²²

9.1 Neighbourhood planning gives communities the ability direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose This includes where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided...., and support planning applications for the new buildings they want to see go ahead.

You and / or your community may also be interested in getting involved in Neighbourhood Planning which enables your community to shape local development in your area through the Localism Act 2011. Neighbourhood Development Plans (NDPs) set out planning policies for the neighbourhood area and must be prepared in line with national and adopted local policy in general conformity with strategic local policies. ²³²⁴.

9.2 The Council doesn't initiate the preparation of a Neighbourhood Plan as this is a tool whereby local communities have powers to prepare their own planning policies and site allocations and therefore Neighbourhood Plan initiation rests with a Town or Parish Council and therefore has discretion and responsibility for the process.

The role of the Parish Council (PC) is to represent local views and should:

- Provide local knowledge.
- Raise areas of concern.

²² It is recommended that this chapter is read in conjunction with the Council's Test Valley Community Planning Toolkit. Please refer to Practical Guide 3B. <http://www.testvalley.gov.uk/cpt>

²³ Neighbourhood Plans must be prepared in accordance with The Neighbourhood Planning (General) Regulations 2012 [S.I. 2012 No.637]²³, Neighbourhood Planning (General) (Amendment) Regulations 2015 [S.I. 2015 No.20]²³ and Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 [S.I. 2016 No. 873]²³.

²⁴ Neighbourhood Plans must be prepared in accordance with The Neighbourhood Planning (General) Regulations 2012 [S.I. 2012 No.637]²⁴, Neighbourhood Planning (General) (Amendment) Regulations 2015 [S.I. 2015 No.20]²⁴ and Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 [S.I. 2016 No. 873]²⁴.

- [Inform, debate, and add value to the process.](#)
- [Contact and involve District Councillors if required.](#)

9.3 Although a much simpler process than producing a DPD, there are still legal processes that must be followed, evidence gathered to inform policies and consultation undertaken. Therefore this SCI sets out information on the statutory requirements that the Council must follow when supporting communities preparing Neighbourhood Plans.²⁵

9.4 This SCI won't prescribe what methods of community engagement must be followed as the appropriate level of community engagement and the scope of the Plan is to be decided by the Parish Council. However, as a starting point, it is recommended that local communities follow the general consultation principles and methods outlined in this SCI as set in Table 2.

The Council's role in Neighbourhood Planning

9.5 Figure 2 sets out an illustrative procedure for producing Neighbourhood Development Plans. Table 5 identifies the key statutory requirements set out in the Regulations that the Council must undertake with regards to the Council's role when supporting communities in the preparation of preparing Neighbourhood Plans. It does not set out the statutory requirements that the Parish must undertake. It is recommended that Table 5 is read in conjunction with Regulations.

²⁵ Further information on Neighbourhood Planning can be found on the Council's website:

[, and the following information sources may also be of assistance:](#)

- [National Planning Practice Guidance on neighbourhood planning;](#)
- [Guidance on neighbourhood planning provided by the community support organisation Locality including the Neighbourhood Plan Roadmap.](#)

Figure 2: The Main Elements of the Neighbourhood Development Plan Preparation Process

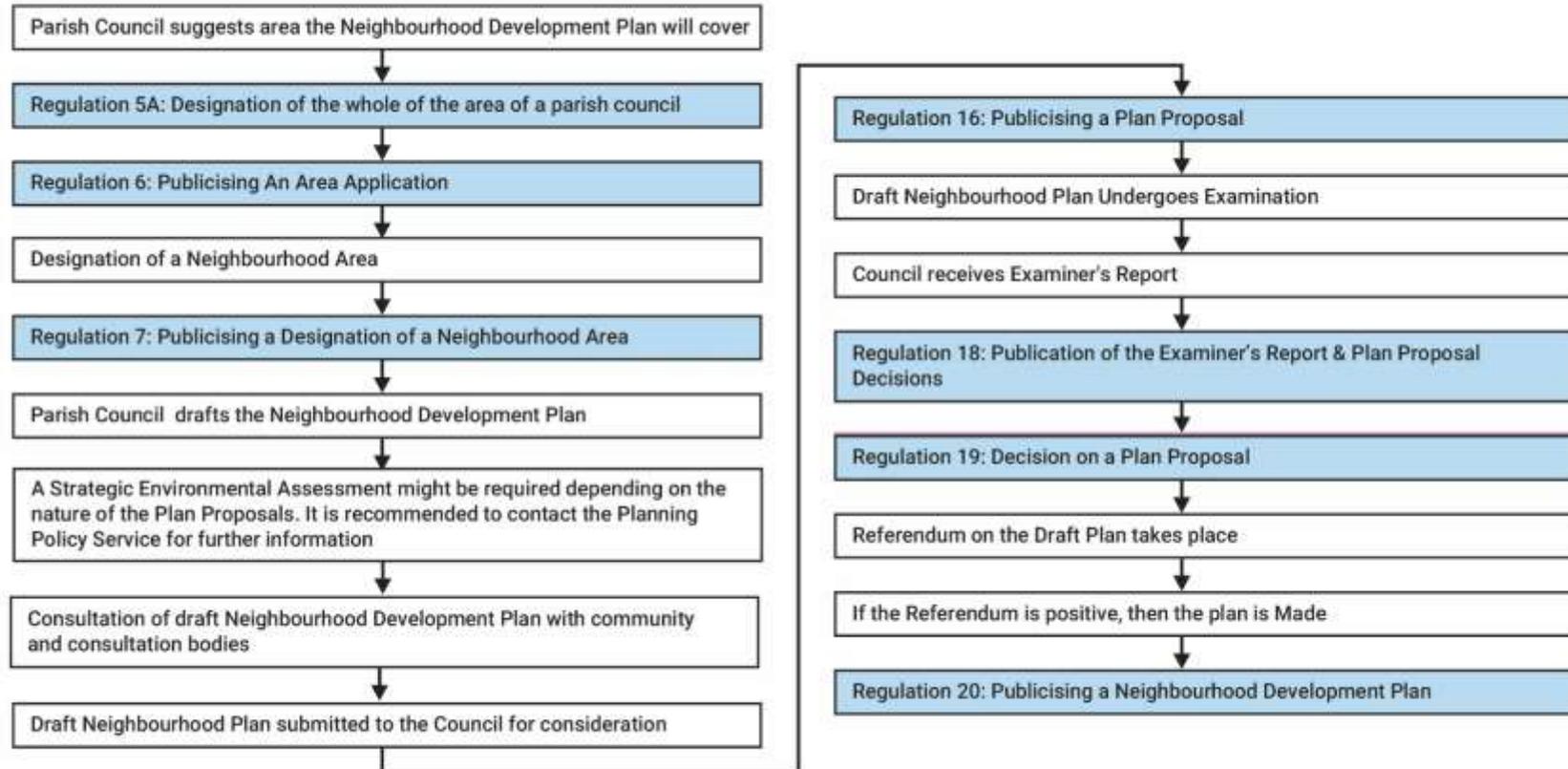


Table 5: Key statutory requirements that the Council must undertake when supporting the preparation of Neighbourhood Development Plans

Key Stages of Production	What the Council Must Do	Additional Notification Methods that the Council may Carry Out
Regulation 5A: Designation of the whole of the area of a parish council	<p>The local planning authority must exercise their powers under section 61G of the 1990 Act to designate the specified area as a neighbourhood area.</p> <p>Where this regulation applies, regulations 6 and 6A do not apply.</p>	<p>Notification is sent to:</p> <ul style="list-style-type: none"> • Elected Members • Hampshire Councillors in Test Valley • The Parish Council <p>The Council may notify specific and general consultation bodies²⁶ where appropriate</p>
Regulation 6: Publicising An Area Application	<p>As soon as possible after receiving an area application from a relevant body, the Council must publicise the following on their website:</p> <ul style="list-style-type: none"> • a copy of the area application; • details of how to make representations; and • the date by which those representations must be received, being not less than 6 weeks (unless the neighbourhood area is identical to the parish boundary of a single parish then it will be 4 weeks) 	<p>Notification is sent to:</p> <ul style="list-style-type: none"> • Specific Consultation Bodies • General consultation bodies • Elected Members • Hampshire Councillors in Test Valley • The Parish Council • Relevant local organisations • Relevant local voluntary organisations <p>The Council may notify specific and general consultation bodies where appropriate</p>
Regulation 7: Publicising a Designation of a Neighbourhood Area	<p>As soon as possible after designating a neighbourhood area, the Council must publish the following on their website:</p>	<p>Notification is sent to:</p> <ul style="list-style-type: none"> • Those who submitted a representation • Elected Members • Hampshire Councillors in Test Valley

²⁶ <https://www.legislation.gov.uk/ukxi/2012/767>

Key Stages of Production	What the Council Must Do	Additional Notification Methods that the Council may Carry Out
	<ul style="list-style-type: none"> • the name of the neighbourhood area; • a map which identifies the area; and • the name of the relevant body who applied for the designation. <p>If the application for the neighbourhood area is refused, then the Council must publish on their website:</p> <ul style="list-style-type: none"> • ‘decision document’ setting out the decision and a statement of the reason(s) for refusing the application; and details of where the decision document may be inspected 	<ul style="list-style-type: none"> • The Parish Council <p>The Council may notify specific and general consultation bodies where appropriate</p>
<p>Regulation 16: Publicising a Plan Proposal</p>	<p>As soon as the Council has received a NDP or a modification to a NDP, the Council must publish the proposals for a minimum of 6 weeks on their website:</p> <ul style="list-style-type: none"> • details of the plan proposal; • details of where and when the plan proposal may be inspected; • details of how to make representations; • a statement that any representations may include a request to be notified of the Council’s decision under Regulation 19 	<p>Notification is sent to:</p> <ul style="list-style-type: none"> • Those who submitted a representation • Statutory Consultees • Elected Members • Hampshire Councillors in Test Valley • The Parish Council <p>The Council may notify specific and general consultation bodies where appropriate</p>

Key Stages of Production	What the Council Must Do	Additional Notification Methods that the Council may Carry Out
	<p>(Decision on a Plan Proposal) in relation to the NDP;</p> <ul style="list-style-type: none"> the date by which those representations must be received, and notify any consultation body which is referred to in the consultation statement submitted in accordance with Regulation 15 (Plan Proposals) that the Plan proposal has been received 	
Regulation 18: Publication of the Examiner's Report and Plan Proposal Decisions	<ul style="list-style-type: none"> Following the receipt of the Examiner's report, the Council must make a decision on the NDP. The Council must publish on their website: <ul style="list-style-type: none"> the decision and their reasons for it (decision statement) details of where and when the decision statement may be inspected; and a report stating what action to take in response to the examiners proposed modifications required to the NDP 	<p>Notification is sent to:</p> <ul style="list-style-type: none"> Those who submitted a representation Statutory Consultees Elected Members Hampshire Councillors in Test Valley The Parish Council <p>The Council may notify specific and general consultation bodies where appropriate</p>
Regulation 19: Decision on a Plan Proposal	<p>As soon as possible after deciding to make a NDP, the Council must publish on their website:</p> <ul style="list-style-type: none"> a statement setting out the decision and their reasons for making that decision (decision statement) 	<p>Notification is sent to:</p> <ul style="list-style-type: none"> Those who submitted a representation Statutory Consultees Elected Members Hampshire Councillors in Test Valley The Parish Council

Key Stages of Production	What the Council Must Do	Additional Notification Methods that the Council may Carry Out
	<ul style="list-style-type: none"> • details of where and when the decision statement may be inspected; and • send a copy of the decision statement to <ul style="list-style-type: none"> - the qualifying body; and - any person who asked to be notified of the decision 	The Council may notify specific and general consultation bodies where appropriate
Regulation 20: Publicising a Neighbourhood Development Plan	<p>As soon as possible after making a NDP, the Council must publish on their website:</p> <ul style="list-style-type: none"> • the NDP; and • details of where and when the NDP may be inspected; and • notify any person who asked to be notified of the making of the NDP that it has been made and where and when it may be inspected. 	<p>Notification is sent to:</p> <ul style="list-style-type: none"> • Those who submitted a representation • Statutory Consultees • Elected Members • Hampshire Councillors in Test Valley • The Parish Council <p>The Council may notify specific and general consultation bodies where appropriate</p>

10 Community Infrastructure Levy

- 10.1 The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) enable local authorities to raise funding for new infrastructure by levying a charge on some new development within their area. The Community Infrastructure Levy (CIL) is an important tool for the Council for funding and delivering infrastructure to enable growth and mitigate the impact of new development within the Borough. CIL is an important component of funding infrastructure for local communities as 15% (or 25% where there is an adopted Neighbourhood Development Plan) of CIL funds received within individual parishes is passed on to Parish Councils.
- 10.2 For the purposes of CIL, infrastructure is defined in the Planning Act (2008) as roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces. Some or all of these types of infrastructure can be funded, either whole or in part, through CIL.
- 10.3 As part of the CIL process, the Charging Authority (in this case the Borough Council) produces the following documents:
- 1) Charging Schedule
 - 2) Spending Protocol
 - 3) Infrastructure Funding Statement

Charging Schedule

- 10.4 The Charging Schedule sets out the rate for CIL and details the amount of CIL for different types of CIL liable development. The Council must publicly consult on a Draft Charging Schedule prior to an examination in public. The examination is undertaken by an independent person and may involve representation by interested parties. The examiner will recommend that the Charging Schedule is acceptable, subject to modifications, before being formally approved and implemented by a charging authority. Alternatively, the examiner can also recommend that the Charging Schedule should not be approved. Further consultation can be undertaken by the charging authority if it considers this is appropriate. Unlike a Local Plan Examination, the selection and appointment of the examiner is made by the charging authority.
- 10.5 The Council adopted its CIL Charging Schedule on 27 January 2016 and it was implemented on the 1 August 2016. Although the Council has implemented its Charging Schedule, the Charging Schedule has to be reviewed to ensure it is up to date. This will involve gathering evidence and preparing a revised charging schedule for public consultation and independent examination in public. This SCI sets out the key statutory procedures that the Council must follow prior to adopting a revised Charging Schedule as enclosed within Table 6. It is recommended that Table 6 is read in conjunction with Part 3 of the CIL Regulations.

- 10.6 Further information regarding the CIL process, Charging Schedule (January 2016) and charging rates, CIL liable development, and penalties / surcharges can be found here: www.testvalley.gov.uk/CIL
- 10.7 Information can also be found on the National Planning Practice Guidance website: <https://www.gov.uk/guidance/community-infrastructure-levy>

Table 6: Opportunities to make representations in the preparation of a CIL Charging Schedule

Key Stages of Production	How Will We Consult	Your Opportunities for Involvement
<p>Initial Evidence Gathering</p> <ul style="list-style-type: none"> The Planning Policy Team will carry out research and evidence work to inform the proposed levy rates to be set out within the Draft Charging Schedule 	<p>Collaborate with neighbouring and overlapping authorities such as Hampshire County Council to determine infrastructure requirements</p>	<p>Register your contact details to be kept informed of each stage of the process in preparing or reviewing a CIL Charging Schedule. <u>Those already on the keep informed database, along with statutory and specific consultative bodies will be contacted at each stage</u></p>
<p>Regulation 16: Publish the CIL Draft Charging Schedule for Consultation</p> <ul style="list-style-type: none"> The Planning Policy Team will undertake public consultation on the Draft Charging Schedule for a minimum period of 6 weeks 	<p>Statutory Requirements:</p> <ul style="list-style-type: none"> Electronic version of the consultation document, relevant evidence, statement of the representations procedure and statement of how to view hard copies will be made publicly available on the Council's website Hard copies of the consultation document, relevant evidence, statement of the representations procedure used will be made available at the Council Offices Send a copy of the consultation document and statement of representation procedure to Local Planning Authorities (that adjoin the Charging Authority's area), Hampshire County Council and all Parish Councils that fall within the charging authority's area 	<ul style="list-style-type: none"> Review the Draft Charging Schedule and relevant evidence base and identify any comments you may have. Submit a formal representation outlining your comments, support or objection, usually within 4 weeks from the date of publication. <p>The examiner will consider representations submitted and persons making a representation can make a request to be heard by the examiner. At this stage, persons making representations can also make a request that they are notified of the Draft Charging Schedule submission to the examiner, publication of the recommendations of the examiner and approval of the charging schedule.</p>

Key Stages of Production	How Will We Consult	Your Opportunities for Involvement
	<p>Invite representations from businesses, residents, voluntary organisations and bodies that represent businesses within the charging authority's area.</p> <p>Additional notification methods that may be used where relevant:</p> <ul style="list-style-type: none"> • Please refer to paragraph 5.14 and Table 2 of this document 	<p>The Charging Authority must take into account any representation made on the Draft Charging Schedule before submitting a draft to the examiner.</p>
<p>Regulation 19: Submission of CIL Draft Charging Schedule to Examiner</p> <ul style="list-style-type: none"> • Submit CIL Draft Charging Schedule, evidence base and representations received during Regulation 16 consultation • Submit statement setting out the number of representations made during Regulation 16, a summary of the main issues raised and how the issues raised in the representations have been taken into account. • Submit copies of any representations made • The Council has to wait for the examiner to set the timetable for Examination in Public 	<p>Statutory Requirements:</p> <ul style="list-style-type: none"> • All submission documents will be electronically available on the Council's website and reference copies available at the Council Offices • Give notice to those persons who requested to be notified of the submission of the CIL Draft Charging Schedule 	
<p>Regulation 21: CIL Examination, right to be heard</p>	<p>Statutory Requirements:</p>	

Key Stages of Production	How Will We Consult	Your Opportunities for Involvement
<p>Modifying a draft charging schedule after publication at Regulation 16 stage</p>	<ul style="list-style-type: none"> • Submit to the examiner a copy of each request it has received to be heard in relation to modifications and include details of modifications on which the person wishes to be heard • Where a request to be heard by the examiner has been submitted, the Council must publish the time and place of the examination as well as the name of the examiner. The Council must also provide notification of the above to any person who has made a representation and any person who has made a request to be heard at least 4 weeks before the examination • Where a request to be heard by the examiner has been submitted in relation to modifications on the draft charging schedule <u>(in a Statement of Modifications)</u>, the Council must publish comply with the requirements set out above at least 2 weeks before the examination 	<ul style="list-style-type: none"> • This must be done within 4 weeks of the Draft Charging Schedule being submitted to the Examiner.
<p>Regulation 25: Approval & Publication of CIL Charging Schedule</p> <ul style="list-style-type: none"> • CIL Charging Schedule is adopted by the Council and published 	<p>Statutory Requirements:</p> <ul style="list-style-type: none"> • Publish CIL Charging Schedule including the examiner's recommended modifications on the Council's website 	<p>The Council will notify those that have submitted representations including a request to be kept informed in relation to the production of the CIL Charging Schedule, elected Members, Parish Councils</p>

Key Stages of Production	How Will We Consult	Your Opportunities for Involvement
	<ul style="list-style-type: none"> • Make the CIL Charging Schedule, including the examiner's recommended modifications, available for inspection • Give notice to those persons who requested to be notified of the approval of the CIL Charging Schedule 	

CIL Expenditure

- 10.8 The Council adopted a Community Projects Reserve in 2021. Access to these funds This is through a competitive bidding process that runs annually between 1st April and 30th June. ~~Bids are welcomed from community groups and Parish Councils, Hampshire County Council, the Council's own internal services and other government organisations.~~ As part of the approved assessment criteria bids must provide evidence of community support through a range of consultation methods. Recommendations are made to Cabinet and the final allocation of funds is adopted at Council.
- 10.9 Bidding is open to Ward Members, Parish Councils, TVBC's internal services, Hampshire County Council, the Environment Agency and other community groups and organisations that wish to deliver infrastructure covered by CIL that will benefit the residents and businesses of Test Valley.²⁷
- 10.10 A Regeneration Reserve was created in 2021 to assist in the delivery of the Council's adopted Masterplans in Romsey and Andover. This will result in up to 64% of the Council's CIL receipts being allocated to the reserve each financial year.
- 10.11 The Council also produces an annual Infrastructure Funding Statement that is published in December. This provides information on CIL receipts and expenditure for the previous financial year.
- 10.12 Further information regarding how to bid for CIL funds can be found here: <https://testvalley.gov.uk/planning-and-building/cil/bidding-for-cil-funds>
- 10.13 Information can also be found on the National Planning Practice Guidance website: <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>
- 10.14 The Council's annual Infrastructure Funding Statement can be found here: <https://testvalley.gov.uk/planning-and-building/cil/cil-expenditure>

²⁷ Please complete A CIL Bid Form (top of the list of documents to the right) and submit this, along with any supporting documents, to planning@testvalley.gov.uk or by post to: CIL Officer, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ
For more information see: [https://testvalley.gov.uk/planning-and-building/cil/bidding-for-cil funds](https://testvalley.gov.uk/planning-and-building/cil/bidding-for-cil-funds)

11 Planning Applications

- a. The Council considers and determines planning applications made under planning legislation with proposals ranging from the more minor householder developments such as extensions, through to major applications for residential developments, retail and industrial schemes and new infrastructure.
- b. The Council does not determine planning applications relating to mineral processing and waste disposal or Hampshire County Council proposals such as new schools as these types of planning applications are determined by Hampshire County Council.

11.2 Further information on whether planning permission is required and guidance on how to submit a planning application can be found here:

www.testvalley.gov.uk/Planningguidance

11.3 The Council's website has guidance on the planning application process which can be viewed here: [Guidance | Test Valley Borough Council](#)

Community involvement in decision making

11.4 The Council wishes to ensure that any person, group or service providers affected by or interested in a planning application has the opportunity to comment on the proposals. The Council is also committed to consider all views expressed but they are afforded weight in the decision making process if they are a material planning consideration relevant to the development proposed ~~ensuring that any views expressed on material planning matters are considered~~ when the application is determined. The Council will aim to work with the applicant, the community, Elected Members and other statutory consultees throughout the planning application process.

11.5 Community involvement in planning applications is of great benefit to all affected including the applicants themselves. It is encouraged from an early pre-application discussion stage through to determination of the planning application. Community involvement can allow the planning application process to be carried out more efficiently by working with people who are most directly involved, interested in, and affected, by potential development at the outset and have a chance to influence the proposed development.

11.6 The key areas on which the Council will concentrate are:

- Informing people or groups about applications that may affect them or which they may have an interest in; and
- Encouraging the early involvement of those likely to be affected by, or those who have an interest in, the proposals.

Pre-Application Advice

- 11.7 The Council encourages applicants to seek Pre-Application advice on all but the most straight forward cases prior to submitting a planning application as this will add value to the process and outcome. Pre-application advice is intended to provide an initial view on proposals, and to assist individuals by advising them what is required of a comprehensive planning application. It is not a formal judgement of acceptability, or a prediction of the outcome of any subsequent application. All responses will be given at an officer level and will be made without prejudice to the consideration of any future planning application.
- 11.8 A request for Pre-Application advice may be made by the Council's 'Pre-Application Advice Request' form which is available on the Council's website along with further information on Pre-Application advice fees, timescales and details needed with the submitted request. Further information can be found here:

<https://www.testvalley.gov.uk/planning-and-building/guidance/pre-application-advice>

The form can also be accessed from customer services at Beech Hurst Andover and Former Magistrates' Court, Romsey.

- 11.9 Wherever possible, the Council will discuss the need-encouragement for community involvement with applicants and agents at the Pre-Application stage. The Council will identify for the applicant all relevant planning policy documents, to the attention of the applicant. In particular, the Council will:
- actively encourage applicants making major or sensitive applications to undertake consultation with the local community, including Parish Councils at an early stage; and
 - actively encourage householders to undertake informal discussions with neighbours on proposals to extend their homes before applications are submitted.
- 11.10 It is mandatory for developers to carry out pre-application consultation with the local community for planning applications for wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 meters.

Community Involvement in Planning Applications

- 11.11 The Council recognises the importance of local communities being engaged within the planning application process. Applicants should undertake early consultation with the community and the Council will wherever possible encourage applicants to do so. Applicants may also wish to discuss proposals with the local Elected Members. For information on how to contact Elected Members please visit: <http://testvalley.cmis.uk.com/testvalleypublic/ElectedRepresentatives.aspx>
- 11.12 Parish Councils (PC) are statutory consultees in the planning process and must be informed of all planning applications, and any amendments to those applications, within the parish. The PC can only comment on these planning applications in the same way as any other member of the public, however, any comments by the PC must be agreed during a properly called public council meeting²⁸.

²⁸ [the-role-of-a-parish-council-around-all-planning-matters.pdf \(lwdpc.org.uk\)](#)

- 11.13 For the applicants, effective community involvement in preparing a planning application is an opportunity to explain proposals to that community and thereby reduce any misconceptions; potentially it can help address some problems before the application is submitted; and prevent abortive work. For the community, it is an opportunity to help shape proposals from an early stage.
- 11.14 A major application may require a series of meetings with an applicant and / or their agent. The Council will discuss how the community should be consulted at an early stage in the process. It would be helpful if applicants had already given some consideration to how consultation could be undertaken before discussing proposals with the Council. Methods for early consultation could include undertaking 'planning for real exercises', public exhibitions and questionnaires being sent to local residents and Parish Council. Please refer to Table 2 for further information.
- 11.15 When submitting a planning application, it would be helpful to include within the Planning Statement (or provide a separate statement on community involvement) an explanation as to how the community has been consulted, a summary of what comments have been received and how the scheme has been amended to address matters of concern.

Publicising Planning Applications

- 11.16 The Council's standards for publicising planning applications, which exceed the statutory minimum standards set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015²⁹, are described below. Appendix 2 sets out a comprehensive list of different types of planning applications, (i.e. Change of Use, Listed Building Consent, Consent to display advertisement) the statutory publicity requirements and publicity procedures carried out by the Council.
- 11.17 When a valid planning application is received, the Council will:
- Notify the occupiers of neighbouring properties (properties that can be identified and whom share a common boundary with the application site) and the occupiers of properties immediately opposite side of the road of the application site;
 - A letter will be sent to each known address;
 - The occupiers will be informed of the period in which they can make comments (21 days) and when and where they can view the application
 - Notify local Ward Members
 - Notify the relevant Parish Council

How to view a Planning Application

- 11.18 Planning applications can be viewed on the Council's website and at the Council offices in Andover and Romsey during office working hours. The online planning application search register can be viewed here: www.testvalley.gov.uk/planningapplications

²⁹ <http://www.legislation.gov.uk/uksi/2015>

How to make a comment / view a comment on a Planning Application

- 11.19 Comments can be made online via the planning application search register. Comments can also be submitted via email / post. All comments received will be open to public inspection including on our website so you should only include information you are happy to be made available in this way. Please do not include any telephone numbers or signatures, if possible, as we do not require this information. Receipt of comments is acknowledged.
- 11.20 A site notice will be placed on or close to the planning application site advertising the details of the proposed development. Site notices include a Quick Response (QR) Barcode. The QR barcode can be scanned by a smart device with internet capability. This will take the user directly to the relevant application details and associated documents published on the Council's website.

Significant / Sensitive Planning Applications

- 11.21 For more significant or sensitive planning applications the consultation area will be widened at the discretion of the Head of Planning and Building. The need to widen the consultation area will be examined on a case by case basis. As a general guide, 'significant' applications are those which are likely to have impacts beyond the immediate locality or those with potentially hazardous effects. 'Sensitive' applications are those where development is proposed in environmentally sensitive locations (for example within or close to a Site of Special Scientific Interest). For significant or sensitive applications there is a requirement for consultation with a number of statutory bodies.

Major Planning Applications

- 11.22 All major planning applications will be advertised in a locally circulating newspaper as formal notices. Major development is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 [S.I No.595] as:
- For housing:
- the number of dwelling houses to be provided is 10 or more; or
 - the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the number of dwelling houses to be provided is 10 or more;
- For non-residential development:
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - development carried out on a site having an area of 1 hectare or more.

Applications of Significant Interest

- 11.23 The Council advertise on its website details of those applications that are considered to have a significant interest to local communities. Further information can be found here: www.testvalley.gov.uk/planningapplications

Public Rights of Way / Conservation Area / Listed Building Consent

- 11.24 Any application which affects a public Right of Way, falls within a Conservation Area, affects a Listed Building or involves a departure from the policies of the Local Plan will also be similarly advertised as formal notices in a locally circulating newspaper.

Applications for Prior Approval

- 11.25 There are certain provisions under the Town and Country General Permitted Development Order (2015) that require the submission of an application to the Local Planning Authority for Prior Approval. These particular provisions and the corresponding publicity requirements are set out within Appendix 2. However, there are also provisions that only require a developer to notify the Local Planning Authority of their intention to carry out development. In these instances, there will be no publicity exercise as there is no decision-making process to be undertaken. As the General Permitted Development Order legislation is updated and amended, there may be other types application for prior approval not listed in Appendix 2. The Local Planning Authority will meet the minimum statutory publicity requirements for these types of applications.

Weekly Planning Lists

- 11.26 The Council prepares 'weekly planning lists' of newly registered planning applications. These lists are posted at the Council's offices and made available to the local press. Weekly lists are also available on the Council's website and are also sent to Parish Councils and Local Ward Elected Members. The weekly list can be viewed here:
www.testvalley.gov.uk/planningapplications

Determining a Planning Application

- 11.27 Consultations, where necessary, are carried out with other statutory bodies and where appropriate non-statutory bodies with ~~other~~ Council departments to obtain technical advice / views on highways, drainage, conservation, environmental health, landscape etc. The views of local or national amenity conservation and environmental groups will also be sought where they have an interest. All new developments need access to essential services and essential service providers (i.e. utility providers) will be consulted on major applications.
- 11.28 The statutory time limits to determine planning applications are usually 13 weeks for applications for major development and 8 weeks for all other types of development, unless an application is subject to an Environmental Impact Assessment, in which case a 16 week period limit applies. These periods of time can be extended by agreement with the applicant.
- 11.29 After a decision is made on a planning application, the Council must formally notify the applicant of their decision in writing via a decision notice. The decision notice will also be publicly available online through the planning application search register.

Planning Committees

11.30 Most planning applications are determined under delegated powers under the Council delegation scheme. However, a small amount of planning applications A ~~planning application~~ may be determined at planning committee by elected Members (Northern Area Planning Committee / Southern Area Planning Committee³⁰). The Council will write to interested parties to notify them that a planning application is going to committee and to invite them to speak. The list of forthcoming meetings can be obtained from the Council website and Officers will be able to advise on the progress of applications. Further information can be found here: www.testvalley.gov.uk/Planningguidance

11.31–If you submitted a comment on a planning application that is being determined at Planning Committee, you may wish to attend or address the committee. Please note that you must register in advance of the committee date to speak on a planning application (by 12 noon the working day before committee).

11.32 The Council wishes to ensure that any person, group or service providers affected by or interested in a planning application has the opportunity to comment on the proposals. The Council is also committed ~~to ensuring that any views expressed on material planning matters are considered when the application is determined.~~ considering all views expressed but they are afforded weight in the decision making process if they are a material planning consideration relevant to the development proposed. The Council will aim to work with the applicant, the community, Elected Members and other statutory consultees throughout the planning application process.

12 Tree Works

12.1 If you wish to carry out tree work on any tree(s) that are protected by a Tree Preservation Order (TPO), it will be necessary to make a written tree works application to the Council. For any proposed works affecting certain trees within a Conservation Area, you will need to submit written notification to the Council.

Further information about how to submit an application / notification can be found here: www.testvalley.gov.uk/TreesandLandscape

Applications for consent to work on trees subject to Tree Preservation Orders

12.2 There is no statutory requirement to publicise applications for works to trees that are protected by a TPO. However, when a valid tree works application is received, the Council will:

- List the tree works application on the 'Weekly Planning Lists' (please refer to paragraph 9.25 for further information)
- Publicise details of the application within the local newspaper
- Notify local ward Members

³⁰ <https://www.testvalley.gov.uk/aboutyourcouncil/councilcabinetandcommitteemeetings/council-cabinet-committee-meetings>

- Provide the relevant Parish Council with a copy of the application inviting their comments within 21 days.
- Provide the applicant with a laminated site notice to display, inviting comments to be submitted within 21 days.

How to view a Tree Works Application

- 12.3 Tree works applications can be viewed on the Council's website and at the Council offices in Andover and Romsey during office working hours. The online planning application search register can be viewed here: www.testvalley.gov.uk/planningapplications

How to make a comment / view a comment on a Tree Works Application

- 12.4 Comments can be made online via the planning application search register. Comments can also be submitted via email / post. All comments received will be open to public inspection on our website so you should only include information you are happy to be made available in this way. Please do not include any telephone numbers or signatures, as we do not require this information. Receipt of comments is acknowledged. Applications are open for comments to be made for a period of 21 days from the date of their registration.
- 12.5 A site notice will be placed on or close to the tree works application site advertising the details of the proposed work. Site notices include a Quick Response (QR) Barcode. The QR barcode can be scanned by a smart device with internet capability. This will take the user directly to the relevant application details and associated documents published on the Council's website.

Determining Tree Works Applications

- 12.6 The Council will aim to determine a tree works application within 8 weeks from the registration date of the application. After a decision is made on a tree works application, the Council must formally notify the applicant of their decision using a written decision notice. The decision notice will also be publicly available online through the planning application search register.

Notifications of intent to undertake works to trees within a Conservation Area

- 12.7 In Conservation Areas, it is a requirement³¹ to give the Council six weeks' notice before carrying out works on or felling any tree over 75mm in diameter (or 100mm if the works are being carried out to improve the growth of other trees), as measured at above ground level.
- 12.8 The Council will undertake the following publication procedures with respect to notifications of intent to work on trees in a Conservation Area:
- List the notification of intent on the 'Weekly Planning Lists' (please refer to paragraph 11.25 for further information)
 - Publicise details of the notification within the local newspaper

³¹ Town & Country Planning Act 1990 S.211: <http://www.legislation.gov.uk/ukpga/1990/8/section/211>

- Notify local ward Members
- Provide the relevant Parish Council with a copy of the application inviting their comments within 21 days
- Provide the applicant with a laminated site notice to display, inviting comments to be submitted within 21 days.

Hedgerow Removal Notices

- 12.9 A notice must be submitted prior to the removal of an agricultural hedgerow in accordance with the Hedgerows Regulations 1997 [SI No.1160]. Further information about the notice process can be found here: www.testvalley.gov.uk/TreesandLandscape
- 12.10 The Council will undertake the following publication procedures to notify intention of works:
- List the notification of intent on the 'Weekly Planning Lists' (please refer to paragraph 11.25 for further information)
 - Publicise details of the application within the local newspaper
 - Notify local ward Members
 - Provide the relevant Parish Council with a copy of the notice inviting their comments within 21 days.

13 Planning Aid England

- 13.1 Planning Aid England (PAE) provides free, independent and professional advice on town and country planning issues to community groups and individuals. They believe everyone should have the opportunity to get involved planning their local area, and provide people with the knowledge and tools to do this. For further information on the services they offer visit their website: <http://www.rtpi.org.uk/planning-aid/>
- 13.2 You can also access Planning Aid guidance notes which are publicly available on the Council's website as follows: www.testvalley.gov.uk/Planningguidance

Appendix 1 – Community demographics and possible engagement methods

The Council is keen to involve under-represented groups of people, often referred to as ‘hard to reach’ or ‘seldom heard’ groups, in relevant planning matters. The table enclosed below reflects the commonly recognised groups within the community as a whole however it is not exhaustive.

Demographic	Proposed Engagement Methods
Children and Young People	<ul style="list-style-type: none"> • Build links with schools in advance • Notification sent to youth and community groups, schools and colleges • Social media – Twitter / Facebook • Hosting exhibitions at Schools / Colleges • Sports clubs • Planning for Real Workshops
Elderly people	<ul style="list-style-type: none"> • Documents and information made available in Large Print on request • Hard copies of consultation documents available for reference use at Council Offices and Libraries • Local press release • Attend older people’s groups/ forums • Use network of contacts to send information to • Public exhibitions • Planning for Real Workshops • Council Officers attending Public Meetings
People with disabilities	<ul style="list-style-type: none"> • Notification sent to local disability groups • Fully accessible venues for consultation events, where appropriate • Clear directions to venue provided prior to event • Attend disability groups • Make documents and information available at a wide variety of locations and in alternative formats on requests • Offer one-to-one meetings with disabled and neurodivergent on request³² • representatives/community members to assist understanding • Planning for Real Workshops and involving neurodivergent representation

³² having or related to a type of brain that is often considered as different from what is usual, for example that of someone who has autism [NEURODIVERGENT | meaning in the Cambridge English Dictionary](#)

	<ul style="list-style-type: none"> • Design website with a clear hierarchy/page order. • If printed material is requested, the text will be formatted correctly (e.g. bold/underline etc. will not be used excessively outside of headings) and make sure that the most important things catch the reader's eye first. • Where possible imagery to be used as opposed to text.
Black and minority ethnic groups	<ul style="list-style-type: none"> • Appropriate translation and interpretation service on request • Written information made available in appropriate languages on request • Attend black and minority ethnic group meetings and keeping an up to date record of the current community demographic in the borough. • Use network of contacts to send information to • Planning for Real Workshops • Posters/ flyers in community venues where groups are likely to meet e.g. churches, mosques, etc. • Share information through local diverse owned businesses
Gypsies, Travellers and Travelling Showpeople	<ul style="list-style-type: none"> • Notification sent to Gypsy, Traveller and Travelling Showpeople organisations / charities • Utilise the services of Hampshire County Council Gypsy Liaison Officer • Social media – Twitter / Facebook • Offer one-to-one meetings to assist understanding • Planning for Real Workshops
Residents in rural areas	<ul style="list-style-type: none"> • Notification to Parish Councils and those who are on the Keep Informed Database • All documents and information published on the website to be accessible 24 hours a day • Social media – Twitter / Facebook • Send information to local Village Halls and Community venues to be displayed • Hold Planning for Real sessions in rural settings

<p>Working people who are unavailable during core working hours</p>	<ul style="list-style-type: none"> • All documents and information published on the website to be accessible 24 hours a day • Social media – Twitter / Facebook • Offer interactive sessions in evenings or weekends • Engage with local employers to share consultation/ information materials • Planning for Real Workshops

Appendix 2 – Publicising Planning Applications³³

Nature of proposed development	Statutory publicity	Publicity carried out by TVBC
Application accompanied by an EIA (Environmental Impact Assessment)	<ul style="list-style-type: none"> • Local Planning Authority (LPA) to advertise in local press • Site notice to be displayed for 21 days • Website 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Notify parish/town councils • Weekly List
Proposal affecting a public right of way	<ul style="list-style-type: none"> • LPA to advertise in local press • Site notice to be displayed for 21 days • Website 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Notify parish/town councils • Weekly List
Major development	<ul style="list-style-type: none"> • LPA to advertise in local press • Site notice to be displayed for 21 days or neighbour notification • Website 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour Notification

³³ The weekly list is circulated to Local Ward Members, Parish/Town Councils and consultative bodies.

Nature of proposed development	Statutory publicity	Publicity carried out by TVBC
		<ul style="list-style-type: none"> • Notify parish/town councils • Weekly List
Minor development	<ul style="list-style-type: none"> • Site notice to be displayed for 21 days <i>or</i> neighbour notification • Site notice and Press notice if application affects the character or appearance of a Conservation Area or Listed Building • Website 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Notify parish/town councils • Weekly List
Householder Development	<ul style="list-style-type: none"> • Site notice to be displayed for 21 days <i>or</i> neighbour notification • Site notice and Press notice if application affects the character or appearance of a Conservation Area or Listed Building 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification

Nature of proposed development	Statutory publicity	Publicity carried out by TVBC
	<ul style="list-style-type: none"> • Website 	<ul style="list-style-type: none"> • Notify parish/town councils • Weekly List
Change of Use	<ul style="list-style-type: none"> • Site notice to be displayed for 21 days <i>or</i> neighbour notification • Site notice and Press notice if application affects the character or appearance of a Conservation Area or Listed Building • Website 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Notify parish/town councils • Weekly List
Variation or removal of condition(s) attached to a previous approval	<ul style="list-style-type: none"> • Site notice to be displayed for 21 days <i>or</i> neighbour notification • Site notice and Press notice if application affects the character or appearance of a Conservation Area or Listed Building • Website 	<ul style="list-style-type: none"> • Press notice • Online Planning Register • Site notice • Neighbour notification <p>Neighbour notification letter to those who previously commented on application (<u>subject to data protection requirements</u>)</p> <ul style="list-style-type: none"> • <u>Weekly List</u>
Listed Building Consent Conservation Area Consent	<ul style="list-style-type: none"> • LPA to advertise in local press • Site notice • Website 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice

Nature of proposed development	Statutory publicity	Publicity carried out by TVBC
		<ul style="list-style-type: none"> • Neighbour notification • Notify parish/town councils • Weekly List
Consent to display advertisements	Nil	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Notify parish/town councils • Weekly List
Approval of details pursuant to conditions	Nil	Nil
Applications for Non-material Amendments	Nil	Nil
Certificate of Lawful Use or Development – Existing	Nil	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Notify parish/town councils • Weekly List

Nature of proposed development	Statutory publicity	Publicity carried out by TVBC
Certificate of Lawful Use or Development – Proposed	Nil	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Notify parish/town councils • Weekly List
Applications for works to trees covered by Tree Preservation Orders and Tree notifications in conservation areas	Nil	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Weekly List
Applications for Prior Approval to demolish an existing building	<ul style="list-style-type: none"> • Applicant/agent to display site notice for 21 days of the 28 day period 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Weekly List
Application for Prior Approval of telecommunication development	<ul style="list-style-type: none"> • Site notice to be displayed for 21 days <i>or</i> neighbour notification 	<ul style="list-style-type: none"> • Online Planning Register • Press notice • Site notice • Neighbour notification • Weekly List

Nature of proposed development	Statutory publicity	Publicity carried out by TVBC
Applications for Prior Approval for extensions to an existing dwelling	<ul style="list-style-type: none"> Notify each adjoining owner or occupier of the application including a description of development (including dimensions), date the application was received, date a decision needs to be made, date by which comments need to be made to the LPA. 	<ul style="list-style-type: none"> Online Planning Register Site notice Notify each adjoining owner or occupier of the application site Weekly List
Applications for Prior Approval for the construction of additional storey(s) to an existing dwelling	<ul style="list-style-type: none"> Notify each adjoining owner or occupier of the application site including a description of development (including dimensions of maximum height), date by which comments need to be made to the LPA. 	<ul style="list-style-type: none"> Online Planning Register Notify each adjoining owner or occupier of the application site Weekly List
Applications for Prior Approval for the change of use of existing buildings to dwellinghouses or other alternative uses	<ul style="list-style-type: none"> Site notice to be displayed for 21 days <i>or</i> neighbour notification 	<ul style="list-style-type: none"> Online Planning Register Site Notice or neighbour notification Weekly List
Applications for Prior Approval for the erection of an additional dwelling(s)	<ul style="list-style-type: none"> Site notice to be displayed for 21 days and notify each adjoining owner or occupier of the application site including a description of development, date by which comments need to be made to the LPA. 	<ul style="list-style-type: none"> Online Planning Register Site notice Notify each adjoining owner or occupier of the application site

Nature of proposed development	Statutory publicity	Publicity carried out by TVBC
		<ul style="list-style-type: none">• Weekly List

Glossary

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 development management decisions. The Statement of Community Involvement is not a Development Plan Document. The Test Valley SCI can be viewed on the Planning pages of the Council's website.

Community Infrastructure Levy (CIL): Is 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 which the Council has identified as being required.

Authority's Monitoring Authority (AMR): Section 113 of the Localism Act (2011) requires that a monitoring report must be published assessing the implementation of policy and progress of the Local Development Scheme. The report which contains information on how the policies set out in the local development documents are being achieved, has to be produced at least, yearly.

Development Plan: The Development Plan comprises the Development Plan Documents, Neighbourhood Development Plans, 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

Development Plan Documents (DPDs): Spatial planning documents that are subject to independent examination and will form the development plan for a local authority area for the purposes of the 2004 Act. Individual Development Plan Documents or parts of a document can be reviewed independently of other Development Plan Documents.

Local Plan: sets out the long-term spatial vision for the local planning authority area and the spatial objectives and strategic policies to deliver that vision through development management policies and strategic site allocations. The new Local Plan will have the status of a Development Plan Document.

Neighbourhood Plans; Through the Localism Act parish councils can influence planning decisions in their area and can propose land for development provided that they are in line with the development plan.

Major development: (Development of more than 10 dwellings, ~~or more than 1000m² or more~~ -of floor space or on a site ~~of larger than 0.5ha or more~~)

Minor development: (Development of 10 or less dwellings, less than 1000m² floorspace or on a site less than 0.5ha)

Householder Development: Defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 as the following:

(a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does not include an application for change of use or an application to change the number of dwellings in a building.

Duty to Cooperate: The duty to cooperate was created in the Localism Act (2011). It places 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.

Keep Informed Database: The council has a database of interested parties including members of the public that have expressed their interest to be kept informed of all public consultations. Those already on the database are emailed at the start of a consultation and any representations they make are recorded. Those wishing to be informed are encouraged to email the planning policy team to be added to the database.

Statutory Consultee: Statutory consultees are those organisations and bodies, defined by statute, which local planning authorities are legally required to consult before reaching a decision on relevant planning applications.

Non-Statutory Consultees: where there are planning policy reasons to engage other consultees who – whilst not designated in law – are likely to have an interest in a proposed development.

General Consultation bodies: The general consultation bodies are listed in Part 1, section 2 of the Town and Country Planning (Local Development) (England) Regulations 2004. The regulations identify five types of bodies as general consultation bodies that relate to voluntary organisations representing certain groups within the community. <https://www.legislation.gov.uk/uksi/2012/767>

Specific Consultative Body: The specific consultation bodies are listed in The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and relate to organisations responsible for services and utilities and infrastructure provision. <https://www.legislation.gov.uk/uksi/2012/767>

National Planning Policy Framework (NPPF): The NPPF sets out national planning guidance for the plan making and decision taking. The NPPF was published in March 2012.

National Planning Practice Guidance (NPPG): An online resource published by central Government which provides guidance on how to apply the NPPF.

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

Supplementary Planning Documents: These provided supplementary information in respect of the policies in Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination. The Council has produced a number of SPDs; they can be found on the Planning pages of the Council's website.

Sustainability Appraisal: This is a tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic considerations). There is a requirement in the Planning and Compulsory Purchase Act that sustainability appraisals are undertaken for all Development Plan Documents.

**OFFICER RESPONSES TO
REPRESENTATIONS RECEIVED ON THE

STATEMENT OF COMMUNITY
INVOLVEMENT IN PLANNING**

January 2023

Ref No.	S/O/C (support, object, comment)	Summary of Representation	TVBC Response	Change
pp1_1 01	O	<p>Andover Ramblers</p> <p>Table 1 and Para 6.18 To Respond Barriers to Effective Participation</p> <p>Views are not Taken into Account; Ensure a response is sent to all who express views, either confirming they have been incorporated or explaining why they have not, no feedback is given and no way of identifying if comments made have been incorporated.</p>	<p>For Development Management all comments on planning applications are considered and summarised in the planning officer's report.</p> <p>For Planning Policy documents all comments on documents are considered and summarised with an officer response in the report to Cabinet.</p> <p>Notifications are sent to all those who have made representations to inform them that the document is going to Cabinet.</p>	No change
	O	<p>Andover Ramblers</p> <p>Para 6.6; How can you get Involved?</p> <p>how you can check that you are on the 'Keep Informed Data Base' and that your contact details are still the same.</p>	<p>The Keep Informed Database is open to anyone to request to be added to be notified of Planning Policy document consultations. A request can be made to be added or deleted from the database, or for contact details to be updated, including checking that these are included and correct.</p> <p>Periodically the Council will contact those on the database to check they wish their details to be retained.</p>	No change
	O	<p>Andover Ramblers</p> <p>Para 6.7 Who will the Council consult on DPDs</p> <p>should show a list of 'Specific Consultative Bodies' e.g. via a link</p>	<p>The regulations are subject to change and therefore the list is also subject to change. The SCI document includes a footnote to the Regulations which specifies the list.</p>	No change

	O	<p>Andover Ramblers</p> <p>Table 3; Key Statutory Stages of Development Plan Production</p> <p>Respondent should be on the Keep informed data base but has never been consulted on the initial evidence gathering stage</p>	<p>The public are encouraged to be involved in the initial evidence gathering stage as stated in Table 3 of the draft SCI, through registering their interest through being added to the Keep Informed Database, and through providing details of potential sites for development, or local evidence studies.</p> <p>They are consulted as per Regulations and SCI on the subsequent Issues and Options stage, the Regulation 18 stage and the Regulation 19 stage.</p>	No change
	O	<p>Andover Ramblers</p> <p>Para 7.1 Getting involved in preparing Supplementary Planning Documents</p> <p>Why is there no SPD on Public Rights of Way (PROW) and footways, given there is a cycle strategy SPD.</p>	<p>Hampshire County Council is the Highways and Rights of Way Authority.</p> <p>PROW considerations are taken into account as relevant in the context of both Development Management decisions and Planning Policy documents.</p> <p>There are currently no plans for a specific SPD on PROWs.</p>	No change
	C	<p>Andover Ramblers</p> <p>Table 4 Getting Involved in Preparing Supplementary Planning Document</p> <p>Is there just one 'Keep Informed Data Base', e.g. is there a separate one for SPDs? This should be made clear in the document</p>	<p>Yes there is only one Keep Informed Database for all Planning Policy consultations.</p>	<p>Added sentence to paragraph 6.6 on page 12 to now read; <i>"The council maintains a 'Keep Informed Database' of individuals, groups, stakeholders and other consultees who we contact on consultations for all planning</i></p>

				<i>policy documents such as the Local Plan, supplementary planning documents, neighbourhood planning documents, the SHEELA etc."</i>
	O	<p>Andover Ramblers</p> <p>Section 9 Neighbourhood Planning; Are those on the 'Keep Informed Data Base' consulted; if not they should be and this should be made clear</p>	Those on the Keep informed database are not consulted on Neighbourhood Plans as it's the Steering group on behalf of the Parish Council and not the Borough Council that carry out the initial consultation. The Regulation 16 consultation that is undertaken by the Borough Council is set out in the neighbourhood planning regulations and includes those who submitted a representation at previous consultations and Statutory Consultees.	No change
	O	<p>Andover Ramblers</p> <p>Table 5 Regulation 6: Key statutory requirements that the Council must undertake when supporting the preparation of Neighbourhood Development Plans It should be made clear somewhere whether there is just one group of 'Specific Consultancy Bodies' for the whole document or whether each section has its own Group</p>	The list of Specific consultation bodies is not available in the Document, instead, a link to the regulations explaining who these are, has been provided.	Link to regulations added to table 5 page 32; <i>Key statutory requirements that the Council must undertake when supporting the preparation of Neighbourhood Development Plans</i> On page 32
	O	Andover Ramblers	Noted	Added link below Table 5

		<p>Table 5 Regulation 16 It should show the Statutory Consultees even if just via a link to another document e.g., as a link</p>		on page 32 to Regulations
	O	<p>Andover Ramblers</p> <p>Para 10.2 Community Infrastructure Levy PROW should appear next to 'Open Spaces'. TVBC proposed spending CIL on PROWs following Picket Twenty development so it is clearly eligible.</p>	PROW is not included as it is covered as part of the definition of Open Spaces in the Planning Act 2008 definition. public open space includes a variety of types which includes PROW	No change
	O	<p>Andover Ramblers</p> <p>Table 6 Bullet 1 Opportunities to make representations in the preparation of a CIL Charging Schedule It Should be made clear whether you need to raise your contact details if you are on the 'Keep Informed Data Base' or you are a 'Statutory Consultee' or 'Specific Consultative Body.</p>	All those on Keep Informed Database are consulted on all formal consultations. Statutory consultees are consulted on all consultations and the Council has a list of specific consultative bodies who are consulted for all formal consultations.	Added sentence to Table 6; Those already on the keep informed database, along with statutory and specific consultative bodies will be contacted at each stage
	C	<p>Andover Ramblers</p> <p>It would be useful to have KI Data base, Statutory Consultee and Specific Consultative body defined in the Glossary with links to see whether groups are included.</p>	The Keep Informed Database is a private data base, to which anyone can request to be added to be notified of Planning Policy document consultations. Statutory Consultees are determined by Government Regulations and are subject to change/review.	Added definitions of KI database, Statutory consultees, non-statutory consultees, general consultation

				bodies and Specific Consultative body to the glossary Added link to Regulations to table 5.
	O	<p>Andover Ramblers</p> <p>It is unclear how to make reps if you are a body with wider interests. The way it is currently presented such bodies may be missing out on the opportunity to bid.</p>	The public are invited to make representations during formal consultations on any issues that interest them either in writing or by emailing Planning Policy.	No change
	O	<p>Andover Ramblers</p> <p>Para 10.8 CIL Expenditure How are bids to be submitted? This should be made clear</p>	<p>Test Valley Borough Council (TVBC) accepts bids for Community Infrastructure Levy (CIL) funding between 1 April and 30 June each year. Details are available on the Councils website.</p> <p>Bidding is open to Ward Members, Parish Councils, TVBC’s internal services, Hampshire County Council, the Environment Agency and other community groups and organisations that wish to deliver infrastructure that will benefit the residents and businesses of Test Valley.</p> <p>Please complete A CIL Bid Form (top of the list of documents to the right) and submit this, along with any supporting documents, to planning@testvalley.gov.uk or by post to;</p> <p>CIL Officer Beech Hurst Weyhill Road Andover Hampshire SP10 3AJ</p> <p>For more information see: https://testvalley.gov.uk/planning-and-building/cil/bidding-for-cil-funds</p>	Added this response to paragraph 10.8

	C	<p>Andover Ramblers</p> <p>Para 11.5 and 11.9 Community involvement in decision making Andover Ramblers are rarely involved in pre-discussions but are presented with major development plans that are well advanced</p>	<p>Community involvement at an early stage in formulating development proposals through developers undertaking pre-application community engagement, is encouraged by both Government and the Council. However, this is ultimately a matter for developers.</p> <p>Where pre-application enquires are submitted to the Council, these are confidential, although consultation may be undertaken with specific statutory consultees as relevant, due to their responsibilities e.g. highways, nature conservation etc.</p>	No change
	C	<p>Andover Ramblers</p> <p>The position of PROWs has often been ignored by the developer making getting changes to meet national planning requirements very difficult.</p>	<p>The relationship between proposed development and PROW is a material consideration assessed by the allocated planning officer. Matters relating to changes to national planning requirements are not relevant to the SCI.</p>	No change
	O	<p>Andover Ramblers</p> <p>Para 11.28 Planning Committees The term 'interested parties' needs to be defined. Is it intended to include all those that raise observations on an application?</p>	<p>Interested parties is all those who have made representations on a planning application, plus immediately adjoining neighbours.</p>	No change
	C	<p>Andover Ramblers</p> <p>Appendix 2; The weekly list works well. Footnote 26 should recognise the list is also sent to some consultative bodies</p>	<p>Noted.</p> <p>The weekly list is also sent to consultation bodies on request. It is also published on the Council's website.</p>	No change
pp1_1 02	S	<p>Andover Town Council</p>	<p>Noted</p>	No change

		The ATC Planning Committee was generally content with the information provided by TVBC.		
	C	Andover Town Council TVBC needed to ensure that paperwork is jargon-free and if jargon has to be used then it needs to be defined or linked to a jargon dictionary.	Noted. The Council seeks to avoid the use of jargon as far a possible but is required to use recognised formal planning terminology when required. Where relevant Planning Policy documents include a Glossary of planning terms.	No change
	C	Andover Town Council In terms of Planning Applications, we would appreciate if TVBC officers checked that sufficient information is provided on the website for the town council to make an informed decision.	All publicly available information associated with a planning application is published on the Council's website.	No change
	O	Andover Town Council For larger developments, it is not realistic for the town council to work from a computer screen. We should be provided with a suitably large hard-copy map as was the case before the pandemic.	The Council now provides all documentation for a planning application electronically, including for internal consideration by officers. This was implemented during the Covid 19 pandemic and has operated effectively, so has been maintained and a significant saving on paper has been achieved which is also in line with the Council's climate change strategy.	No change
pp1_1 03	C	Public Comment The online edition of the Andover Advertiser is difficult to navigate and there is no easy way to quickly check on the relevance of a particular planning notice. It doesn't	Noted. Unfortunately, the Council has no ability to influence how the Andover Advertiser make available planning application information. This is a matter for them. The weekly list is also published on the Council's website.	No change

		reflect the printed version.		
	C	<p>Public Comment</p> <p>When people do make comments on planning applications, it might be useful to include some sort of "How Did You Hear About This Application?" detail with the comments. This would allow TVBC to assess which forms of publicity work well and which don't.</p>	The Council is required to undertake certain methods of advising planning applications. Therefore, any assessment isn't required.	No change
	C	<p>Public Comment</p> <p>If Government relaxes planning rules, does this affect applications already 'in the system' or are these still assessed under the rules applicable at time of the original planning application?</p>	<p>This would be dependent upon how the nature and extent of the change and the manner introduced, and whether there were for example transitional arrangements. A general in principle answer cannot therefore be provided.</p> <p>This is not a matter for the SCI.</p>	No change
pp1_1 04	O	<p>Charlton Parish Council</p> <p>The document is too long and difficult to read and understand with too many hyperlinks. it needs a complete review and prune so that it is useful/usable by resident's not just professional planners</p>	<p>The SCI document is intended for use by all those who interact with the planning system, both professionals and local residents. It is required to be detailed and cover a number of different types of Planning Policy documents and Development Management decision making application processes.</p> <p>The Council seeks to avoid the use of jargon as far as possible but is required to use recognised formal planning terminology when required. The SCI includes a Glossary.</p> <p>The inclusion of hyperlinks and footnotes is intended to provide further details and context for clarification or explanation where relevant, but not where such information is not a matter for the SCI.</p>	<p>Changes</p> <p>web addresses added to footnotes along with hyperlinks</p> <p>websites checked and made sure all links are up to date</p>
	C	<p>Charlton Parish Council</p> <p>Some of the tables could be annexes rather than in the</p>	The tables have been included within the relevant section as these are specific to particular Planning Policy documents or Development Management decision making processes. This is considered to be the appropriate format, as much of the detail regarding the consultation requirements is set out in these tables.	No change

		main body of the document		
	C	Charlton Parish Council Section 11 (Planning Applications) Looks to be an afterthought.	This is the same arrangement as was in the SCI 2017. The SCI covers both Planning Policy documents and Development Management decision making processes, so Section 11 is integral to the SCI.	No change
	O	Charlton Parish Council Section 11 (Planning Applications) Needs a specific piece on the role of the Parish Council when determining Planning Applications.	Parish Councils are a Statutory Consultee and are therefore covered within this category. Any representations made by parish councils on planning applications are included within the planning officers report which will cover in its considerations the issues raised and this is weighed in when making the recommendation.	No change
	C	Charlton Parish Council Section 11 (Planning Applications) How does the LPA balance the comments of individual residents and the Parish Council	Any representation made by parish council on planning applications are included within the planning officers report, which will cover in its considerations the issues raised and weighed in when making the recommendation. This also applies to those of local residents.	No change
	O	Charlton Parish Council There needs to be a short and simple synopsis that shows the importance and relevance of Neighbourhood Plans as part of the DPD . The Draft SCI deals with how and why to produce a NP but not how it influences planning and development	The importance of NP is recognised and the SCI has a section dedicated to NPs. Made Neighbourhood Plans forms part of the Development Plan. Planning law dictates the role and weight to be given to the Development Plan in Development Management decision making.	Added some text to paragraphs 9.1, 9.2 and 9.3 to emphasise the relevance of NPs and the role of T&PC's.
	O	Charlton Parish Council	CIL is an important component of funding infrastructure for local communities as 15%	Added to

		Section 10 Community Infrastructure Levy - this section could be expanded to show the relevance to Parishes with NPs.	(or 25% where there is an adopted Neighbourhood Development Plan) of CIL funds received within individual parishes is passed on to Parish Councils.	section 10.1 an explanation on the importance of CIL in fundraising for local infrastructure and how this relates to NPs.
pp1_1 05	C	Public Comment The Community Planning toolkit is not available and clicking hyperlinks in the text is met with the result; Page Not Found. All hyperlinks need to be verified. On Page 28, a hyperlink ref to SHLAA fails, A general search for SHLAA on the planning portal fails but yields details for another acronym, SHELAA. The Hyperlink to the LDS also failed.	Noted. Hyperlinks can change and become out of date over time, as other documents are moved or amended post the date of publication of the SCI. Some of these are outside of the control of the Council. The Strategic Housing Land Availability Assessment (SHLAA) has now been superseded by the Strategic and Economic Land Availability Assessment (SHELAA) as it now includes site put forward for potential for other economic land uses in	Amended hyperlink to correct location.
pp1_1 06	C	Melchet Park & Plaitford Parish Council The links on the website just take me round in circles.	Noted. Hyperlinks can change and become out of date over time, as other documents are moved or amended post the date of publication of the SCI.	Amended hyperlink to correct location
pp1_1 07	O	Public Comment Introduction and Page 7 1.3 referring to the council being transparent in its reasoning when decisions are taken that differ from local views, good will is	Reason(s) for Refusal of planning permission are set out in the Decision Notice. This is published on the Council's website together with all publicly available information associated with a planning application. The consideration of relevant policies and material planning considerations and the weight to be accorded to them will be considered as part of the decision-making process. This will be included within the planning officer's report which will cover the relevant polices and weighed when making the recommendation.	No change

		missing as refusals are not explained in any documentation on the council's website.		
	C	<p>Public Comment</p> <p>1.3 It seems the council's planning department do not want to see any small-scale residential development involving listed buildings or conservation areas even when the local residents are in support or would be if design adaptations were undertaken.</p>	<p>This is not a matter for the SCI.</p> <p>Each planning application is considered in its individual planning merits, taking account of the impact on heritage assets.</p> <p>The consideration of relevant policies and material planning considerations and the weight to be accorded to them will be considered as part of the decision-making process. This will be included within the planning officer's report which will cover the relevant policies and weighed in when making the recommendation.</p>	No change
	O	<p>Public Comment</p> <p>The timing of requests for comments from parish councils should be made after technical observations on highways issues, PROW, flooding etc. have been assembled and issued to parishes. As this would enable parishes to assemble more credible comments and reduce the frequency with which parish comments are dismissed or ignored.</p>	<p>Parish Councils as Statutory Consultees are consulted on all planning applications at the start of the formal consideration process and have a three-week period in which to make comments. Should parish councils wish to make further comments prior to the determination of a planning application, they can. Their comments will be considered as part of the Decision making process and will be included within the Planning Officers Report.</p> <p>The responses received from all consultees are published on the Council's website, together with all publicly available information associated with a planning application.</p>	No change
	C	<p>Public Comment</p> <p>There does not seem to be consistency in reasoning between sites with similar characteristics in separate villages. If there are sound planning reasons these should be explained.</p>	<p>Each planning application is considered in its individual planning merits. However, appropriate account is taken of other relevant decisions, in order to achieve consistent decision making.</p>	No change

	<p>○</p>	<p>Public Comment</p> <p>Face to face explanations of the council’s position on selected applications would be reassuring to members of the public. Planning officers should be required to attend relevant parish council meetings and a record of such meetings could play a vital part of any ensuing appeals.</p>	<p>Parish Council as Statutory Consultees are consulted on all planning applications at the start of the formal consideration process and have a three-week period in which to make comments. Should parish councils wish to make further comments prior to the determination of a planning application, they can. Their comments will be considered as part of the Decision-making process and will be included within the Planning Officers Report.</p> <p>The consideration of relevant policies and material planning considerations and the weight accorded to them will be considered as part of the decision-making process. This will be included within the planning officer’s report which will cover relevant policies and weighed in the planning balance of the recommendation.</p>	<p>No change</p>
	<p>○</p>	<p>Public Comment</p> <p>Social and Economic issues mentioned in parishes comments on planning applications are often ignored when decisions are made even though Paragraph 1 of Section 2 talks about an inclusive planning system.</p>	<p>The consideration of relevant policies and material planning considerations and the weight accorded to them will be considered as part of the decision-making process. This will include social and economic issues as relevant. This will be included within the planning officer’s report which will cover relevant policies and weighed in the planning balance of the recommendation.</p>	<p>No change</p>
	<p>○</p>	<p>Public Comment</p> <p>One major barrier to effective participation is the feeling that any local views on a proposal which conflict with the relevant planning officer’s ideas are ignored.</p>	<p>Any representation made by parish council or local residents on planning applications are included within the planning officer’s report.</p> <p>The consideration of relevant policies and material planning considerations and the weight to be accorded to them will be considered as part of the decision-making process. This will be included within the planning officer’s report which will cover the relevant policies and weighed in the planning balance of the recommendation.</p>	<p>No change</p>
	<p>○</p>	<p>Public Comment</p> <p>On DPD consultations, the council has the task of persuading parish councils that their observations, if reasonable and soundly based, will be taken on board and not dismissed.</p>	<p>The Council will consult on planning policy documents including DPD in line with Regulations and the requirements of the SCI. The parish council is a statutory consultee on planning policy documents.</p> <p>For planning policy documents all comments on documents are considered and summarised with a officer response in the report to Cabinet.</p>	<p>No change</p>

		<p>Public Comment</p> <p>Paragraph 7.2 SPD Giving the parish council chairman a greater role in preparation of documents such as the Village Design Statement could show the councils commitment to involving the community.</p>	<p>The parish council (as a whole body) is a statutory consultee to be consulted on all planning applications and planning policy documents.</p> <p>The parish council takes the decision to determine whether a parish prepares a village design statement and approve the final draft prior to its formal consultation by the Council on achieving Supplementary Planning Document status as a planning policy document.</p>	No change
	C	<p>Public Comment</p> <p>The planning system needs an element of flexibility, reasonableness and common sense if a large number of applications are not to end up in appeals.</p>	<p>The Planning Inspectorate publishes statistics relating to how the organisation is performing, the volume of cases that have been received and decided, and how many appeals have been allowed.</p>	No change
	O	<p>Public Comment</p> <p>Elected members do not seem to play a big enough part in the formulation of planning decisions-the process seems officer led.</p>	<p>Elected members take a full role in the setting and approval of local planning policy through development plan documents, supplementary planning documents and other planning guidance.</p> <p>Elected members take a full role in the development management process, through approval of the scheme of delegation of decisions and have the ability through the local member 'call in' procedure to request that a planning application is determined by the area planning committee.</p> <p>https://www.testvalley.gov.uk/assets/attach/1465/localcodeofcorporategovernance.pdf</p>	No change
	S	<p>Public Comment</p> <p>11.6 Community involvement in decision making, Key areas the procedure seems to work well</p>	Noted	No Change
	O	<p>Public Comment</p> <p>11.4 A communicated change of attitude by the council is needed if test</p>	<p>The Council does involve the community and statutory consultees in planning process in accordance with national regulations and the requirements as set out in the SCI.</p> <p>Elected members take a full role in the development management process, through approval of the scheme of delegation of decision and have the ability through the</p>	No change

		valley is to overcome its current poor reputation of not involving the community, elected members and statutory consultees throughout the application process.	local member 'call in' procedure to request that a planning application is determined by the area planning committee.	
	O	Public Comment 9 Tree Works There are tree related issues in development proposals that have been dealt with in a way that conflicts with how other similar proposals have been dealt with, reasons for refusals should be honest, consistent and well-reasoned.	There are many factors that influence tree comments on development proposals which not only include the tree size, species, health and future potential, but also visual amenity, suitability of the tree to the site and the future use of the site. Based on this, whilst it may appear that decisions are not consistent, each site is dealt with on its own merits.	No Change
	S	Public Comment Other aspects of Tree works are efficient and reasonable with no communication problems.	Noted	No change
pp1_1_8	O	Public Comment There is no mention of Local or Strategic gaps in the paper. These should be sustained to avoid conurbations and protect the environment and well-being of the residents of the Test valley.	This is not a matter for the SCI. Such matters are for the draft Local Plan 2040 to consider and there is an opportunity to make comments on these through public consultation as part of the plan preparation process.	No change
	O	Public Comment The Housing allocation/requirement total	This is not a matter for the SCI. Such matters are for the draft Local Plan 2040 to consider and there is an opportunity to make comments on these through public consultation as part of the plan	No change

		number is too high. North of the test valley should be greater than stated as the links to road and rail networks.	preparation process.	
	O	Public Comment Do not agree with the Tier structure. An area with a School should be higher and the reason why there is no shops/transport/facilities in these areas is lack of population to sustain them.	This is not a matter for the SCI. Such matters are for the draft Local Plan 2040 to consider and can there is an opportunity to make comments on these through public consultation as part of the plan preparation process.	No change
	O	Public Comment Housing allocations could be simple; Andover 3 to 4k Romsey 1k as it way over developed already. Tier 2 250 houses each Tier 3 150 houses each Tier 4 100 houses each Or the 56 settlements 190 each	This is not a matter for the SCI. Such matters are for the draft Local Plan 2040 to consider and there is an opportunity to make comments on these through public consultation as part of the plan preparation process.	No change
	C	Public Comment Regarding the Travelling community. No consideration should be given until TVBC enforces the law.	This is not a matter for the SCI. Such matters are for the draft Local Plan 2040 to consider and there is an opportunity to make comments on these through public consultation as part of the plan preparation process.	No change
	C	Public Comment The secretary of state gave planning permission (After appeal) for development	This is not a matter for the SCI.	No change

		with restrictions that are not adhered to and TVBC not enforcing.		
pp1_1 9	O	Public Comment The council quotes from village design statements when it accords their views but when against could be ignored as 'out of date'.	The consideration of relevant policies and material planning considerations including adopted Village Design Statements and the weight to be accorded to them will be considered as part of the decision-making process. This will be included within the planning officer's report which will cover the relevant policies and weighed in the planning balance of the recommendation. Adopted VDS as Supplementary Planning Documents and saved as Supplementary Planning Guidance remain part of the council's planning policies.	No change
	O	Public Comment TVBC have "forgotten" to "consult" the Parish council over time.	Parish Councils as Statutory Consultees are consulted on all planning applications at the start of the formal consideration process and have a three week period in which to make comments. Their comments will be considered as part of the Decision making process and will be included within the Planning Officers Report. The Council will consult on planning policy documents including DPD in line with Regulations and the requirements of the SCI. The parish council is a statutory consultee on planning policy documents. If there have been instances of the Parish Council not being consulted then this should be investigated at the time with the PC Clerk.	No change
		Public Comment Better for all planning to be dealt with at a county level.	This is not matter for the SCI. Under the Planning Acts, the Borough Council is the local planning authority. Minerals and Waste planning is undertaken by Hampshire County Council. For the part of Test Valley within the New Forest National Park, the national park authority, is both the local planning authority and minerals and waste planning authority	No change
pp1_1 10	S	Natural England We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process	Noted	No change

		of determining planning applications.		
pp1_1 11	C	<p>Public Comment</p> <p>All too often a S106 agreement is made after planning permission has been given, and at that point the developer negotiates down its responsibility/liability. It would be good if when the agreement is made, it is signed, sealed and delivered prior to and as part of the planning permission grant. This will then enable the Council to get what they want as a condition of the planning application.</p>	<p>All section 106 agreements are completed prior to the issuing of planning permission. The planning system allows for subsequent applications to vary or amend a section 106 agreement and these are considered on their own merits.</p>	No change
pp1_1 12	C	<p>National Highways England</p> <p>We have reviewed this consultation and associated documents (Draft Statement of Community Involvement (SCI) 2022, SCI Consultation Statement and SCI Statutory Notice and have 'No Comments'</p>	Noted	No change
pp1_1 13	O	<p>Public Comment</p> <p>Table 2, Potential Consultation method</p> <p>You have not included any consultation method to include Parish Councils include a specific mention of</p>	<p>Parish Councils are a Statutory Consultee and are therefore covered within this category.</p> <p>Parish Council as Statutory Consultees are consulted on all planning applications at the start of the formal consideration process and have a three-week period in which to make comments.</p> <p>The Council will consult on planning policy documents including DPD in line with Regulations and the requirements of the SCI. The parish council is a statutory</p>	No Change

		TVBC using Parish Councils as a vehicle to consult with the local community.	consultee on planning policy documents.	
	C	<p>Public Comment</p> <p>Planning Applications, para 11.5 Community Involvement</p> <p>In most cases this is ignored by developers and community only find out about planning applications when a notice is posted on the nearby fence, tree or gate, or a letter drops through the door from TVBC</p>	<p>Community involvement at an early stage in formulating development proposals through developers undertaking pre-application community engagement, is encouraged by both Government and the Council. However, it is ultimately a matter for developers.</p> <p>Where pre-application enquires are submitted to the Council, these are confidential. Although consultation may be undertaken with specific statutory consultees as relevant, due to their responsibilities e.g. highways, nature conservation etc.</p> <p>Publicity of planning applications is undertaken in accordance with the statutory requirements set out within legislation and the SCI.</p>	No change
	O	<p>Public Comment</p> <p>TVBC Planning do not inform residents near to proposed development at the pre application stage, nor do developers and in view of this we suggest that a statutory obligation should be imposed on developers and builders to engage with the community at the pre application stage. there needs to be more transparency in the planning application process as a whole.</p>	<p>Community involvement at an early stage, in formulating development proposals through developers undertaking pre-application community engagement, is encouraged by both Government and the Council. However, this is ultimately a matter for developers.</p> <p>Where pre-application enquires are submitted to the Council, these are confidential, although consultation may be undertaken with specific statutory consultees as relevant, due to their responsibilities e.g. highways, nature conservation etc.</p>	No change
pp1_1 14	S	<p>Public Comment</p> <p>The “Have your Say” section in the introduction states the willingness by</p>	Noted	No change

		TVBC to work with local communities in the decision-making process. This has been achieved positively with the council's community engagement on the corporate plan.		
	S	Public Comment TVBCs move to greater community engagement is to be applauded there is no doubt that the output will be beneficial to TVBC in generating the next version of its Corporate Plan	Noted This is not a matter for the SCI specifically but reflects the Council's overall approach to community engagement and its role in policy formulation and decision making.	No change
	O	Public Comment The TVBC Revised Local Plan does not address the community's most important issues such as infrastructure. TVBC needs to consult all communities within Test Valley about the RLP and further revisions.	This is not a matter for the SCI. Such matters are for the draft Local Plan 2040 to consider and there is an opportunity to make comments on these through public consultation as part of the plan preparation process. The Local Plan 2040 will assess future infrastructure needs, including working with infrastructure providers.	No change
	O	Public Comment TVBC should hold a series of Ward based clinics for each of the twenty TVBC Wards on an ongoing basis. Ward Councillors would be supported by the relevant TVBC experts	This is not a matter for the SCI. The Council's community team is able to support councillors with holding ward based clinics, but this is up to the ward councillor.	No change
	O	Public Comment In the preparation of the NDP we felt restricted in our expression of local views by having to always portray the	This is not a matter for the SCI Comment noted.	No change

		positive.		
	O	<p>Public Comment</p> <p>There is a perception from locals that developers get a different, more favourable, hearing from the Planning department. TVBC should be more transparent to encourage a positive and fair attitude towards the handling of planning matters</p>	<p>The council has to be fair and balance all factors for all applications.</p> <p>Where pre-application enquires are submitted to the Council, these are confidential, although consultation may be undertaken with specific statutory consultees as relevant, due to their responsibilities e.g. highways, nature conservation etc.</p>	No change
	O	<p>Public Comment</p> <p>Documents pertaining to planning matters should be accessible and publicly available after and during a planning application.</p>	<p>Publicity of planning applications is undertaken in accordance with the statutory requirements set out within legislation and the SCI.</p> <p>The Council now provides all documentation for a planning application electronically, including for internal consideration by officers. This was implemented during the Covid 19 pandemic and has operated effectively, so has been maintained and a significant saving on paper has been achieved.</p> <p>All publicly available documentation associated with a planning application is published on the Council's website</p>	No change
	C	<p>Public Comment</p> <p>TVBC must be rigorous in their review and use of statistics, especially statistics provided from other bodies such as housing survey statistics. Irrespective of whether it may be difficult, awkward or critical, all relevant and holistic data must be used and what is used must be accurate and objectively interpreted.</p>	<p>This is not a matter for the SCI. Comments noted. The Council does qualify any information that it uses for evidence base purposes.</p> <p>Where relevant data and statistical information is used in the planning process to inform decision making, for both development management and planning policy documents, then it will be evaluated and considered on its merits.</p>	No change
	C	<p>Public Comment</p> <p>TVBC should respect and</p>	<p>Made neighbourhood plans form part of the Development Plan for decision making purposes. Where a neighbourhood plan is in preparation, the weight to be accorded</p>	No change

		refer to NDPs and formal public consultation documents produced along statutory lines in Planning decisions and require developers to reference and apply the Policies to their proposals.	to it in decision making will be dependent upon the stage it has reached in the preparation process. The NDP once made forms part of the Development plan and the Council has to apply the policies within the plan.	
	C	Public Comment There is no transparency especially concerning pre application advice and TVBCs discussions with potential developers.	Community involvement at an early stage in formulating development proposals through developers undertaking pre-application community engagement, is encouraged by both Government and the Council. However, this is ultimately a matter for developers. Where pre-application enquires are submitted to the Council, these are confidential, although consultation may be undertaken with specific statutory consultees as relevant, due to their responsibilities e.g. highways, nature conservation etc.	No change
	O	Public Comment Infrastructure such as roads, sewers, etc are not being taken account of in arriving at a planning decision.	This is not a matter for the SCI. In the context of a planning application, Infrastructure requirements are a material consideration and do form part of the assessment of planning applications. The need for any infrastructure related to a development, will form part of the decision making process, subject to consultation with relevant statutory consultees and infrastructure providers and the legal and regulatory tests which apply.	No change
	C	Public Comment I was not aware of the SCI, its predecessors or this opportunity to be a part of this consultation This is not the first occasion I have not known of such opportunities which illustrates that the mechanisms TVBC are currently using are not fit for purpose.	The Keep Informed Database is open to anyone to request to be added and to be notified of Planning Policy document consultations. How to do so is detailed in paragraph 6.6 of the draft SCI document. The SCI is available on a dedicated page on the Council’s website and has been in place since 2006, with periodic updates being undertaken. Publicity of planning applications and planning policy documents is undertaken in accordance with the statutory requirements set out within legislation and the SCI.	No change
	C	Public Comment There is good information available on TVBC’s	Noted. The Council continues to seek to improve the navigation of its website and the search function, taking account of the most popular information being sought.	No change

		website but it's not easily accessible.	For planning matters it is recognised that a large amount of information and documentation is included (which the Council is required to publish), but this is ordered in as logical way as possible, with many documents having a dedicated page. Officers are contactable to assist is the public has difficulties readily finding the information which they require.	
	C	Public Comment Planning for Real Workshops sound like a good intention but the implementation is lacking.	Planning for Real (PFR) Workshops are included as an example of a potential community consultation method. PFR is a nationally recognised community planning process based on a 3D model. The process allows residents to register their views on a range of issues, to work together to identify priorities, and in partnership with local agencies go on to develop an action plan for change.	No change
	C	Public Comment The RLP and NDPs are driven from the NPPF and NPPG. They fall short of expressing the communities' issues.	This is not a matter for the SCI. Neighbourhood planning gives communities direct power to develop a shared Vision for their neighbourhood and shape the development and growth of their local area through the Localism Act 2011. Neighbourhood Development Plans (NDPs) and Local Plans as planning documents (and which form part of the development plan) must be prepared in line with legislation and national planning policy as relevant, as outlined in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).	No change
	O	Public Comment Communities do not get an early enough view of the intent to submit Planning Applications and hence do not get the opportunity to discuss certain areas such as, sustainable development and new infrastructure. It seems that Developers get an undemocratic advantage in being able to consult with TVBC Planners prior to submission of an application. These discussions are not transparent to the community and are not	The council cannot control when an applicant decides to submit a planning application. Community involvement at an early stage in formulating development proposals through developers undertaking pre-application community engagement, is encouraged by both Government and the Council. However, this is ultimately a matter for developers. Where pre-application enquires are submitted to the Council, these are confidential, although consultation may be undertaken with specific statutory consultees as relevant, due to their responsibilities e.g. highways, nature conservation etc. All publicly available information associated with a planning application is published on the Council's website. Publicity of planning applications is undertaken in accordance with the statutory requirements set out within legislation and the SCI.	No change

		recorded.		
	O	<p>Public Comment The ordering of the groups in Appendix 1 suggests that residents in rural areas are low in the pecking order of listed Community demographics despite representing over 30% of the population of the Borough.</p>	<p>Within Appendix 1 Residents in Rural Areas are recognised as a specific demographic group, with examples of potential consultation methods which can be tailored to their specific circumstances. The ordering of the demographic groups is not a priority list of relative importance and the and significance of rural communities is fully recognised.</p>	No change
	C	<p>Public Comment I am not aware of TVBC sending any “information to local Village Halls and Community venues to be displayed”.</p>	<p>The council encourages public participation in consultations for planning documents and does so in various form, the most common being making these documents available to the public at local libraries across the Borough.</p> <p>For public consultation on the draft Local Plan 2040, the Council has sent posters to publicise consultation at village halls and community halls where the relevant parish council has been willing to do so.</p>	No change
	C	<p>Public Comment Regarding Barriers to effective participation: What measurements have been made and when, to test whether TVBC attempts to overcome these barriers has been effective? How has their success/failure to reach target communities been measured? What are the results of that measurement and how has that modified the approach? Have those revisions been proved to be successful?</p>	<p>The council continues to review techniques and methods on how to engage groups. This includes the use of social media. To understand the effectiveness of participation methods its useful to build a picture of previous experiences to inform/ evaluate current methods. For example, whether data on the demographics of those who took part in previous years has changed. This is useful to understand whether there has been any greater uptake in target communities and look into what might have had an impact on this. This is an ongoing process the needs to be responsive to both the communities we are keen to reach, and the circumstances that are important to them.</p>	No change
	C	<p>Public Comment To judge “effectiveness” of consultation methods, the methodology needs to be measured, the resulting</p>	<p>Certain processes for consultation are established by legislation, However, the council continues to review techniques.</p> <p>For the period in which coronavirus restriction were in place, the Council approved an addendum to the SCI to temporarily undertake revised consultation methods as some existing consultation methods were unable to be undertaken. Additional or enhanced</p>	No change

		data analysed and where necessary corrective measures applied. This process needs to be iterative as circumstances change e.g. pandemics.	consultation methods included: use of social media, use of digital and virtual tools (where possible) and contact with community and voluntary groups supporting the vulnerable and those self-isolating and shielding.	
	C	Public Comment Paragraph 6.22 and Table 3 the Key Stage “Issues and Options” is “Optional	This is not a matter for the SCI. That this is an optional stage reflects the statutory requirements of the Planning Acts and associated Regulations in preparing a local plan/development plan document. For these purposes ‘issues and options’ can be an informal public consultation stage, which is undertaken prior to the formal statutory public consultation stages (Regulation 18 and Regulation 19). It is in this regard only that the ‘issues and options’ stage is stated as being optional. This doesn’t prevent public organisations from being engaged in later stages.	No change
pp1_1 15	S	Historic England We support the general aims and approach to the draft SCI.	Noted	No change
	S	Historic England We welcome the acknowledgement of Historic England as a statutory consultee under duty to co-operate	Noted	No change
	C	Historic England Historic England would welcome notification of proposed neighbourhood planning areas as well as consultation on draft plans. The regulations state that Historic England should be consulted on draft plans where our interests are considered to be affected.	Noted The council regularly consults Historic England as a statutory consultee and will continue to do so.	No change
	C	Historic England	Noted	No change

		Historic England would welcome consultation at an informal level, in addition to the requirements of the legislation, where issues may benefit from our early involvement	The council will continue to consult Historic England. The benefits of early and informal engagement are recognised.	
pp1_1 16	S	Michelmersh and Timsbury Parish Council The Parish Council welcomes much of the expressed intention to consult on matters affecting local communities.	Noted	No change
	O	Michelmersh and Timsbury Parish Council There are a number of gaps in Appendix 2 - Publicising Planning Applications, which appear to exclude Parish Councils from being notified, let alone being consulted, about a number of types of application.	Publicity requirements for Prior Approval type of applications is set out in national legislation and TVBC are following these requirements. However, as noted in Appendix 2, the Weekly List is circulated to Parish/Town Councils, and this will include those type of applications that do not require formal consultation to Parish/Town Councils. Any third-party representations submitted for these applications will be considered by the allocated planning officer regardless of whether a formal consultation request was sent or not.	No change
	C	Michelmersh and Timsbury Parish Council The Parish Council wishes the intention of TVBC as expressed in the consultation document to be implemented fully so that the Council is involved in all matters affecting the living and working environment of the Parish. This includes the licensing by Test Valley of activities in the Parish	Following public consultation on the draft SCI 2022, it will be considered for formal approval by the Council's Cabinet to supersede the current SCI 2017, taking account of it any amendments are appropriate in light of the comments received. If approved the SCI 2022 will provide the basis for how the Council will undertake community engagement for both development management and the preparation of planning policy documents and how the public and consultees can get involved with these. Parish Councils are a Statutory Consultee and are therefore covered within this category and are consulted on planning matters in accordance with the statutory requirements set out within legislation and the SCI. Most entertainment activity such as live or recorded music, displays of dance, exhibition of film and plays is classed as regulated entertainment under the Licensing Act 2003 and so will require a licence from the Council. That said, there are some exceptions to this rule which can be addressed on a case-by-case basis.	No change

			Non-planning regulatory processes are not a matter for the SCI	
	C	<p>Michelmersh and Timsbury Parish Council</p> <p>The Parish Council wishes to point out that there have been instances recently when it has been disappointed not to have been involved in the consultation process.</p>	Parish Councils are a Statutory Consultee and are therefore covered within this category and are consulted on planning matters in accordance with the statutory requirements set out within legislation and the SCI. if there have been incidents where the PC was not consulted then these must be reviewed and investigated with the PC Clerk.	No change
	O	<p>Michelmersh and Timsbury Parish Council</p> <p>The Parish Council was not notified of a proposed barn conversion, with Test Valley seemingly confining itself to the minimum statutory consultation requirements. There is little difference in planning terms between a conversion and a new-build. The Council insists on being consulted on all applications which affect the living and working environment of the Parish.</p>	<p>This concerns a specific case/proposal which is not a matter for the SCI.</p> <p>Publicity requirements for these types of applications is set out in national legislation and TVBC are following these requirements. However, as noted in Appendix 2, the Weekly List is circulated to Parish/Town Councils, and this will include those type of applications that do not require formal consultation to Parish/Town Councils. Any third party representations submitted for these applications will be considered by the allocated planning officer regardless of whether a formal consultation request was sent or not.</p>	No change
	C	<p>Michelmersh and Timsbury Parish Council</p> <p>The parish council wishes to be consulted on entertainment licensing as these are activities which can generate noise.</p>	A first time-grant application or an application for variation of an existing licence is open to representation(s) from a 'responsible authority' and/or 'any other person'. The 'responsible authorities' include the Police, Fire Authority, TVBC Environmental Health, HCC Trading Standards, TVBC Planning, HCC Children's Services and HCC Public Health. 'Any other person' includes any other body, organisation or individual (and/or their representative(s)) including Parish Councils and Borough Councillors who may represent others or who may seek to make representation(s) in their own right. Representations must be submitted in writing or via email and received by the licensing authority (the Council) within a 28-day period from when the application was originally made.	No change

			<p>In terms of consultation, the Licensing Act 2003 is very clear that we cannot proactively consult with Parish Councils and others in the same way that happens with planning applications; planning and licensing are two entirely separate regulatory regimes governed by their own legislation. Parishes will be aware of a licence application as the application process requires the applicant to advertise the fact they have submitted an application in two ways; firstly, by way of displaying a notice at the site and secondly, by way of placing a notice in a local newspaper or newsletter.</p> <p>Non-planning regulatory processes are not a matter for the SCI</p>	
	C	<p>Michelmersh and Timsbury Parish Council</p> <p>The Council wishes to express disappointment on an application from a site in Bunny Lane to the Environment Agency for the storage of toxic waste, about which there was no consultation. The PC asks that TVBC makes representations to the EA for improved consultation.</p>	<p>This concerns a specific case/proposal which is not a matter for the SCI.</p> <p>When and how the Environment Agency undertakes consultation on their regulatory and licensing processes is something TVBC has no control over. The Council will encourage these statutory bodies to actively engage with parishes.</p>	No change
	C	<p>Michelmersh and Timsbury Parish Council</p> <p>The Council is disappointed that it is excluded from being notified in the following categories:</p> <p>1 Applications for works to trees covered by TPOs and Tree notifications in conservation areas</p> <p>2 Applications for Prior Approval to demolish an existing building</p>	<p>Publicity requirements for these type of applications is set out in national legislation and TVBC are following these requirements. However, as noted in Appendix 2, the Weekly List is circulated to Parish/Town Councils and this will include those type of applications that do not require formal consultation to Parish/Town Councils. Any third party representations submitted for these applications will be considered by the allocated planning officer regardless of whether a formal consultation request was sent or not.</p> <p>Publicity requirements for Prior Approval type of applications is set out in national legislation and TVBC are following these requirements. However, as noted in Appendix 2, the Weekly List is circulated to Parish/Town Councils and this will include those type of applications that do not require formal consultation to Parish/Town Councils. Any third party representations submitted for these applications will be considered by the allocated planning officer regardless of whether a formal consultation request was sent or not.</p>	No change

		<p>3 Application for Prior Approval of telecommunications development</p> <p>4 Applications for Prior Approval for extensions to an existing dwelling</p> <p>5 Applications for Prior Approval for the construction of additional storey(s) to an existing dwelling</p> <p>6 Applications for Prior Approval for the change of use of existing buildings to dwelling houses or other alternative uses</p> <p>7 Applications for Prior Approval for the erection of an additional dwelling(s)</p>		
pp1_1_17	C	<p>Longstock Parish Council</p> <p>The Council strongly supports the principle of Community Involvement in planning, but wishes to express their concern that in the past and at present the views and opinions expressed by the Parish Council in response to planning applications in Longstock appear to be ignored or to carry very little weight in the eventual decision-making process.</p>	<p>Parish Councils are a Statutory Consultee and are therefore covered within this category.</p> <p>Any representation made by parish councils on planning applications are included within the planning officers report which will cover in its considerations the issues raised and this is weighed in when making the recommendation.</p>	No change

ANNEX 2

		The SCI consultation should spark a reversal in this tendency.		
pp1_1 18	S	<p>Public Health, Adults' Health and Care, Hampshire County Council</p> <p>Hampshire County Council Public Health team are happy with how we are consulted on planning related policies, and look forward to continuing to work together in the future.</p>	Noted	No change

ITEM 9 Council Tax Support Scheme 2023/24

Report of the Finance and Resources Portfolio Holder

Recommended:

- 1. That the Council Tax Support scheme for 2023/24, as shown in the Annex 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 2023 when they are confirmed by the Department for Levelling Up, Housing & Communities.**
- 3. In the event that any new government initiatives are introduced relating to the cost of living crisis that results in receipt of a grant or an increase in Universal Credit or other government benefits, that the Head of Finance and Revenues, in consultation with the Finance & Resources Portfolio Holder, be authorised to disregard these awards as income.**

Recommendation to Council

SUMMARY:

- The Council is required to approve its Council Tax Support scheme ahead of each financial year.
- Given the ongoing cost of living crisis 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 2023/24 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 2023/24.

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 2023 Prescribed Requirements 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 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 2023/24 CTS scheme (Annex) 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 2023/24, after allowing for inflationary uplifts in scheme parameters and any changes that are required by The Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2023.
- 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 2023/24 is expected to be approximately 9.8% (2022/23 – 10.4%).

	2021/22	2022/23	2023/24
Tax base for the year	50,316	51,338	51,968
CTS deduction to arrive at tax base	3,129	2,871	2,747
CTS as % of tax base	6.22%	5.59%	5.29%
Total CTS included in budget (£'000)	5,493	5,283	5,217
TVBC share of budgeted CTS (£'000)	588	549	511

7.5 The figures show that there has been a small decrease of 134 band D equivalent properties in the CTS calculation in 2023/24. This is largely in line with expectations, with cases returning to more typical levels after the main impacts of the pandemic in 2022/23.

7.6 The estimated cost to the Council of £511,000 has been built into the tax base for the 2023/24 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. This did not identify any potential for discrimination on scheme users.

11 Other Issues

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

12 Conclusion

12.1 The cost of living crisis has affected households throughout the borough. CTS is one way that the Council can offer support in the form of a discount from the full impact of Council Tax.

12.2 Due to the volatility in the wider economy at this time, it is recommended that a continuation of the current CTS scheme, updated to take account of latest regulations, be approved.

<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: Finance and Resources) Councillor M Flood			
Officer:	Carl Whatley	Ext:	8540
Report to:	Cabinet	Date:	18 January 2023



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

1.0	Introduction to the Council Tax Reduction Scheme.....	6
2.0	Interpretation – an explanation of the terms used within this scheme.....	14
3.0	Definition of non-dependant	22
4.0	Requirement to provide a National Insurance Number	23
5.0	Persons who have attained the qualifying age for state pension credit	23
6.0	Remunerative work.....	23
7.0	Persons treated as not being in Great Britain and Persons Subject to Immigration Control	24
8.0	Temporary Absence (period of absence)	27
9.0	Membership of a family	30
10.0	Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.	30
11.0	Circumstances in which a child or young person is to be treated as being or not being a member of the household	31
12.0	Applicable amounts.....	33
13.0	Polygamous marriages	33
14.0	Applicable amount: persons who are not pensioners who have an award of universal credit	33
15.0	Calculation of income and capital of members of applicant’s family and of a polygamous marriage	36
16.0	Circumstances in which capital and income of non-dependant is to be treated as applicant’s	37
17.0	Calculation of income on a weekly basis.....	37
18.0	Treatment of child care charges.....	37
19.0	Average weekly earnings of employed earners	41
20.0	Average weekly earnings of self-employed earners	42
21.0	Average weekly income other than earnings.....	42
22.0	Calculation of average weekly income from tax credits	42
23.0	Calculation of weekly income	43
24.0	Disregard of changes in tax, contributions etc.....	43
25.0	Earnings of employed earners.....	43
26.0	Calculation of net earnings of employed earners	44
27.0	Earnings of self-employed earners.....	45
28.0	Calculation of net profit of self-employed earners	46
29.0	Deduction of tax and contributions of self-employed earners	47
30.0	Calculation of income other than earnings	48
31.0	Capital treated as income	50
32.0	Notional income	50
33.0	Capital limit	54
34.0	Calculation of capital.....	54
35.0	Disregard of capital of child and young person.....	54

36.0	Income treated as capital.....	54
37.0	Calculation of capital in the United Kingdom.....	54
38.0	Calculation of capital outside the United Kingdom.....	55
39.0	Notional capital	55
40.0	Diminishing notional capital rule.....	56
41.0	Capital jointly held	59
42.0	Not Used.....	59
43.0	Student related definitions	61
44.0	Treatment of students	64
45.0	Students who are excluded from entitlement to Council Tax Reduction	64
46.0	Calculation of grant income	65
47.0	Calculation of covenant income where a contribution is assessed.....	66
48.0	Covenant income where no grant income or no contribution is assessed	67
49.0	Student Covenant Income and Grant income – non disregard	67
50.0	Other amounts to be disregarded.....	67
51.0	Treatment of student loans.....	67
51A.0	Treatment of fee loans.....	69
52.0	Treatment of payments from access funds.....	69
53.0	Disregard of contribution	69
54.0	Further disregard of student’s income.....	69
55.0	Income treated as capital.....	69
56.0	Disregard of changes occurring during summer vacation.....	70
57.0	Maximum council tax reduction.....	72
57A.0	Minimum Award Value	72
58.0	Non-dependant deductions	72
59.0	Council tax support taper (applies to persons defined within Class E)	74
60.0	Extended reductions: movers into the authority’s area	74
62.0 - 63.0	Not used	74
64.0	Date on which entitlement is to begin.....	76
65.0	Tolerances for Changes in circumstances.....	76
66.0	Not Used.....	76
67.0	Date on which change of circumstances is to take effect	76
	Sections 68– 74A	78
	Claiming and the treatment of claims for Council Tax Reduction purposes	78
69.0	Procedure by which a person may apply for a reduction under the authority’s scheme	80
70.0	Submission of evidence electronically	83
71.0	Use of telephone provided evidence	83
72.0	Information and evidence	83
73.0	Amendment and withdrawal of application	84
74.0	Duty to notify changes of circumstances	85
	Test Valley - Council Tax Reduction Scheme 2023/24	3

75.0	Decisions by the authority.....	88
76.0	Notification of decision	88
77.0	Time and manner of granting council tax reduction	89
78.0	Persons to whom reduction is to be paid	89
79.0	Shortfall in reduction.....	90
80.0	Payment on the death of the person entitled.....	90
81.0	Offsetting	90
82.0	Payment where there is joint and several liability	90
83.0 – 90.0	Not used	91
91.0	Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC).....	93
92.0	Collection of information	93
93.0	Recording and holding information	93
94.0	Forwarding of information	93
95.0	Persons affected by Decisions.....	95
96.0	Revisions of Decisions	95
97.0	Written Statements.....	95
98.0	Terminations	95
99.0	Procedure by which a person may make an appeal against certain decisions of the authority	97
100.0	Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act	99
101.0	Interpretation.....	101
102.0	Conditions for the use of electronic communication.....	101
103.0	Use of intermediaries.....	101
104.0	Effect of delivering information by means of electronic communication.....	101
105.0	Proof of identity of sender or recipient of information	102
106.0	Proof of delivery of information.....	102
106A.0	Proof of content of information.....	102
107.0	Counter Fraud and compliance	104
	Schedule 1	105
	Applicable Amounts	105
	Personal Allowance	106
	Family Premiums	106
	Premiums	107
	Disability Premium	107
	Additional Condition for the Disability Premiums.....	107
	Severe Disability Premiums	107
	Enhanced Disability Premium.....	107
	Disabled Child Premium	107
	Carer Premium	107

Persons in receipt of concessionary payments	107
Persons in receipt of benefit for another	108
Amounts of Premium	108
The components.....	109
Transitional Addition	109
Amount of transitional addition	109
Schedule 2	110
Not used	110
Schedule 3	111
Sums to be disregarded in the calculation of earnings	111
Schedule 4	117
Sums to be disregarded in the calculation of income other than earnings.....	117
Schedule 5	128
Capital to be disregarded	128

1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1st April 2023.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2023 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;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023; 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 credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction² amount can be calculated;
- g. not have capital savings above £6,000³;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction⁶.

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

Class E

To obtain reduction the individual (or partner) must:

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

¹ Section 5 of this scheme

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

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

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

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

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

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

Class F

To obtain reduction the individual must:

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

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

¹³ Section 5 of this scheme

¹⁴ Sections 57 to 63 of this scheme

¹⁵ Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

Details of reduction to be given for **working age applicants** for the financial year 2023/24

Sections 2- 8
Definitions and interpretation

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

2.1 In this scheme–

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

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

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

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

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

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

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

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

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

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

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

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

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

‘attendance allowance’ means–

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

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

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

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

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

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

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

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

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

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

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

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

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

‘child’ means a person under the age of 16;

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

‘the Children Order’ means the Children (Northern Ireland) Order 1995;

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

‘claim’ means a claim for council tax reduction;

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

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

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

‘contributory employment and support allowance’ means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

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

‘council tax benefit’ means council tax benefit under Part 7 of the SSCBA;

‘council tax reduction scheme’ has the same meaning as **‘council tax reduction or reduction’**

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

‘couple’ means;

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

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

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

‘designated authority’ means any of the following;

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

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

- (a) by notice upon or with a form approved by it for the purpose of claiming council tax reduction; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or
- (c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘independent hospital’–

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

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

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

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

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

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

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

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

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

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

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

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

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

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

‘member of a couple’ means a member of a married or unmarried couple;

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

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

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

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

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

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

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

and 61C the dwelling to which a applicant has moved, or is about to move, in which the applicant is or will be resident;

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

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

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

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

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

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

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

'partner' in relation to a person, means

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

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

'payment' includes part of a payment;

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

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

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

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

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

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

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

'personal pension scheme' means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 620 or 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 2004¹⁶;

¹⁶ 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;

‘Up-rating Act’ means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating

Order 2014 and the Welfare Benefits Up-rating Order 2015;

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

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

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

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

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

'water charges' means;

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

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

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

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

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

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

¹⁷ 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 Number¹⁸

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

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

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

4.3 Paragraph 4.2 shall not apply–

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

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

5.1 This scheme applies to a person if:

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

6.0 Remunerative work

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

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

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

¹⁸ 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—
- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
 - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2020
 - (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 1971¹⁹ where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,

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

- (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012;
- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005; or
- (iv) granted under the Afghan Citizens Resettlement Scheme.

- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).

7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

7.8 In this regulation—
“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
“Crown servant” means a person holding an office or employment under the Crown;
“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and 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

9.0 Membership of a family

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

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

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

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

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

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

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

10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;

- a. the person who is receiving child benefit in respect of him; or
- b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.

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

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

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

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

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

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

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

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

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

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

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

Sections 12 – 14 & Schedule 1

Applicable Amounts for Council Tax Reduction purposes

12.0 Applicable amounts

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

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

13.0 Polygamous marriages

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

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

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

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

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

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

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

and divide the product by 52.

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

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Reduction purposes

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

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

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

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

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

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

15A.1 In determining the income of an applicant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.0 Calculation of income on a weekly basis

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

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

17.2 The conditions of this paragraph are that;

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

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

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

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

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

18.0 Treatment of child care charges

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

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

	<p>following their sixteenth birthday; or</p> <ul style="list-style-type: none">b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; ord. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; ore. by;<ul style="list-style-type: none">i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010;orii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; orf. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 org. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; orh. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; ori. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; orj. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; ork. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; orl. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; orm. by a person who is not a relative of the child wholly or mainly in the child's home.
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 <ul style="list-style-type: none">a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for workb. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support

- Allowance Regulations 2008 or 2013 as appropriate;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
 - e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
 - ix. main phase employment and support allowance;
 - g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.
 - h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

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

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

- 18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—
- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
 - b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

- 18.14 For the purposes of paragraph 18.1 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—
- a. in the week before the period of maternity leave, paternity leave or shared parental leave effective from 5/4/2015 or adoption leave began she was in remunerative work or adoption leave began she was in remunerative work;
 - b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
 - c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

- 18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—
- a. the date that leave ends;
 - b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
 - c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.
- whichever shall occur first.

- 18.16 In paragraphs 18.14 and 18.15
- a. '**qualifying support**' means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
 - b. '**child care element**' of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

- 18.17 In this section 'applicant' does not include an applicant;
- a. who has, or
 - b. who (jointly with his partner) has,
- an award of universal credit

19.0 Average weekly earnings of employed earners

- 19.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment—
- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
 - b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant's earnings fluctuate,

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

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

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

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

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

20.0 Average weekly earnings of self-employed earners

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

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

21.0 Average weekly income other than earnings

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

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

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

22.0 Calculation of average weekly income from tax credits

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

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

22.3 Where the instalment in respect of which payment of a tax credit is made is;

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is

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

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

23.0 Calculation of weekly income

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

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

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

24.0 Disregard of changes in tax, contributions etc.

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

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

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

25.0 Earnings of employed earners

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

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

- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
 - i. travelling expenses incurred by the applicant between his home and his place of employment under arrangements made for the care of a member of his family owing to the applicant's absence from home;
 - ii. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- g. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- h. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- i. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- j. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- k. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended²¹.

25.2 Earnings shall not include—

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

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

26.0 Calculation of net earnings of employed earners

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

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

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

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

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

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

(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>
28.6	<p>A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for—</p> <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>
28.7	<p>The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a. or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.</p>
28.8	<p>For the avoidance of doubt—</p> <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>
28.9	<p>Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of</p> <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>
28.10	<p>For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.</p>
28.11	<p>The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined</p> <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>
28.12	<p>In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.</p>
29.0	Deduction of tax and contributions of self-employed earners
29.1	<p>The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the</p>

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

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

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

29.3 In this section 'chargeable income' means—

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

30.0 Calculation of income other than earnings

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

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

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

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

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

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

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

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

$A - (B \times C)$

D

Where

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

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

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

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

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

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

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

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

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

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

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

whichever of those dates is earlier

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

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

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

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

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

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

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

paragraph 30.1

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

31.0 Capital treated as income

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

32.0 Notional income

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

32.3 – 32.5 Not used

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

	<p>personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;</p> <p>b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;</p> <p>c. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.</p> <p>32.7 Paragraph 32.6 shall not apply in respect of a payment of income made—</p> <p>a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);</p> <p>b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);</p> <p>c. pursuant to section 2 of the 1973 Act in respect of a person's participation—</p> <p>(i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;</p> <p>(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;</p> <p>(iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;</p> <p>(iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;</p> <p>(v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;</p> <p>d. in respect of a previous participation in the Mandatory Work Activity Scheme;</p> <p>e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—</p> <p>(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;</p> <p>(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and</p> <p>(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.</p> <p>32.8 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possession such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.</p> <p>32.9 Subject to paragraph 32.10, where—</p> <p>a. applicant performs a service for another person; and</p> <p>b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.</p> <p>32.10 Paragraph 32.9 shall not apply—</p>
--	---

- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- b. in a case where the service is performed in connection with—
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

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

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

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

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

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

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council Tax Reduction purposes

33.0 Capital limit

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

34.0 Calculation of capital

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

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

35.0 Disregard of capital of child and young person

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

36.0 Income treated as capital

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

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

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

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

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

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

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

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

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

37.0 Calculation of capital in the United Kingdom

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

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

38.0 Calculation of capital outside the United Kingdom

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

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

39.0 Notional capital

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

39.2 Except in the case of

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

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

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

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

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

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

	<p>Jobseeker's Allowance Regulations;</p> <ul style="list-style-type: none">(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;(iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;(iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or(v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations; <p>(bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme;</p> <p>(bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;</p> <p>(c) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—</p> <ul style="list-style-type: none">(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
39.5	<p>Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case</p> <ul style="list-style-type: none">a. the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; andb. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.
39.6	<p>For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.</p>
39.7	<p>Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.</p>
40.0	Diminishing notional capital rule
40.1	<p>Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;</p> <ul style="list-style-type: none">a. in the case of a week that is subsequent to<ul style="list-style-type: none">(i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or(ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where<ul style="list-style-type: none">(i) that week is a week subsequent to the relevant week; and(ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.
40.2	<p>This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that</p> <ul style="list-style-type: none">a. he is in receipt of council tax reduction; and

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

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

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

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

41.0 Capital jointly held

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

42.0 Not Used

Sections 43 - 56

Definition and the treatment of students for Council Tax Reduction purposes²²

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

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

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

'access funds' means;

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

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

'contribution' means;

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

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

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

'education authority' means a government department, a local education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973 an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, Isle of Man or any other country outside Great Britain;

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

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

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

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

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

'grant income' means

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

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

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

'period of study' means—

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

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

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

'modular course' means a course of study which consists of two or more modules, the

successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

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

'standard maintenance grant' means—

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

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

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

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

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

44.0 Treatment of students

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

45.0 Students who are excluded from entitlement to Council Tax Reduction

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

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

45.3 Paragraph 45.2 shall not apply to a student

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

(b) who is a lone parent;

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

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

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

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

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

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

(i) who is;

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

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

(j) in respect of whom

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

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

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

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

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

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

on account of his disability by reason of deafness.

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

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

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

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

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

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

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

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

46.0 Calculation of grant income

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

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

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

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

- 47.2 The weekly amount of the student's covenant shall be determined—
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding from the resulting amount, £5.
- 47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).
- 48.0 Covenant income where no grant income or no contribution is assessed**
- 48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;
- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
 - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
 - (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
 - (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.
- 48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph 48.1, except that;
- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
 - (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.
- 49.0 Student Covenant Income and Grant income – non disregard**
- 49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme
- 50.0 Other amounts to be disregarded**
- 50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.
- 51.0 Treatment of student loans**
- 51.1 A student loan shall be treated as income.
- 51.2 In calculating the weekly amount of the loan to be taken into account as income
- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;

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

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

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

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

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

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

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

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

51A.0 Treatment of fee loans

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

52.0 Treatment of payments from access funds

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

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

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

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

53.0 Disregard of contribution

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

54.0 Further disregard of student's income

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

55.0 Income treated as capital

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

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

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

56.0 Disregard of changes occurring during summer vacation

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

Sections 57 – 63

The calculation and amount of Council Tax Reduction

57.0 Maximum council tax reduction

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

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

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

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

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

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

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

57A.0 Minimum Award Value

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

58.0 Non-dependant deductions²³

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

58.2 Not used

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

58.4 Not used.

58.5 Where in respect of a day–

- a. a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- b. other residents in that dwelling (the liable persons) have joint and several liability for

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

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

- a. any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
- b. any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
- c. any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

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

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

60.0 Extended reductions: movers into the authority's area²⁴

60.1 Where;

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

62.0 - 63.0 Not used

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

Sections 64 – 67

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

64.0 Date on which entitlement is to begin

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

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

65.0 Tolerances for Changes in circumstances

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

66.0 Not Used

67.0 Date on which change of circumstances is to take effect

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

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

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

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

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

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

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

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

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

Sections 68– 74A

Claiming and the treatment of claims for Council Tax Reduction purposes

68.0 Making an application²⁵

68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

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

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

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

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

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

69.2. An application may be made;

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

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.
(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) Where an application made in writing is defective because—
(a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
(b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

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

69.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

69.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

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

69.9 Where an applicant ('C')—

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

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

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

69.10 The date is the latest of–

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

69A.0 Date on which an application is made

69A.1 Subject to sub-paragraph (7), the date on which an application is made is;

(a) in a case where;

- (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
- (ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where;

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where;

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

- (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
- (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation, the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers

reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
(g) in any other case, the date on which an application is received at the designated office.

- 69A.2 For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;
(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.
- 69A.3 Where there is a defect in an applications by telephone;
(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- 69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- 69A.5 The conditions are that—
(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
(b) where an application is not on approved form or further information requested by authority applies;
(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
in either case, within such longer period as the authority may consider reasonable; or
(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- 69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.
- 69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;
(a) in the case of an application made by;
(i) a pensioner, or

(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

69A.8 In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

70.0 Submission of evidence electronically

70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

71.0 Use of telephone provided evidence

71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim

72.0 Information and evidence²⁷

72.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority’s scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

72.2 This sub-paragraph is satisfied in relation to a person if—

(a) the application is accompanied by;

(i) a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or

(ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or

(b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;

(i) evidence of the application for a national insurance number to be so allocated; and

(ii) the information or evidence enabling it to be so allocated.

72.3 Sub-paragraph (2) does not apply;

(a) in the case of a child or young person in respect of whom an application for a reduction is made;

(b) to a person who;

(i) is a person treated as not being in Great Britain for the purposes of this scheme;

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and

(iii) has not previously been allocated a national insurance number.

72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority’s scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

72.6 Where the authority makes a request under sub-paragraph (4), it must;
(a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

72.7 This sub-paragraph applies to any of the following payments;
(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
(b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
(c) a payment which is disregarded under paragraph 58.9.

72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
(a) the name and address of the pension fund holder;
(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

73.0 Amendment and withdrawal of application²⁸

73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

73.2 Where the application was made by telephone the amendment may also be made by telephone.

73.3 Any application amended is to be treated as if it had been amended in the first instance.

73.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

73.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

delivered or sent to the designated office.

74.0 Duty to notify changes of circumstances²⁹

- 74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 74.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing; or
 - (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 74.6 Not used
- 74.7 A person who has been awarded a reduction under the authority's scheme who is also on state pension credit must report;
- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
 - (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.
- 74.8 In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only a savings credit must also report—

²⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under the authority's scheme allowed in his case, but not changes in the age of the child;
- (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (c) any change in the income or capital of;
 - (i) a non-dependant whose income and capital are treated as belonging to the applicant; or
 - (ii) a person to whom their partner is treated as member of the household,and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

74.9 A person who is entitled to a reduction under the authority's scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

74.10 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority will use the Monday following the date of notification as the effective date.

Sections 75- 90

Decisions, decision notices and awards of Council Tax Reduction

75.0 Decisions by the authority³⁰

75.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision³¹

76.1 The authority must notify in writing any person affected by a decision made by it under its scheme;

(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;

(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;

(a) informing the person affected of the duty imposed by paragraph 9(1);

(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and

(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

76.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

76.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

76.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

76.8 This sub-paragraph applies to—

(a) the applicant;

(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;

(i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or

(iii) an attorney with a general power or a power to apply or, as the case may be,

³⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

(c) a person appointed by the authority to act for a person unable to act.

77.0 Time and manner of granting council tax reduction³²

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

(a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or

(b) where;

(i) such a reduction is not possible; or

(ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or

(iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

(a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;

(i) must be paid to that person if he so requires; or

(ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;

(b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter

(c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

78.0 Persons to whom reduction is to be paid³³

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

³² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

of a reduction must be made to that person.

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

79.0 Shortfall in reduction³⁴

79.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled³⁵

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82.0 Payment where there is joint and several liability³⁶

82.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
 - (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
 - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,
- it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

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.

³⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

83.0 – 90.0 Not used

Sections 91 – 94

Collection, holding and forwarding of information for Council Tax Reduction purposes

91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements³⁷.

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from—

- (a) persons making claims for council tax reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to, or obtained.

93.0 Recording and holding information

93.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

94.0 Forwarding of information

94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

³⁷ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

Sections 95 – 98

Revisions, Written Statements, Termination of Council Tax Reduction

95.0 Persons affected by Decisions

- 95.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;
- a. an applicant;
 - b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or reduction appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
 - c. a person appointed by the authority under this scheme;

96.0 Revisions of Decisions

- 96.1 Subject to the provisions in this scheme, a relevant decision ('the original decision') may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;
- (i) one month of the date of notification of the original decision; or
 - (ii) such extended time as the authority may allow.
- 96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;
- i) one month of the date of notification of the additional information; or
 - (ii) such extended time as the authority may allow

97.0 Written Statements

- 97.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Reduction. The request must be received within one month of the date of the notification being issued by the authority.

98.0 Terminations

- 98.1 The authority may terminate reduction in whole or in part the Council Tax Reduction where it appears to the authority that an issue arises whether;
- a. the conditions for entitlement to Council Tax Reduction are or were fulfilled; or
 - b. a decision as to an award of such a reduction should be revised or superseded.
- 98.2 The authority may terminate, in whole or in part the Council Tax Reduction where it appears to the authority that an issue arises whether;
- a. the conditions for entitlement to Council Tax Reduction are or were fulfilled; or
 - b. a decision as to an award of such a reduction should be revised or superseded.
- Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³⁸

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act³⁹.

³⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁹ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act⁴⁰

- 100.1 An application to the authority for a reduction under section 13A(1)(c)(1) of the 1992 Act may be made;
- (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 100.2 Where;
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).
- 100.3 An application to the authority for a reduction not in accordance with paragraph 1 on the grounds of Exceptional Hardship under this scheme must be made:
- (a) in writing,
 - (b) by any means acceptable to the authority.

⁴⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A⁴¹
Electronic Communication

⁴¹ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

101.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

102.4 The second condition is that the person uses an approved method of;

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

103.1 The authority may use intermediaries in connection with;

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;

- (a) by this section; and
- (b) by or under an enactment,

are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or

(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107

Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for council tax reduction;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Applicable Amounts⁴²

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

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£77.00
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; a) Where the applicant is entitled to the main phase of employment and support allowance	£121.05
b) Where one member is aged not less than 18	£121.05

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– (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;	£70.80
(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 in this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
6. (1) The following premiums, namely—
 - a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and
 - d. carer premium to which paragraph 13 applies,may be applicable in addition to any other premium which may apply under this Schedule
7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£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
Severe Disability Premium	£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
Disabled Child Premium	£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
Carer Premium	£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
Enhanced Disability Premium	(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

Premium	Amount
	polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.

The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £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 earnings⁴³

⁴³ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

- 1.** In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
- (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax reduction the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in
 - (aa) paragraph 25.1(e), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in
 - (aa) paragraph 25.1(g) or (h), or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax reduction—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), or (j).
- 2.** In the case of an applicant who, before first day of entitlement to council tax reduction;
- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A.** In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation

of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
 - (a) the is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) the or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section

1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;

- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

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

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

10A. (1) Where;

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 12 does not apply, the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

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

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

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

(6) 'Exempt work' means work of the kind described in;

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
- 11.** Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
- 12.** Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
- 13.** Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
- 14.** Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
- 15.** Any earnings of a child or young person.
- 16.** (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
- (b) the applicant—
- (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
- (ii) is a member of a couple and
- (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
- (bb) his applicable amount includes a family premium; or
- (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
- (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;
- (aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;
- (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
- (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or

would apply if an application for working tax credit were to be made in his case.

- (3) The following are the amounts referred to in sub-paragraph (1);
 - (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
 - (c) £17.10

- (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.

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

Schedule 4

Sums to be disregarded in the calculation of income other than earnings⁴⁴

⁴⁴ Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant’s participation as a service user
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker’s allowance, the whole of the applicant’s income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker’s allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker’s allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment–
 - (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);

- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
 - (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
 - (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14**
- (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
 - (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15**
- (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of

any personal injury to the applicant.

- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by—
 - (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.
- 16.** 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
 - (h) Armed Forces Compensation scheme payment.
- 17.** Subject to paragraph 35, £15 of any;
 - (a) widowed mother's allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
(2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of—
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
(3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998(c), that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student's student loan,an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to–
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
- whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non- dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 25.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

- 26.** (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978**(b)** (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 28.** Any payment made to the applicant or his partner for a person (‘the person concerned’), who is not normally a member of the applicant’s household but is temporarily in his care, by—
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
- 29.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (‘A’) which A passes on

- to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a

member and who is a member of the applicant's family.

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

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

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

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

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

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

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

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

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

37. Any housing benefit.

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

39. - 40. not used

- 41.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 42.** Not used
- 43.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 44.** Not used
- 45.** (1) Any payment or repayment made—
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
- 46.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
- 47.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 48.** (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A.** (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
(2) In paragraph (1) 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
(a) the Child Support Act 1991;
(b) the Child Support (Northern Ireland) Order 1991;
(c) a court order;
(d) a consent order;
(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that

	definition.
49.	Not used
50.	Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
51.	Any guardian's allowance.
52.	<p>(1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.</p> <p>(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.</p>
53.	Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
54.	In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
55.	<p>(1) Any payment which is</p> <ul style="list-style-type: none">(a) made under any of the Dispensing Instruments to a widow, widower or(b) surviving civil partner of a person;<ul style="list-style-type: none">(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and(ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006. <p>(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).</p>
55A.	Any council tax reduction or council tax benefit to which the applicant is entitled.
56.	Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
56A.–56B.	Not used
57.	Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
58.	<p>(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person–</p> <ul style="list-style-type: none">(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
Test Valley - Council Tax Reduction Scheme 2023/24	
126	

	<p>(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.</p> <p>(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account</p>
59.	<p>(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).</p> <p>(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.</p> <p>(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.</p>
60.	<p>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.</p>
61.	<p>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.</p>
62.	<p>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.</p>
63.	<p>(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.</p> <p>(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.</p>
64.	<p>Not used</p>
65.	<p>Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)</p>
66.	<p>Any payment of child benefit.</p>
67.	<p>Any payments disregarded for Housing Benefits under the Social Security (<i>Emergency Funds</i>) Amendment) Regulations 2017.</p>
68.	<p>Any Bereavement Support payments made under the Bereavement Support Payment Regulations 2017.</p>
69.	<p>Any payment of Council Tax Rebate paid under the Government announcement on 3rd February 2022</p>

Schedule 5
Capital to be disregarded⁴⁵

⁴⁵ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub- leases or sub-tenancies.
8.
 - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged

or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

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

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

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

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

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

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

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

- (3) For the purposes of sub-paragraph(2), 'the award of council tax reduction' means–
- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
 - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

- 11.** Any sum—
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
- (2) But sub-paragraph (1)
- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
- (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
- (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the

applicant.

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

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

- 20.** Any social fund payment made pursuant to Part 8 of the Act.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.

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

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

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

(i) to that person's parent or step-parent; or
(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
but only for a period from the date of the payment until the end of two years from that person's death.

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

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

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

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

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

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

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

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

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

	entitlement to housing benefit.
30.	Not used
31.	The value of the right to receive an occupational or personal pension.
32.	The value of any funds held under a personal pension scheme
33.	The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34.	Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35.	Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36.	Not used.
37.	Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38.	<p>Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used–</p> <ul style="list-style-type: none">(a) to purchase premises intended for occupation as his home; or(b) to carry out repairs or alterations which are required to render premises fit for occupation as his home, <p>for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.</p>
39.	Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40.	<p>(1) Any payment or repayment made–</p> <ul style="list-style-type: none">(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies), <p>but only for a period of 52 weeks from the date of receipt of the payment or repayment.</p> <p>(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.</p>
41.	Any payment made to such persons entitled to receive benefits as may be determined by or

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

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** Not used
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
(b) which can only be disposed of by order or direction of any such court; or
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
(2) This sub-paragraph applies to a sum of capital which is derived from;
(a) an award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
(a) award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that

applicant or member is liable.

(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

53A.-53B. Not used

54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at

- the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;
 - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
'relevant trust' means a trust established out of funds provided by the Secretary of State

in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions; 'trust payment' means a payment under a relevant trust.

- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
- during the Second World War.
- 59** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 63.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 64.** Any payments disregarded for Housing Benefits under the Social Security (*Emergency Funds*) Amendment) Regulations 2017.
- 65.** Any Bereavement Support payments made under the Bereavement Support Payment Regulations 2017.

ITEM 10

2023/24 Budget Update

Report of the Finance and Resources Portfolio Holder

Recommended:

1. That the movement in the budget gap, shown in Annex 1 to the report, be noted.
2. That the savings options, income generation proposals and budget pressures, shown in Annexes 2 – 4 to the report, be noted.
3. That the Medium Term Financial Forecast, shown in Annex 5 to the report, be noted.

SUMMARY:

- This report updates Cabinet on changes to the 2023/24 budget forecast since the Medium Term Financial Strategy was presented in October. This includes; the provisional Local Government Finance Settlement, New Homes Bonus provisional allocations, revenue savings and budget pressures.
- It also provides an updated Medium Term Financial Forecast covering 2023/24 to 2025/26.
- In order to achieve a balanced budget, it will be necessary to close the remaining gap of £104,000 before figures are finalised in February 2023.

1 Introduction

1.1 The Budget Strategy and financial forecast for 2023/24 were presented to Cabinet on 26 October 2022.

1.2 Since that time, work has been carried out to revise the current year estimates, prepare original estimates for 2023/24 and update the Medium Term Financial Forecast.

1.3 The purpose of this report is to;

- Provide the latest available information on the provisional Local Government Finance Settlement (LGFS) and how it affects Test Valley.
- Provide an update on the latest savings options, income generation proposals and revenue pressures.
- Update the Medium Term Financial Forecast after considering the above.
- Outline the remaining stages of the budget process.

- 1.4 Assuming no changes to the figures presented in this report, the Council has to close a gap of £104,000 in order to achieve a balanced budget for 2023/24.

2 2022/23 Revised Forecasts

- 2.1 Work is progressing well in preparing the revised forecasts for 2022/23. A revised forecast for the current year's estimates will be included with the final budget recommendations in February.
- 2.2 The original budget for 2022/23 assumed there would be no change in the level of general reserves. This remains the same and general reserves are expected to remain at £2.6M at the end of the year.
- 2.3 Cabinet received a mid-year budget monitoring report on 26 October that summarised the most significant budget variances in the first half of the financial year. The report identified that net expenditure in Services was £408,000 less than forecast and that additional income of £341,000 from cash investments had been generated to the end of September.
- 2.4 Given the rapid increase in interest rates throughout 2022, it is anticipated that the additional income from investment returns will continue to grow when compared to original forecasts. This increase in interest rates is also a significant factor in the budget forecasts for 2023/24.
- 2.5 No recommendations for utilisation of any variance will be made until the final outturn position is reported in spring 2023.

3 2023/24 Budget Forecast

- 3.1 Final decisions on the budget will not be made until February 2023 when the overall budget will be set.
- 3.2 The most significant changes to the budget forecast since the MTFS was approved, including the impact of the provisional Local Government Finance Settlement (LGFS) are explained in the following paragraphs.
- 3.3 Budget Forecast 2023/24

As with the revised forecast figures for 2022/23, the original estimate figures for 2023/24 are being worked on and there may be further changes before the final budget is presented in February.

When the MTFS was presented in October, there was a budget gap of £205,000. The work undertaken on the detailed estimates for 2023/24, combined with figures included in the provisional LGFS and recommended transfers to reserves, have reduced the gap to £104,000. A reconciliation of the movement in this gap is shown in Annex 1.

There are a number of factors that will impact on the completion of the estimates for 2023/24 that still retain a degree of uncertainty. These are discussed in the following paragraphs.

3.4 Local Government Finance Settlement (LGFS)

The provisional LGFS was announced on 19 December 2022 and has provided the headline grant figures that the Council can expect to receive in core funding in 2023/24. A policy statement indicating some of the main assumptions to be used in the settlement had been released the week before.

The figures are based around core spending power (CSP) and a commitment in the government's policy paper to increase CSP by at least 3% on 2022/23 levels, before any decisions are taken locally regarding Council Tax.

The provisional LGFS is for one-year only. However, the principles of the settlement will carry forward into 2024/25 and so it can be assumed that core spending levels will be at least sustained for a further year. Beyond that, there is no certainty regarding ongoing funding levels.

Core spending levels in 2022/23 and provisionally in 2023/24 are shown in the following table.

	2022/23 CSP £'000	Per MTFS	2023/24 CSP £'000	Difference To MTFS £'000
Baseline retained business rates	2,382	2,405	2,470	65
Compensation for under-indexing business rates	243	243	421	178
Council Tax (including rolled up grants)	8,477	8,838	8,838	0
New Homes Bonus	2,105	0	1,200	1,200
Services Grant / Lower Tier Services Grant	541	200	93	(107)
Funding Guarantee Grant	0	0	1,356	1,356
Total Core Spending Power	13,748	11,686	14,378	2,692

The two largest movements are clearly shown as the continuation of the New Homes Bonus (see 3.13 below) and the introduction of the Funding Guarantee Grant (FGG).

The Council has benefited from its previous successes in attracting NHB and from not including annual allocations in the base budget throughout the period that the NHB has operated.

The settlement does make reference to 2024/25 but stops some way short of providing actual funding allocations for that year. However, there does appear to be a commitment to protecting overall core spending power for at least one more year. The updated medium term financial forecast therefore assumes that the provisional allocations for the Services Grant and FGG will be unchanged in 2024/25 before coming out of the forecast in 2025/26.

3.5 Council Tax Increase – Referendum Threshold

The Budget Strategy assumed that the Band D level of Council Tax would increase by £5 from £153.91 to £158.91 for 2023/24. The details in the provisional LGFS set out that a £5 increase for 2023/24 will be allowable and would not trigger a referendum.

When the Cabinet next meets on the 22nd February, the final LGFS figures will have been announced. Members will then have the opportunity to consider options for Council Tax levels to recommend to Full Council on the 23rd February.

Test Valley Borough Council's long-standing ability to sustain Council Tax levels at comparatively low levels means that it is one of only 31 district councils across the country where the £5 cap is still applicable in the context of Council Tax setting.

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

3.6 Income from Council Tax

There have been two changes to the forecast for Council Tax income since the MTFS was approved. These are:

- The tax base for 2023/24 has been set
- The Collection Fund outturn for 2021/22 has been finalised

The tax base is the number of band D equivalent properties that are subject to Council Tax. The tax base multiplied by the annual charge is the amount of income that is budgeted for each year.

The MTFS allowed for an increase of 500 band D equivalent properties in 2023/24. The final tax base has now been set at 51,968, an increase of 630 on the previous year which generates approximately £23,000 of additional income.

The timing of allocations of income and expenditure from the Collection Fund (the statutory account that is maintained to record Council Tax and Business Rates income) is phased over three years. The final reconciliation of the 2021/22 Collection Fund has been completed and can return a one-off contribution of £167,000 in respect of greater amounts of Council Tax collected than was budgeted for.

3.7 Andover Special Expenses Levy (ASEL)

The ASEL is a charge made by the council in the area of Andover in respect of the management and maintenance of cemeteries, parks and open spaces.

This charge is reviewed on a triennial basis and is scheduled to be recalculated ahead of the 2023/24 financial year. This work is ongoing and will be reported in more detail with the final budget proposals in February 2023.

3.8 Revenue Support Grant

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

Test Valley Borough Council's RSG was reduced to £nil in 2019/20 and is theoretically negative. This continues to be the case in the current provisional settlement and therefore no direct RSG will be received by the council.

3.9 Inflation

The MTFS set out that the impacts of the current cost-of-living crisis, in part caused by very high levels of inflation, are the biggest risk to the budget setting process for 2023/24. The MTFS built in more than £1M in additional inflationary pressure compared to that included in the previous strategy.

As detailed work on the estimates has progressed, this estimate has been re-forecast. The latest position is that the inflationary pressure can be reduced by £90,000 from that included in the MTFS.

This will continue to be monitored until the final budget proposals are considered in February.

3.10 Investment Income

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

Interest rates rose eight times in 2022, from an all-time low position of 0.1% to 3.5% at the end of the year – the highest it has been since 2008. Interest rates have continued to rise consistently as the Bank of England attempts to counter the impacts of persistently high inflation.

No further update on potential investment income is included in this report as the main assumptions included in the MTFS remain unchanged. A full review of estimated cashflows and interest rate forecasts will be undertaken before the final budget report is presented in February.

3.11 Savings Options, Income Generation Proposals and Budget Pressures

This report identifies a number of savings options, increased income streams and budget pressures. These have been identified by Heads of Service, budget holders and Service Accountants as the estimates for next year have been progressed. New items brought forward in this report are shown separately from those already considered in the MTFS.

Annex 2 shows income generation proposals with a total annual income of £623,000 have been added since the MTFS was approved. The most significant of these relate to income from commercial property. Included in this total is £172,000 from the Chantry Centre. This represents a higher net income level than forecast when the centre was purchased in 2019. The additional income is recommended to be transferred to a reserve for future use on the centre or to cover periods where income falls below expected levels.

Annex 3 follows the same format as Annex 2 and shows the savings options that have been proposed. The total of these items is £124,000.

Annex 4 shows the total growth requirement in budgets. The total amount of new pressures identified in this report is £849,000.

The most significant budget pressures relate to:

- A one-off cost for running the borough elections in 2023. A transfer has been made to earmarked reserves in the past three years; however, with changes to legislation and increased running costs, it is forecast that a one-off pressure of £158,000 will be required. The annual transfer to earmarked reserves will be increased in future years to help meet the cost of the next borough election in 2027.
- It is estimated that the cost of business rates that the council is liable for will increase by £108,000 following the national revaluation of all business rates properties that will take effect from April 2023.
- A reduction in planning income fees of £100,000 is forecast. This reflects actual income levels in recent years and expectations of ongoing fee income throughout 2023/24.

3.12 Transfers to and from reserves

The updated forecast reconciliation, shown in Annex 1, includes changes to the assumptions for the transfers to / draws from earmarked reserves.

The income generation proposal in respect of sale of recycled glass is only expected to be sustained for the next two years. Rather than build this into the base budget and create a pressure in 2025/26, it is recommended that the additional income be transferred to the Environment Act Reserve – a reserve created in 2021/22 to help meet the, as yet uncertain, costs of implementing the required changes arising from the Environment Act 2021.

A number of costs related to the regeneration programmes in Andover and Romsey have been identified and are recommended to be included in the budget. These costs will be met from the Regeneration Reserve which was established to meet this type of cost.

Alongside these transfers to / from reserve, the council funds a number of revenue streams from earmarked reserves. These include works to progress the Local Plan and projects related to housing / homelessness which are funded from government grants. These will continue to be needed in 2023/24 and details will be included in the final budget report.

The Asset Management Plan (AMP) update report to Cabinet on 7 December identified that the balance on the AMP reserve is forecast to reduce to £595,000 by 31 March 2024, from a balance of £3.07M on 31 March 2022. The AMP is largely financed by contributions from revenue although certain projects, such as the playground refurbishment programme, are funded from the New Homes Bonus Reserve.

Similarly, the Capital Programme update on the same agenda forecast that the balance on the Capital Receipts Reserve by 31 March 2025 would fall to £2.37M. A sustainable capital programme can be financed through contributions from revenue; external contributions (e.g. s106) or asset sales.

The budget update has built in an additional £500,000 transfer to the above two reserves for each of the next two financial years to reduce the impact of the forecast reductions in reserve balances.

No draws from budget equalisation reserves are planned in the budget setting for 2023/24.

3.13 New Homes Bonus (NHB)

The MTFs assumed that the NHB would cease in 2022/23 and that no further payments would be received.

The provisional settlement has extended the scheme for a further year and there will now be a distribution in 2023/24. The Council's provisional allocation is £1.2M.

This grant will be transferred into the New Homes Bonus reserve, consistent with the approach taken in previous years, and therefore does not impact the overall budget gap.

There will be further consultation on the future of the NHB in the coming year. The principle set out in the provisional LGFS is that each Council's core spending will not be reduced in 2024/25. It is now assumed that either NHB or another similar grant will continue into that year. Therefore, a further year's NHB allocation of £1.2M has been assumed for that year too.

3.14 Localisation of Non-Domestic Rates (NDR)

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

The provisional settlement sets out that there will be no major overhaul of business rates baselines or accounting until at least the 2025/26 financial year. The potential pressure arising from a reset of the rating system is the biggest risk to the Council's medium term budgeting and so this certainty will help planning ahead for the 2024/25 budget cycle.

The detailed estimates for retained growth and Collection Fund forecasts for 2023/24 will be completed in late January to coincide with statutory returns to central government. The increases in CSP related to business rates, shown in para 3.4, are not yet built into the budget forecast. It is anticipated that any budgetary impacts arising from this exercise will be managed through the Collection Fund Equalisation Reserve so as not to impact the overall budget gap.

4 Medium Term Financial Forecast

4.1 The Medium Term Financial Forecast has been updated to reflect the above changes and the latest version is shown in Annex 5. The position in respect of 2023/24 is addressed in section 3 above.

4.2 Current forecasts indicate a deficit of £784,000 in 2024/25, though this will reduce to £680,000 if the savings to close the remaining gap for 2023/24 are sustainable over more than one year. A further £1.543M is then expected to be needed to close the forecast budget gap for 2025/26.

5 External Consultation on the Budget

5.1 The Council consulted the Test Valley business community through the Hampshire Chamber of Commerce (to which branches in Andover, Romsey and Stockbridge belong or are affiliated) and the Federation of Small Business which has strong links with Test Valley.

5.2 One response was received which supported the Council's "cautious and sensible" approach to ensuring financial sustainability. The respondent recommended that the Council continue to look at areas such as; support for local communities in respect of cost-of-living; sustainable options including transport; and skills & training development.

6 The Next Steps in the Budget Process

6.1 The Budget Panel of the Overview & Scrutiny Committee was scheduled to meet on 17 January 2023. Any recommendations from the panel will be considered by OSCOM on 23 January, whose recommendations will be considered by Cabinet on 22 February when the final budget report will be presented.

6.2 The final budget will be considered by Council on 23 February 2023.

7 Risk Management

7.1 A risk assessment has been completed in accordance with the Council's Risk management process and has identified some significant (red and amber risks). These are detailed in the Medium Term Financial Strategy report presented to Cabinet on 26 October 2022.

8 Resource Implications

8.1 The resource implications of the 2023/24 budget process and the Medium Term Financial Forecast have been discussed throughout the report.

9 Equality Issues

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

10 Conclusion and reasons for recommendation

10.1 This report provides an update on the budget strategy that was approved by Council in November 2022. It takes into account the latest developments that will affect the budget process and forecasts a budget gap of £104,000 for 2023/24.

10.2 The final budget report will be presented to Cabinet on 22 February 2023.

Background Papers (Local Government Act 1972 Section 100D)

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:	5	File Ref:	N/A
(Portfolio: Finance and Resources) Councillor M Flood			
Officer:	Carl Whatley	Ext:	8540
Report to:	Cabinet	Date:	18 January 2023

BUDGET FORECAST 2023/24**MOVEMENT IN BUDGET GAP SINCE MTFS**

	£'000	£'000
Budget Gap per Medium Term Financial Strategy		205
Surplus from Collection Fund / Tax Base calculation		(191)
Reduce inflation forecast		(90)
Additional contingency provision		200
<u>Provisional Local Government Finance Settlement</u>		
Increase in rolled up government grants	(41)	
New Homes Bonus	(1,200)	
Remove Lower Tier Services grant	200	
Services grant	(93)	
Funding Guarantee grant	<u>(1,356)</u>	
		(2,490)
New savings options	(124)	
New income generation proposals	(623)	
New budget pressures	849	
		<u>102</u>
<u>Transfers to / (Draws from) Reserves</u>		
Environment Act	82	
Regeneration	(86)	
Chantry Centre	172	
New Homes Bonus	1,200	
Asset Management Plan	500	
Capital Receipts	<u>500</u>	
		2,368
Budget Gap - January Cabinet update		104

SUMMARY OF INCOME GENERATION PROPOSALS

Service	Function	Savings Option Proposed	2023/24 £'000	2024/25 £'000	2025/26 £'000
Legal & Democratic	Legal	Increased Legal Fee income based on previous year's actuals	8	8	8
Property & Asset Mgmt	Investment Properties	Additional income identified based on rent reviews to date and approved acquisitions of new properties	505	647	647
Property & Asset Mgmt	Public Halls	Increase in Hire of Halls following reduction due to Covid	15	15	15
Environmental Services	Waste Collection	Sale of dry, mixed recycling. This has been volatile but higher in last couple of years. Increased in line with expectations from last year. Short term only as HCC retaining income from 2024	200	200	0
Environmental Services	Green Waste	Garden waste subscriptions income increased to be in line with current income levels	100	100	100
Environmental Services	Waste & Recycling	Sale of glass. Increased in line with expectations from current and prior year. May be short-term with waste reform plans.	36	36	0
Environmental Services	Street Cleaning	Trolley returns income increased to be more in line with current trend and prior year.	20	20	20
Planning and Building	Development Control & Enforcement	Increase in legal fees to reflect higher than expected income this year	10	10	10
Community & Leisure	Managed Sports Facilities	Indexation of management fee income	175	175	175
Total Income Generation Proposals - per Medium Term Strategy			1,069	1,211	975

SUMMARY OF INCOME GENERATION PROPOSALS

Service	Function	Savings Option Proposed	2023/24 £'000	2024/25 £'000	2025/26 £'000
Multi	Chantry Centre	Income arising from bringing in-house management functions associated with managing the Chantry Centre	83	83	83
Community & Leisure	Outdoor Sports Facilities	Increased draw from s106 contributions	48	48	48
Environmental Services	Multi	Increase in income from grounds maintenance contracts; bulky waste; and garden waste	69	69	69
Environmental Services	Recycling	Increase in glass recycling income to reflect current market tonnage prices. Only for two years as not guaranteed in long-term	82	82	
Property & Asset Mgmt	Investment Properties	Further increase in forecast rental income above that reported in the Medium Term Financial Strategy	169	247	247
Property & Asset Mgmt	Chantry Centre	Net income above base case when centre purchased. To be transferred to Chantry Centre reserve	172		
Income generation proposals identified in January budget update			623	529	447
Total income generation proposals 2023/24			1,692	1,740	1,422

SUMMARY OF SAVINGS PROPOSALS

Service	Function	Savings Option Proposed	2023/24 £'000	2024/25 £'000	2025/26 £'000
Environmental Services	Multi	Reduction in budget for red DERV	10	10	10
Corporate & Democratic	Software costs	Reduced budget for software upgrade provision to forecast requirement	18	18	18
Property & Asset Mgmt	Property Management	Reductions in budget deliverable through reduction in estimated utility usage	96	96	96
Total Savings Proposals			124	124	124

SUMMARY OF REVENUE PRESSURES

Service / Ref	Service area	Item	2023/24 £'000	2024/25 £'000	2025/26 £'000
PAM	Parking	Increase in car park maintenance requirements, particularly linked to Chantry Centre multi-story car park.	32	32	32
Environmental Services	Vehicle Workshop	Increases in fuel prices	30	20	20
IT	Infrastructure	To cover the cost of new Teams / digital back up solution.	7	7	7
Plan Pol & Econ Dev	Local Development Framework	To fund salary, legal and project costs, beyond amount held in LDF reserve.	63	139	100
Total Pressures - per Medium Term Strategy			132	198	159
Community & Leisure	The Lights	Increased software maintenance fees for e-ticketing system	10	10	10
Community & Leisure	Cemeteries	Costs associated with transfer of St Andrew's church yard, Mottisfont	4	4	4
Community & Leisure	Town Centre Events	Budget to sustain ongoing town centre events programme	32	32	32
Environmental Services	Vehicle Workshop	Increased costs associated with lifting operations and lifting equipment regulations	6	6	6
Finance & Revenues	Finance Service	Increased software maintenance costs	13	13	13
Housing & EH	Housing and homelessness	Increased costs of bed & breakfast payments to reflect current cost to the Council	83	83	83
Housing & EH	Housing and homelessness	Contractual obligation to meet certain costs related to Aster contracts previously not enforced	30	30	30
IT	Corporate Systems	Increase in software costs	32	32	32
Legal & Democratic	Elections	The net cost of holding the 2023 borough election after drawing the full balance of the reserve established for this purpose	158		

SUMMARY OF REVENUE PRESSURES

Service / Ref	Service area	Item	2023/24 £'000	2024/25 £'000	2025/26 £'000
Planning & Building	Ecology	Increased responsibilities due to Environment Act and biodiversity net gain requirements	52	52	52
Planning & Building	Development Control	Anticipated reduction in income levels to planning application and associated fee income, based on current actuals	100	100	100
Plan Policy & Economic Dev't	Climate Change	Establishment of a base budget for scoping / feasibility works	20	20	20
Plan Policy & Economic Dev't	Regeneration	Forecast requirement to be drawn from the Regeneration Reserve for projects and legal costs in the year	86		
Plan Policy & Economic Dev't	Economic Development	Increased costs to run the Junior Graduation programme	8	8	8
Property & Asset Management	Car Parking	Increased costs for repairs and maintenance	21	21	21
Strategy & Innovation	Communications	Increased staffing costs to cover maternity leave during 2023/24	18		
Corporate	Democratic Services	Increased software and hosting costs for Modern.gov	7	7	7
Corporate	External Audit Fees	Increase in audit fees for new 5-year contract following national procurement exercise	41	41	41
Corporate	Housing Benefit	Reduction in the net amount of subsidy / housing benefit overpayments received.	20	20	20
Multi	Multi	Increase in net business rates payable as a result of valuation changes taking effect from 1st April 2023.	108	108	108
Pressures identified in January budget update			849	587	587
Total budget pressures 2023/24			981	785	746

MEDIUM TERM FINANCIAL PLAN

	Budget Forecast 2023/24 £'000	Base Changes £'000	Budget Forecast 2024/25 £'000	Base Changes £'000	Budget Forecast 2025/26 £'000
Net Cost of Services	12,227.9	1,015.4	13,243.3	1,133.8	14,377.1
<u>Corporate Requirements</u>					
Contingency Provision	596.9		596.9		596.9
Investment Income	(2,267.2)	200.0	(2,067.2)		(2,067.2)
Borrowing Costs	145.9	(5.5)	140.4	(6.5)	133.9
Small Business Rate Relief & other S31 grants	(2,061.9)	0.0	(2,061.9)	2061.9	0.0
Other Government Grants	(1,600.5)	0.0	(1,600.5)	1448.3	(152.2)
New Homes' Bonus	(1,199.8)		(1,199.8)	1,199.8	0.0
Provision for NDR Levy	2,080.0	0.0	2,080.0	(2,080.0)	0.0
100% retention of NDR from Renewable Energy	(398.6)		(398.6)		(398.6)
Net General Fund Expenditure	7,522.7	1,209.9	8,732.6	3,757.3	12,489.9
Transfer to Earmarked Reserves	1,845.9	396.3	2,242.2	(2,864.1)	(621.9)
Transfer to Asset Management Reserves	2,000.0		2,000.0	(500.0)	1,500.0
Transfer to Capital Reserves	2,990.3		2,990.3	(500.0)	2,490.3
Total General Fund Expenditure	14,358.9	1,606.2	15,965.1	(106.8)	15,858.3
Revenue Pressures	1,753.2	(703.6)	1,049.6	(39.0)	1,010.6
Savings Options	(423.6)	0.0	(423.6)	0.0	(423.6)
Income Generation Proposals	(1,692.4)	(47.5)	(1,739.9)	318.0	(1,421.9)
Revised Net Budget	13,996.1	855.1	14,851.2	172.2	15,023.4
FURTHER SAVINGS TO BE IDENTIFIED	(104.2)	(680.3)	(784.5)	(1,543.4)	(2,327.9)
General Fund Requirements	13,891.9	174.8	14,066.7	(1,371.2)	12,695.5

ITEM 11 **Southampton University – Civic Agreement**

Report of the Leader

Recommended:

That the Council signs-up to the Civic University Agreement with Southampton University.

SUMMARY:

- To mark 70 years of obtaining University status Southampton University is proposing to become a “Civic University”.
- The Vice Chancellor, Professor Mark Smith, indicates that the university understands the importance of *place* particularly in the context of the Levelling Up agenda. As a result it wishes to develop productive relationships with partners in local government and other key players in local communities.
- The Vice Chancellor has, as a result, written the attached Civic University Agreement as a mechanism to develop those relationships. Whilst the document does not have legal status it is a way to describe how the civic university ethos could become a way of working, in practice.
- The Civic University Agreement is attached as an Annex to this report.

1 Introduction

- 1.1 To mark 70 years of obtaining University status Southampton University is proposing to become a “Civic University”. The Vice Chancellor, Professor Mark Smith, indicates that the university understands the importance of *place* particularly in the context of the Levelling Up agenda. As a result it wishes to develop productive relationships with partners in local government and other key players in local communities.

2 Background

- 2.1 The Leader and Chief Executive have met recently with the Vice Chancellor to discuss the draft Civic University Agreement and the potential for TVBC to be a signatory. Whilst the agreement itself would not commit the Borough Council any expenditure it will provide a conduit to explore opportunities for the Council to work more closely with the University, over time.

3 Key Elements of the Agreement for TVBC

- 3.1 The attached Agreement outlines the way in which Southampton University expects to become a Civic University. Working in partnership with local authorities in the area, is a key component of its approach.

- 3.2 In particular the Agreement envisages the University working with local authority partners to support the Levelling-up agenda. This particularly chimes with TVBC's current aspirations in respect of Andover Vision.
- 3.3 In addition there is an intention to develop collaborative approaches to research and innovation which in time could assist the Council in its evidence led approach to policy development.
- 3.4 Other areas that have a clear correlation with the Council's work include the working with the Southampton Science Park to help support the local economy, the development of a Community Engagement Hub, climate change and the development of a Civic Leadership programme.

4 Corporate Objectives and Priorities

- 4.1 Working more closely with Southampton University fits closely with the Council's partnership ethos and could help TVBC, over time, deliver on the corporate priorities highlighted in paragraph 3 above.

5 Consultations/Communications

- 5.1 The Leader and Chief Executive have met recently with the Vice Chancellor to discuss the draft Agreement and the potential for future collaborations.

6 Risk Management

- 6.1 An evaluation of the risks indicate that the existing controls in place mean that no significant risks have been identified related to signing up to the Agreement.

7 Resource Implications

- 7.1 There are no resource implications arising from this report.

8 Legal Implications

- 8.1 There are no legal implications arising from this report.

9 Equality Issues

- 9.1 There are no equality issues arising from this report.

10 Conclusion

- 10.1 To mark 70 years of obtaining University status Southampton University is proposing to become a "Civic University". It is suggested that it would be a positive step for TVBC sign up to the Agreement.

<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: Leader) Councillor P North			
Officer:	Andy Ferrier	Ext:	8121
Report to:	Cabinet	Date:	18 January 2023

Last updated 9 Jan 2023 – 12:47

DRAFT

**CIVIC UNIVERSITY
AGREEMENT**

DRAFT

Contents

1 Introduction 4

 From College to University and the war efforts 5

 What it means to be a Civic University..... 6

2 Our principles..... 8

3 Our Places 10

 Our Civic Partnerships..... 10

 Higher Education..... 10

 3.1.1 Southern Universities Network 11

 Primary, Secondary and Further Education..... 11

 3.1.2 Southampton Education Forum 11

 3.1.3 Inspire Learning Academy 11

 3.1.4 Our Local Council Partners 11

 3.1.5 The Voluntary Community Sector 15

 3.1.6 Business and Enterprise 16

 3.1.7 Further Civic Partnerships 17

 3.1.8 Child Friendly Southampton 18

 3.1.9 City of Sanctuary..... 18

 Our Unique Agreement: We can be Truly Civic Partnerships..... 19

 Civic Conversations and Communications..... 19

4 Our priorities..... 20

 Our Agreed Actions and Key Performance Indicators 20

 4.1.1 Education, Learning and Future Jobs..... 21

 4.1.2 Research and Innovation, Enterprise, Business and Economic Growth..... 25

 4.1.3 Staff, Students and Graduate Support and Retention 27

 4.1.4 Health and Wellbeing 30

 4.1.5 Improving the Quality and Cultural Life of our places 32

 4.1.6 Environment, Sustainability and Biodiversity 35

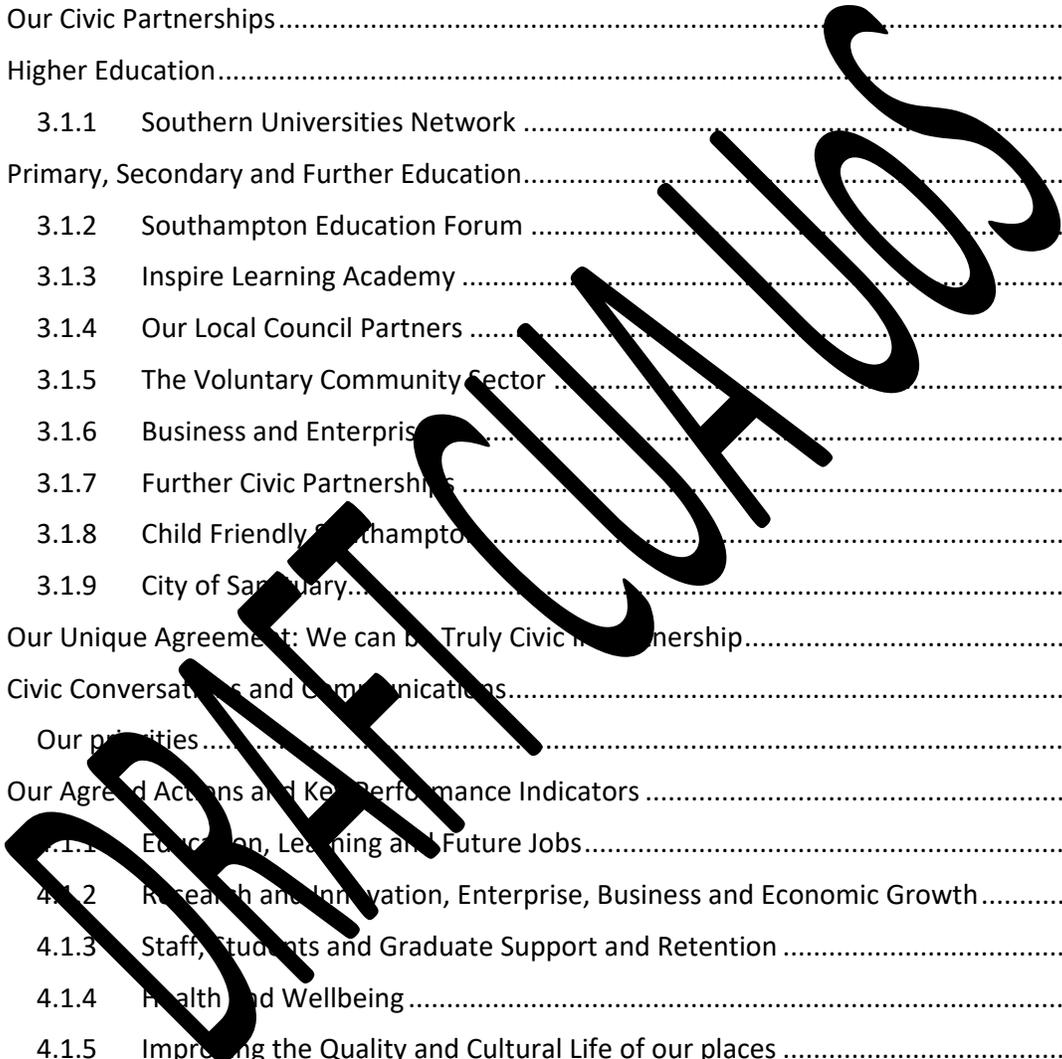
 4.1.7 Social Justice and Equality 37

5 Timescale of the Civic University Agreement 41

6 Governance, Monitoring and Review..... 41

7 How we will measure the impact of our Civic University Agreement..... 41

 Impact Measurement..... 41



7.1.1 Theory of Change 42

7.1.2 Public Polling 42

7.1.3 Economic Impact Assessment 43

7.1.4 Joint Cultural Needs Assessment..... 43

7.1.5 Social Value Assessment..... 43

7.1.6 Social Network Analysis..... 43

7.1.7 Activity Mapper 43

7.1.8 Arnstein’s Ladder of Participation 43

DRAFT CHAIRS

CIVIC UNIVERSITY AGREEMENT: 2022-2027

1 Introduction

This Civic Agreement between the University and local partners comes at a significant time as we celebrate our 70th year gaining university status by royal charter, proudly becoming the University of Southampton.

Originally founded in 1862 by Henry Robinson Hartley, heir to the family of Southampton Wine Merchants, a studious and reclusive character, Hartley had turned his back on the family business and when he died, he left his estate to the Corporation of Southampton to promote the study and advancement of science and learning.

The result was the formation of The Hartley Institution, which opened in the High Street by Lord Palmerston, below the Bargate in 1862. Within three years the Hartley Institution had a membership of almost 700 – many of these being part-time evening students.



Students in 1904

By the 20th century we were already gaining an impressive reputation despite our small size becoming a University College in 1902. By the 1930s we were winning national grants for our work in Chemistry and Engineering.

From College to University and the war efforts

In 1902, the Hartley College became the Hartley University college, a degree awarding branch of the University of London. This was after inspection of the teaching and finances by the University College Grants Committee and donations from Council members (including William Darwin the then Treasurer). An increase in student numbers in the following years motivated fund-raising efforts to move the college to greenfield land around Back Lane (now University Road) in the Highfield area of Southampton.

On 20 June 1914, Viscount Haldane opened the new site of the renamed Southampton University College. However, the outbreak of the First World War six weeks later meant no lectures could take place there, as the buildings were handed over by the college authorities for use as a military hospital. To cope with the volume of casualties, wooden huts were erected at the rear of the building. These were donated to the university by the War Office after the end of fighting, in time for the transfer from the high street premises in 1920. At this time, Highfield Hall, a former country house and overlooking Southampton Common, for which a lease had earlier been secured, commenced use as a hall of residence for female students. South Hill, on what is now the Glen Eyre Hall Complex, was also acquired, along with South Stoneham House to house male students.

Between the 1920s and 1930s further expansion was made possible through private donors, such as the two daughters of Edward Turner Sims for the construction of the university library, and from the people of Southampton, enabling new buildings on both sides of University Road.

During World War II, the university suffered damage in the Southampton Blitz with bombs landing on the campus and halls of residence. The college decided against evacuation, instead expanding its Engineering Department, School of Navigation and developing a new School of Radio Technology.

The university hosted the supermarine plans and design team for a period, but in December 1940 further bombing resulted in it being relocated to Hursley House. The halls of residence were used to house Polish, French and American troops.

After the war, departments, such as electronics, grew under the influence of Erich Zepler and the Institute of Sound and Vibration was established.

Based on these historic foundations as a civically aware and forward-thinking institution, our innovations include:

- We were a pioneer in forging special relationships with other universities to ensure high academic standards.
- We were one of the first universities in the world to have a department of electronics (founded 1947).
- We were a pioneer in supporting start-up businesses grown from the university (we have created more spin-out companies than almost any other UK university, including the largest ever successful university spin-out: Southampton Photonics).
- We were one of the first universities to embrace digital resources and create online-only courses accessible from around the world.
- We are a pioneer of using university research to successfully inform UK government policy.
- We are a pioneer in supporting a global academic environment with the creation of our Malaysian campus.

In addition, we support the wider cultural sector at local, national and international level. This includes our art school, Winchester School of Art, which opened on the 27 September 1870 in a temporary location at the Bishop's Palace in Winchester. The school built on its initial success a new School of Art was opened on 3 November 1876 in Winchester Guildhall. The school stayed there until 1966 when it moved to its current location in Park Avenue.

Winchester School of Art now welcomes an annual student cohort of 1800+ students, both to Winchester and the shared collaborative campus in Dalian, China. They offer six undergraduate programmes, seven postgraduate taught programmes and a postgraduate research programme supported by five research groups.

Working with Winchester City Council, the School of Art is expanding its sites and offer with local communities through further engagement and learning programmes.

Alongside this, the Southampton Institute for Arts and Humanities is nationally recognised and the university supports two Arts Council England National Portfolio Organisations: John Hansard Gallery and Turner Stairs Concert Hall.

The last century has seen us develop into a world-leading university.

We are famous for being both research-driven, and down-to-earth with the needs of business and society. We have well over 20,000 full time students, and we are proud to see that they are continuing our traditions of innovation through dedication and hard work.

What it means to be a Civic University

Many universities are civically engaged but are not necessarily civic universities. The University of Southampton is an anchor institution in the region and the only Russell Group university on the south coast, employing 6,000 staff alongside a 20,000 plus student population. As the second largest employer in the city of Southampton we also make an estimated economic contribution of £1.3 billion per annum to the region. We have significant resources we can bring to bear to improve our place for everyone. In addition, we provide education, research, knowledge exchange, culture and arts as well as healthcare, travel infrastructure, volunteering and graduate talent.

A truly civic university explains what, why and how our activity contributes to our civic role. Becoming a civic university allows us to rethink how our university contributes to our place, so that civic engagement can become embedded into our university culture.

We understand the importance of 'Place' and our position in those places. A key strand of government initiatives and strategies, including the Innovation Strategy, and the Levelling Up agenda, productive relationships with local and regional government, Local Enterprise Partnerships and local communities benefit our ability to deliver the University's plans for growth and better align these to local as well as regional growth plans.

Over 50% of our UK based alumni live within 50 miles of the University (over 80,000 people), alongside 'friends' who support us philanthropically and otherwise, through their networks or personally. Articulation of the benefit the University brings to the region will help mobilise this powerful community—opening doors into companies, serving as ambassadors and champions, through philanthropic support or mentoring students.

The University of Southampton signed the Civic University Charter in December 2020, committing to develop a civic university agreement to define how we will work with our geography, and agreeing principles with key partners, including local government and other universities.

As a civically conscientious and proud university, our coat of arms signifies our strong connections with our local community, and our commitment to peace and advancement through learning. Together (across all disciplines) we believe we can be a positive force for change – one step at a time.



University of
Southampton

DRAFT COMMENTS

2 Our principles

Purpose and Vision

The University's core purpose and vision is to **inspire excellence to achieve the remarkable and build an inclusive world.**

Our [University Strategy](#) describes a commitment to **place** and being a Civic University. Our foundations and heritage make the University of Southampton a gateway to the world. We are deeply committed to Southampton as a cultural city and across the region will further develop our civic role to make a positive impact.

Our shared purpose drives us to find answers to the greatest challenges facing humanity. **We will** make a real difference and achieve the remarkable through the combined power of our people to achieve excellence in education, research and enterprise. Our people are at the heart of everything we do and the impact we make on a local to global scale. We aim to inspire communities working with us locally and globally to achieve the remarkable. **We will** work together to improve the lives and environment of people across diverse communities in a just and responsible way.

We will work with our civic partners and business to achieve socio-economic benefit. We are deeply committed to making a positive social impact, increasing social mobility, transforming lives and enhancing prosperity, both on the south coast of England and across the globe. We are proud to be a powerful civic partner that met the immediate challenges of the COVID-19 pandemic by deepening our partnerships with the University Hospital Southampton NHS Foundation Trust, local authorities, and schools.

We are now focused on collaborations to strengthen economies and sustainable communities near and far. The mutual strengths of our Triple Helix, coupled with our remarkable people, will power our ambitions for this goal. Develop Civic University Agreements co-designed with local groups, authorities, alumni, and partners to build sustainable communities, promote equality, improve health and wellbeing, transform educational opportunities, close the digital divide, and strengthen economic prosperity.

Underpinned by the four pillars of the Civic Charter and Southampton as truly civic University Place, People, Partnerships and Impact creates a sense of belonging and collaboration. **We will** do this by developing our civic partnerships and agreements, co-designed with Communities, Local Authorities and partners to drive the social, environmental, and economic benefits that are most vital to them and their places.

The University will become a truly integrated part of its local communities. By partnering with the people in our neighbouring area and their representatives, **we will** work together to drive the social, environmental and economic benefits that are most vital.

This will build sustainable communities, promote equality, diversity and inclusion, improve health and wellbeing, transform educational opportunities, close the digital divide and extend enterprise.

Working in synergy with local communities covering Southampton, Eastleigh, Test Valley and Winchester, as a Civic University we will form part of a localised network – ***Hampshire Universities Together*** - with our neighbouring universities. In doing so, the network will enable us to:

- share best practice on our Civic strategic ambitions;
- align civic efforts and activity for more effective, collaborative ways of working; and
- identify opportunities where collective responses are needed.

Together we can make a difference

DRAFT CUA/10

3 Our Places

The University of Southampton recognises the importance of our global, national and local reach of our partnerships and collaborations.



With campuses situated in Southampton, (Guildhall Square, Highfield Campus, Avenue Campus, Guildhall Square, Southampton General Hospital, National Oceanography Centre), Winchester (Winchester School of Art), Eastleigh (Sports Ground) and Test Valley (Southampton Science Park) our partnerships with civic leadership organisations and groups in these areas are essential in ensuring that collectively we can support the needs of our communities, (including those beyond the city boundaries in rural areas), sharing new knowledge and maximising impact to the benefit of all.

Our Civic Partnerships

The ever-changing global landscape has highlighted how quickly priorities can change and the need for universities and communities to respond to those challenges at local level in the times-scales required.

The last two years have shown how closely local, national and international challenges and events intersect. In turn, this has given rise to new opportunities, particularly in the virtual space. We are an integral part of Southampton and Winchester, both physically and culturally, which we consider to be a great privilege and responsibility. At the same time, we belong to many other educational, cultural and industry networks. We will use our leverage in these wider ecosystems for the benefit and progress of our community'.

Working with our partners, we recognise the importance of collaboration, drawing on the strengths of our collective expertise, networks and understanding of research. Delivering mutually supportive programmes that directly recognise and respond to local need we will develop programmes that foster new ways of working with communities over the longer-term.

Higher Education

We are a member of the Civic University Network at national level. We also commit to working in partnership with our other civic universities locally through the Hampshire Universities Together (HUT) Network: Solent University, University of Portsmouth, University of Winchester.

3.1.1 Southern Universities Network

University of Southampton is the host institution for the award-winning Southern University Network (SUN) Uni Connect partnership. Through SUN, we work collaboratively with our colleagues at other universities in the region to ensure that students from target wards have access to a range of collaborative outreach opportunities and targeted activity, led directly by the SUN team. As a partnership, we are currently devising ways we can use our combined resources to support attainment raising.

Primary, Secondary and Further Education

3.1.2 Southampton Education Forum

The Southampton Education Forum unites civic leaders within a framework of shared values, positioning members to gain individual and collective advantage through integrity, openness, commitment and capacity to work for the collective good. The Forum seeks to establish and maintain meaningful and deep-rooted support and trust between institutions and across phases by honouring confidentiality; championing excellence; valuing diversity and inclusion; recognising differing needs; and encouraging honesty and openness.

3.1.3 Inspire Learning Academy

Inspire Learning Academy aims to pursue excellence across our family of schools, where ethical, inspired and empowered leaders place children at the heart of everything; using their expertise and innovation to enable all to succeed. The Inspire Learning Partnership is committed to 'Transforming Lives and Building Futures' of all.



Inspire Learning Partnership is an educational charity limited by guarantee. We were established in October 2014 to transform Lives and Build Futures of all and to relentlessly pursue excellence across our family of schools, where ethical, inspired and empowered leaders place children at the heart of everything; using their expertise and innovation to enable all to succeed.

We are committed to being anchor organisations in our communities and we work in partnership with other education, community and civic institutions to benefit our children and families. We are based in two hubs: on the Waterside and in Southampton. At present there are five member academies and a nursery: Blackfield Primary School, Fawley Infant School, Hightown Primary School, Kaneshill Primary School, St Monica Primary School and Blackfield Nursery. More schools are joining the partnership in the coming year.

3.1.4 Our Local Council Partners

We work cross-party in partnership with local councils in Southampton, Eastleigh, Test Valley, Winchester as well as Hampshire County Council.

3.1.4.1 Southampton City Council (SCC)

Southampton City Council's (SCC) vision is to create a city of opportunity where everyone thrives.

As a unitary authority, they are responsible for all local services within the city and provide the full range of local government services.

This includes:

- Council tax;
- Libraries;
- Highways;
- Social services;
- Processing planning applications;
- Waste collection and disposal;
- Housing;
- As a local education authority, SCC is responsible for some schools.

They manage around 700 different services - from foster care to archaeology, recycling and cycle routes, public health (working alongside the NHS) or rock concerts in a park, as well as all day-to-day operations for 250,000 residents, 16,300 tenants, 6,000 businesses and over 3,000 employees.

Their customers include everyone living, working, volunteering, investing, studying, running a business in, or visiting Southampton. Their main focus is to support customers, offering a range of helpful advice and resources from public health and social care to getting into work.

3.1.4.2 Eastleigh Borough Council (EBC)

Eastleigh Borough Council: Supporting Communities, Improving Lives

Eastleigh Borough Council is proud of what it has achieved. As a medium-sized district council with a £65 million turnover and big ambitions, it has delivered a large number of major projects and initiatives, ensuring it continues to be progressive and innovative in its approach. The Council employs over 500 professional staff at various sites and serves around 26,000 residents, as well as a diverse range of businesses. Its vision is to develop healthy communities, a green borough, business prosperity, and high-quality homes for its residents. Its frontline services are delivered to a high standard and led to it being named Council of the Year 2021 in the UK-wide awards scheme run by the Association for Public Service Excellence.

Investing in communities

In recent years, the Council has delivered a wide assortment of capital projects focused on putting its communities and customers first - from the development of Places Leisure Eastleigh (one of the largest leisure centres on the South Coast) and the nationally recognised Stoneham Football Complex to a new M&S Foodhall in the town centre and an eco-friendly visitor centre at Lakeside Country Park. The Council has also moved its offices to the heart of Eastleigh to provide better access for its customers and ensure a high profile.

Promoting ‘fossil-fuel free’ living

The Council’s largest project is One Horton Heath where the Council is leading by example on sustainable development at its flagship 310-acre development. One Horton Heath is different from other developments since, as both landowner and developer, the Council is ensuring that 2,500 quality new homes are delivered alongside the provision of the right infrastructure, which will include roads and cycle ways, a primary school, a vibrant local centre, and a host of connected open spaces and informal areas where wildlife can thrive. The focus is very much on people and not profit, and a range of pioneering initiatives and investments will make it one of the most sustainable developments in the country.

Through continued investment in the Borough of Eastleigh, the Council has created a successful property portfolio, including The Ageas Bowl international cricket venue, a four-star Hilton Hotel and spa, car dealerships and a long list of major brands among its commercial property tenants, together with its various housing initiatives that deliver much needed homes for the Borough. This successful and sizeable property portfolio helps support the Council’s ambitions to deliver for its communities, as well as generating £9 million in income a year to help support frontline services.

Putting customers first

The Council is committed to providing excellent services to its residents and customers, and is viewed as a friendly and approachable organisation that works hard for its communities. It is respected by its key partners and its culture is based on staff supporting each other to achieve results, as well as being known in the region for its willingness to try out new things, be innovative and take risks.

3.1.4.3 Test Valley Borough Council (TVBC)

Situated in the west of Hampshire, Test Valley is rich in community, environmental and economic assets. The Borough stretches from the edge of Southampton in the South to West Berkshire in the North. Test Valley contains a mixture of urban, semi-urban and beautiful villages and countryside, containing the world-renowned chalk stream, the River Test. A large proportion of the population lives in the Borough’s two main towns, Andover and Romsey, whilst there are also significant concentrations of people living in Valley Park, North Haddesley, and Nursling and Rowhams.

Test Valley Borough Council has a national reputation for putting residents and communities at the heart of decision making. The Council has for many years adopted a place-based approach to its work to ensure that it can best serve its diverse communities and benefit all residents in a way that reflects their sense of community. This has included a devolved approach to decision making and allocation of resources, such as New Homes Bonus and Community Infrastructure Levy, to the most local of levels.

The Council has a long track record of entrepreneurial successes which has helped the authority invest in a range of excellent services and facilities for the residents of Test Valley. It has adopted ambitious community led masterplans for Andover town centre and the South of Romsey town centre. Through its strategic planning, it has continued to balance its commitments to housing delivery and economic growth, alongside preserving and enhancing the natural environment as a place to enjoy and spend time. The Council has also adopted a Climate Change Action Plan which will help it deliver a range of projects to reduce its carbon emissions.

3.1.4.4 Winchester City Council

In 2020, Winchester City Council agreed a plan to take them through to 2025, with five priority areas:

- Tackling the climate emergency;
- Living well;
- Homes for all;
- Vibrant local economy;
- Your services, your voice.

Since then, they have delivered robust progress across all these areas. Their 2022 Residents' Survey shows that these remain the priorities most local people want them to focus on.

Within these priorities, recent events require them to give special focus to a few areas:

- We are all facing economic uncertainty and rising prices at levels not seen since the early 1990s. This is badly affecting many local people, particularly those whose financial position are most stretched, along with local businesses and the council itself. Winchester City Council will be taking action on the cost of living.
- Climate change is hitting us harder, sooner than expected - with fresh flooding, extreme temperatures and water shortages affecting our health, our homes and businesses, chalk streams and rivers and the unique countryside that make our district so special. Winchester City Council have to go faster, faster.
- The Winchester district is a special place, but Winchester City Council cannot be complacent. Expectations from local residents are rightly high. They face higher levels of anti-social behaviour and vandalism. Winchester City Council will invest in their public space and work hard with partners to deliver the pride in place that Winchester city and district deserve.
- Finally, Winchester City Council can't do this on their own. The council performs best when it recognises and listens to the diverse interests, needs and wishes of different people in their communities. They need to listen better and work alongside the people and businesses of the Winchester district in tackling the challenges they face.

Winchester City Council have been careful to put the council on a sound financial footing, but as economic pressures increase they will still face hard choices. Although the plan runs until 2025, they will continue to listen and adjust over the lifetime of the plan.

With a population of around 120,000 over 250 square miles, 56,000 homes including 5,000 council houses and over 3,000 businesses, their communities drive everything they do, and they are committed to delivering the best customer service possible. Their values drive the way they work and help them achieve this.

- INNOVATION - Winchester City Council are innovative - challenging the status quo
- EMPOWERMENT - They are empowering - enabling communities and our team to take action
- INTEGRITY - They act with integrity - always honest, open and fair
- ADAPTABILITY - They are adaptable - embracing change
- COLLABORATION - They are collaborative - working with others

Winchester City Council see the main challenges to their district as:

- The climate emergency and the pressing need to reduce the Winchester district's carbon footprint;
- Economic uncertainty and the rise in the cost of living;
- Continuing to improve their services while balancing a reduced council budget;
- The high costs of buying and renting a home;
- Poor air quality in parts of the district;
- Inequality within their district and its effects on mental and physical wellbeing;
- Poor provision of public transport and safe walking and cycling routes across the district;
- Responding to the diverse experiences, needs and views of everyone in our community – making sure all voices are heard

But their aspirations are high, building on the success of our £40 million leisure centre, their innovative Chesil Lodge for supported housing with integrated care they aim to bring forward an extensive city centre regeneration programme that brings homes and employment to their historic city. They welcome business and look forward to the campus extension at the Winchester School of Art. They aim to build 1000 new council homes over 10 years of the highest, greenest standard and continue to support the most vulnerable in their community. All of this to be achieved through the lens of climate change to ensure their district is carbon neutral by 2030.

3.1.4.5 Hampshire County Council

The County Council acts as the upper tier of local government to 1.4 million people in Hampshire; it does not however cover Southampton, Portsmouth or the Isle of Wight which have their own unitary authorities.

The County Council's role is to act strategically and implement policy as determined by Cabinet. This means delivering services to the people of Hampshire (and sometimes beyond) in an open and cost-effective way. The Council acts in the best interests of Hampshire and its residents.

3.1.5 The Voluntary Community Sector

It is our ambition to work more closely with the voluntary community sector starting with the umbrella organisation who work in partnership with local council and community groups. Based on our current work and activity in Southampton, we will further develop and expand these relationships across the geographical mandate to include One Community and Action Hampshire.

3.1.5.1 Southampton Voluntary Services

Southampton Voluntary Services (SVS) is the umbrella body for local voluntary and community groups working in Southampton.

SVS provides a wide range of services, including specialist support, advice and training to our membership. They also provide and promote information to individuals and organisations on volunteering in the city. Southampton Voluntary Services (SVS) is housed in the voluntary action centre, which is a purpose-built resource for the voluntary sector in Southampton.

Volunteering and involvement in voluntary action can be a powerful tool for personal and social change. It can help the volunteer to grow as much as the recipient of their volunteering - it reconnects people to the world of work or training, helps them retrain expertise or attain new skills, build confidence, purpose or self-worth. Through giving up their time people make new friends and inter-community connections, and it can be a source of personal pride, self-achievement and social value.

3.1.6 Business and Enterprise

The university is proud to support work in business and enterprise complementing the work of the regions two Local Enterprise Partnerships; Solent and EM3. Business lead but working closely with the public sector, the LEPS provide support, guidance and a pivotal role in coordination of business enterprise.

3.1.6.1 Solent LEP

The Solent LEP is led by the business community and supported by three university partners, the further education sector, three unitary authorities, eight district councils, one county council and the voluntary and community sector – all working together to secure a more prosperous and sustainable future for the Solent area.

3.1.6.2 EM3

Text to be added in (tbc)

3.1.6.3 Business South

Business South is an independent representative of businesses in Central South England, supporting the prosperity of the region by bringing together business leaders, educators, public bodies and entrepreneurs to create a dominant and powerful force for growth and innovation.

3.1.6.4 Hampshire Chamber of Commerce

Hampshire Chamber of Commerce, the County's largest independent not-for-profit business support and networking organisation, engages the voice, expertise and experience of thousands of businesses across the County, influencing decision-making and shaping practical solutions.

DRAFT CHANGES

3.1.7 Further Civic Partnerships

3.1.7.1 Southampton Connect

Southampton Connect is an independent partnership which brings together senior city representatives looking to address the key challenges and opportunities for Southampton and working with the city's key partners to improve the outcomes of the people of Southampton. It is responsible for the delivery of the Southampton City Strategy with the vision that Southampton is a city of opportunity where everyone thrives.

3.1.7.2 Winchester City Centre Partnership

Profile to be added

3.1.7.3 Southampton City of Culture Trust

Southampton City of Culture Trust aims to put Southampton and the wider region on the map, both nationally, regionally and internationally. It is helping to attract inward investment. The trust aims to raise aspirations and upskill our workforces, leading to the establishment of new businesses and creating quality jobs that will attract and retain talent in the city.

3.1.7.4 Hampshire Cultural Trust

Hampshire Cultural Trust was established as an independent charity in 2011 to promote Hampshire as a county that offers outstanding cultural experiences to both its residents and visitors.

From museums to galleries to arts centres, we manage and support 23 attractions across the county that were previously operated by Hampshire County Council and Winchester City Council.

They run a huge variety of workshops, classes, events and projects for both young and old, in schools and in communities, with particular emphasis on reaching people who are vulnerable or disadvantaged and would not normally be able to access arts and culture. In addition, they care for 2.5 million objects that relate to Hampshire's rich and internationally important cultural heritage.

Vision

To create inspirational cultural experiences in Hampshire that enrich and transform lives.

Mission

The **mission** is to provide great arts, heritage, museums and creative programming, working closely with local and national partners, and placing communities, collections and their stories at the heart of everything we do.

Goals

- To provide high-quality programmes and venues that engage diverse audiences and inspire local pride
- To improve wellbeing, health and happiness through cultural experiences
- To deliver a sustainable future for culture in Hampshire, contributing to the local economy and building stronger communities
- To create fulfilling employment and volunteering opportunities through culture

3.1.7.5 Cultural Education Partnerships

The Southampton Cultural Education Partnership (SCEP) is a growing consortium of diverse organisations working together, in partnership with Artswork, to nurture creative and cultural education for all. Their aims are:

- To work with those working with children and young people and their families, embedding creative learning from the early years;
- To promote and support delivery of the arts and culture as part of a broad and balanced curriculum;
- To work through the arts to reduce inequalities in educational attainment, health and wellbeing for children and young people deemed to be at risk;
- To provide transferable skills and open up pre-employment opportunities enhancing accessible progression routes into the creative and cultural industries and other areas of work.

Led by Hampshire Music Service, the Hampshire Cultural Education Partnership (HCEP) is a consortium of diverse cultural organisations working together, in partnership with Artswork, to nurture creative and cultural education.

3.1.7.4 The Purpose Coalition

The University has joined the Purpose Coalition, a partnership of universities, businesses and third sector organisations combining to progress social mobility. The Purpose Coalition assessed the University's impact against its Levelling Up Goals and found our commitment to be exceptional, with significant strengths in four key areas: successful school years; right advice and experiences; closing the digital divide; and achieving equality through diversity and inclusion. Levelling Up continues to be a part of government policy, and we will ensure we contribute to this agenda in the context of our own community.

3.1.8 Child Friendly Southampton

Our vision is for Southampton to be recognised as a [Child Friendly City \(CFC\)](#): we want all children and young people in Southampton to have a good start in life, live safely, be healthy and happy and go on to have successful opportunities in adulthood. We will work together to create a city where all children – whether they are living in care, using a children's mental health service or simply visiting their local library – have a meaningful say in, and truly benefit from, the local decisions, services and spaces that shape their lives.

3.1.9 City of Sanctuary

As part of our commitment as a University of Sanctuary, we work closely with the City of Sanctuary Trust. In partnership with the HUT network, we will also work collaboratively with our other Universities of Sanctuary and Cities of Sanctuary in Winchester and Portsmouth.

3.1.9.1 Southampton City of Sanctuary Trust

City of Sanctuary Southampton is a group of professionals and volunteers who work together to make Southampton a warm and welcome place for refugees and asylum seekers.

3.1.9.2 Winchester City of Sanctuary Trust

To be added

Our Unique Agreement: We can be Truly Civic in partnership

As a university, we recognise our unique role at local, regional as well as national and international levels. This Civic University Agreement sets out where we can make an effective contribution to the civic life in partnership with stakeholders.

Through our partnerships, we will work with regional partners to share knowledge, skills and expertise in mutually productive partnerships. We will be an active partner with our local areas, including the City of Southampton, to celebrate diversity, and connect people through culture, education, research, and enterprise to create new economic and social opportunities.

Further creating a sense of belonging and place by positioning Southampton and our other partner geographical areas Winchester, Eastleigh, Test Valley well as the wider region to benefit from regional political opportunities [*levelling up*].

As an anchor institution, we will work with our partners, staff, students, residents and communities to be part of a strong and united community. Collectively we will make a positive social impact, facilitate evidence-informed decision making, increasing social mobility, transforming lives and enhancing prosperity.

Civic Conversations and Communications

Developing partnerships, and deeply understanding the needs of our partners, is central to our Civic University Agreement. It is through this perspective that the University will identify new ways of reaching out and working with civic stakeholders. We will do this through a series of regular Civic Conversations amongst our senior leadership networks and Civic University-related groups. These will both identify emerging needs, but also keep in constant review our progress at addressing our partners' priorities to our mutual benefit.

DRAFT

4 Our priorities

Over the last two years, in consultation with our partners we have identified seven priority areas that will help shape our ways of working over the next five years. These priorities have been identified and defined by internal and external consultation, based on a Theory of Change Framework. Further informed by intelligence gathering including policy mapping, externally commissioned economic impact assessment, Civic Conversations with local council/Civic Leaders, critical friend support and advice with our local voluntary and community sector, residents’ associations, and Cultural Trusts.

Whilst understanding the need for agility and flexibility in our collective efforts and ways of working in partnership, consultation findings with civic stakeholders from across our local areas where the University has a presence, have informed our plan with seven prioritised areas of activity and our agreed statement of intent/s:

Education, Learning and Future Jobs	With our partners will help to ensure that everyone has an opportunity to learn and access education that is wide ranging and across the life cycle.
Research, Innovation, Enterprise, Business and Economic Growth	We recognise the importance and collective strength of our continued local partnerships in supporting economic growth and prosperity through high-quality research, innovation, enterprise and business.
Staff, Students and Graduate Support and Retention	As one of the biggest employers locally committed to the real living wage, we will work to better understand how we can further develop programmes that support local need through volunteering, placements, work experience, paid internships and enhancing the necessary infrastructure that enables talent and graduate retention in our regions,
Health and Wellbeing	Recognising the importance of wellbeing and understanding health disparities in our communities, we will strengthen and further develop partnerships with service providers and other support agencies through research and initiatives for the betterment of all.
Improving the Quality and Cultural Life of our Places	Through our long-standing commitment, investment in arts and culture and our partnerships at national, regional and local level, we will collectively help to improve the quality and the cultural life of our places.
Environment, Sustainability, Decarbonisation and Biodiversity	Collectively we will help to make changes for the betterment of the environment, through our research and learning programmes that interconnect with local Green City Plans.
Social Justice and Equality	As an equitable University, we take seriously our collective values in promoting social justice and equality with our partners, which recognises and celebrates the diversity of our places and communities.

Our Agreed Actions and Key Performance Indicators

Based on these seven priority areas, together with our partners, we will action the following over the next five years.

4.1.1 Education, Learning and Future Jobs

Access to education, learning and skills development for future jobs and lifelong learning is paramount to the success of local places and communities. In partnership with education forums, learning providers, businesses and LEP’s, we will help to ensure that everyone has an opportunity to learn and access education that is wide ranging and across the life cycle.

A highly educated/developed work force will make the region more attractive to employers and businesses looking to grow.

Widening access and participation through our training, outreach, engagement activities and partnerships, we will ensure greater equity in access to education, training and learning for the betterment of all.

We will do this by:

Action	KPI	SMART	
Working with our partners across Southampton, Eastleigh, Test Valley and Winchester to support social mobility, and Levelling-Up widening and extending access to educational and learning opportunities that widen participation for all ages and backgrounds.	We will continue our commitment to the Social Mobility Pledge, further developing and expanding education and learning opportunities through the Southampton Connect Board, to complement and steer forward levelling-up goals. Our work with The Purpose Coalition, which best reflects the individual needs of our geographical areas.	Specifically, we want to:	Commit to the Social Mobility Pledge by further developing and expanding education and learning opportunities through the Southampton Connect Board.
		We will measure this by:	Number of quality engagements we undertake with the Southampton Connect Board
		It is achievable because:	We are actively pursuing this partnership for example through the Youth Employment Hub outcomes supported by Test Valley, Winchester and Eastleigh.
		This is relevant because:	Recent work has shown that there are pockets of hard-to-reach young people who are not workforce ready or, in some cases, ready to take on adult challenges. Some have withdrawn from life into a virtual world and others are offending through boredom and disaffection. This is an opportunity for us to use our expertise as an educator to support social mobility in our local community
		We hope to do this within:	By 2025

<p>UoS Festival</p> <p>Southampton Science and Engineering Festival (SOTSEF), incl. Science and Engineering Day (yearly, March)</p> <p>Southampton Arts and Humanities Festival (UoSArtsHumFest), incl. Hands-on Humanities Day (yearly, November)</p> <p>Further develop opportunities for lifelong learning across the life cycle with, by and for communities including short courses, events; activities within UoS Festival programme.</p>		<p>Specifically, we want to:</p>	<p>Encourage and support activities/content for UoS Festivals which is co-produced/produced with community partners, and encourage activities/content that would be beneficial for our local communities, including lifelong learning event series. Encourage participation by charities and community groups that support local individuals, schools and groups to advertise opportunities available to our communities. Depending on the development of a successful sponsorship package, in future we would like to provide transportation and lunch for some families and youth groups to attend festivals, e.g., by working in collaboration with local food banks and homeless shelters.</p>
		<p>We will measure this by:</p>	<p>We collect data from exhibitors to understand the origin of their involvement during the registration process and feedback after the event. We collect data from all visitors, inc. e.g. postcode, to understand their geographical distribution and reach of our marketing campaign, and to understand the relationship to the University and whether it's their first time to festivals. After the event, we provide an anonymous feedback form to all visitors through Eventbrite with the opportunity to tell us anything they wish.</p>
		<p>It is achievable because:</p>	<p>After a few years, thanks to the data collected during event registration, with formal feedback and through informal and formal conversations with community partners and visitors, we developed an understanding of our audiences. This includes making effective changes to improve exhibitors and visitors' participation and experiences at festivals.</p>
		<p>This is relevant because:</p>	<p>Public engagement through research-focussed festivals is well known to attract educated audiences that are comfortable and</p>

DRAFT COPY

		<p>familiar with a higher education environment. However, these festivals are open and designed to engage all audiences, independently of their education and socio-economic backgrounds. By increasing community focussed activities/content we will provide a welcoming environment for locals and community groups to take part in the events and explore mutually beneficial relationships, in line with the University's EDI Strategy. Some of the actions proposed above come from the knowledge that some of our local communities, even if wanting to take part, cannot afford the journey to campus and might struggle to get food or a place, impacting the experience on the day.</p>
	<p>We hope to achieve this with:</p>	<p>We are reviewing our processes at every festival, accounting for all feedbacks and issues raised before and after the event, and during its delivery. We are gradually moving towards a more curatorial approach to the festivals, in addition to the support provided by their dedicated steering groups, which includes inclusion in their programme of time-relevant and contemporary focussed issues. We are at the preliminary phase to develop a sponsorship package and hope to have a draft in place by the end of 2023.</p>
<p>UoS Roadshow (Yearly, May - August depending on programme) Further develop opportunities for lifelong learning across the life cycle with, by and for our communities including events and activities within UoS Roadshow programme.</p>	<p>Specifically, we want to:</p>	<p>Encourage and support activities/content for UoS Festivals which is co-produced with community partners and have a mutually beneficial impact to the communities we engage with. We are gradually moving the UoS Roadshow towards more community-focussed events, where visitors' attendance is free.</p>
	<p>We will measure this by:</p>	<p>We collect feedback, ideas and thoughts through the UoS Roadshow diary, which is free and easy to access on a side of the UoS Roadshow marquee. The Roadshow exhibitors then provide more</p>

DRAFT CUA

			<p>insights about their activities and the people they interact with, indirectly providing further feedback from attendees.</p>
		<p>It is achievable because:</p>	<p>The UoS Roadshow is already a well-established platform, with methods and protocols in place. Space for exhibitors on the Roadshow is limited, therefore a curatorial cut is in place upon multiple requests of attendance by researchers.</p>
		<p>This is relevant because:</p>	<p>Ticketed summer festivals are well known to attract audiences that can afford admission tickets. However, the UoS Roadshow is designed to engage all audiences, independently of their education and socio-economic backgrounds. By increasing participation to community-focused free events, with focussed community-focussed activities/content we will provide a welcoming environment for locals to take part in the UoS Roadshow and explore potential for mutually beneficial relationships with local community groups and cultural venues. Some of the actions proposed above come from the knowledge that some of the local communities, even if willing to take part, cannot afford entry tickets and facilities on site, severely impacting their ability to get involved.</p>
		<p>We hope to do this within:</p>	<p>We are reviewing our processes at every UoS Roadshow's stop, accounting for all feedbacks and issues raised before and after the event, and during its delivery. We have a curatorial approach to the UoS Roadshow programme, which accounts for the theme and location of the event it is taking part in.</p>

DRAFT COPY

4.1.2 *Research and Innovation, Enterprise, Business and Economic Growth*

We recognise the importance of our local partnerships with Local Enterprise Partnerships (LEPs), Business Improvement Districts (BIDs) and Community Interest Companies (CICs) in supporting economic growth and prosperity through high-quality research, innovation, enterprise and business. We will Champion positive change to achieve international excellence by investment schemes that strategically enhance our diversity that attracts top talent into the region and local areas. By doing so, we will help to attract, support, and keep the next generation of research leaders from across the world, from diverse backgrounds and experiences.

We will secure funding to invest in one or more interdisciplinary research centres within our local areas, which will harness the breadth of our research, ranging from the creative and performing arts, the humanities to the social, physical and life sciences to address global, national, regional and local challenges and achieve socio-economic benefit.

Using the University’s renowned marine research excellence, working together in partnership with the city’s heritage and position as one of the UK’s major gateways to the world, to create a more environmentally sustainable maritime future.

We will develop a sustainability and resilience hub to improve our impact in this key area that aligns with the needs of local authorities, councils and communities. This will ensure we remain a partner of choice in both established partnerships and in the development of new relationships with a breadth of organisations from industry to the third sector.

We will do this by:

Action	Key	SMART	
Embedding activities in research grants and activities from cross disciplines into investment from UK to international development funding. Developing and nurturing collaborative approaches to research and innovation that are based on need.	Further promote these opportunities by increasing co-designed developmental funding applications with researchers and communities from 10% to 30% by 2026/7	Specifically, we want to:	Increase the instances of researchers and local partners working together to explore and address local needs, e.g., via seed-funded engagement activities (Civic Strand in PERu annual Development Fund)
		We will measure this by:	Tracking Development Fund applications/funded projects
		It is achievable because:	Civic Strand has funded 10 projects in its first year (55% of total funded projects)
		This is relevant because:	Civic Strand was designed to meet this Civic objective.
		We hope to do this within:	by 2026/7

<p>Being open to business and collaborate to innovate. Creating and attracting new companies to the region and so jobs and supporting the local economy. We will help innovative companies grow and thrive and to bring solutions to support local needs. - Delivered by Science Park, Corporate & Business Engagement, Skills development and training, spinouts and start-ups nurtured by business acceleration and incubation FutureWorlds and SETSquared.</p>	<p>Top 10 of UK Universities for spin-out value</p>	<p>Specifically, we want to:</p>	<p>Final version of Di Galpin’s Research Enterprise strategy might have the answer in – WAA/RGP to find (on SharePoint? Civic strategic plan??)</p>
	<p>Achieve top 10% of UK Universities for funding obtained in collaboration</p>	<p>We will measure this by:</p>	
	<p>IP Commercialisation</p>	<p>It is achievable because:</p>	
	<p>Enterprise Units</p>	<p>This is relevant because:</p>	
	<p>Facilities Access</p>	<p>We hope to do this within:</p>	
<p>Work with partners to identify local research needs and make sure that these are understood by the relevant investigators in our university community so that they can be included in funding bids.</p>	<p>USSP expansion of services</p>	<p>Specifically, we want to:</p>	<p>Collaborate with local partners to establish a Community Research Network via UKRI CRN Call.</p>
	<p>Student Enterprise</p>	<p>We will measure this by:</p>	<p>Success of Eol application and progress to phase 2 funding</p>
	<p>Business Incubation & Acceleration</p>	<p>It is achievable because:</p>	<p>Existing partnership work provides the basis for application.</p>
		<p>This is relevant because:</p>	<p>UKRI have launched major call to fund this type of work.</p>
		<p>We hope to do this within:</p>	<p>Aligned with timeframe of project phases 1 & 2</p>

DRAFT

4.1.3 Staff, Students and Graduate Support and Retention

Our staff, students and graduates and support mechanisms such as SUSU and their clubs and societies make a significant contribution to places and communities. As one of the biggest employers locally, we will work to better understand how we can further develop programmes that support local need through volunteering, placements, work experience, paid internships and enhancing the necessary infrastructure that enables talent and graduate retention in our regions and local places.

By developing inclusive student communities, we will create an outstanding experience that ensures students can follow their own paths, feel supported to thrive, and enjoy a sense of pride and belonging as members of the wider community. We will encourage them to thrive and enable them to contribute their full potential.

Developing students’ futures, we will work in partnership to enable them to become leaders of tomorrow, who will transform the lives of others. We will ensure our graduates will be recognised for their distinctive Southampton characteristics: curious; engaged; articulate; ethical; culturally aware; enterprising; and socially and environmentally responsible.

We will support our students’ post-graduation to become part of our vibrant alumni community. Strengthening these links enhances graduates’ career development and supports them to share their skills and connections with future students (the Ignite Programme being an example), including those that are locally based.

We will build a flourishing, diverse and inclusive community with a local, regional, national and international outlook, enabling staff, students, alumni and our civic partners to thrive.

We will do this by:

Action	KPI	SMART	
Introducing the Vice-Chancellor's Progression Scheme, focused on Widening Participation students progressing on to postgraduate courses.	Number of WP students progressing from undergraduate to postgraduate level study Target by 2027: 100+ students progressing annually	Specifically, we want to:	Increase the number of students from underrepresented groups progressing to postgraduate study
		We will measure this by:	The number of students supported through the scheme
		It is achievable because:	We will appropriately resource the programme and develop information and support measures
		This is relevant because:	The number of students reaching postgraduate level is far lower amongst those from underrepresented groups
		We hope to do this within:	By 2027

<p>Scope and (where needed) develop, a Civic University Internship programme that creates a sense of belonging and supports civic activity with by and for our partners and build on the Student Innovation Programme, Placements and KTPs with Strategic Corporate Partners, spinouts and scaling SMEs</p>	<p>Scoping potential for Civic University student internship by End of July 2022 with recommendations for a pilot, with the potential to support up to 5 internships on a rolling basis annually.</p>	<p>Specifically, we want to:</p>	<p>Embed student voice in the Civic effort and understand the potential and need for Civic related internships.</p>
		<p>We will measure this by:</p>	<p>Number of internships being supported and embedded/working in partnership with community organisations.</p>
		<p>It is achievable because:</p>	<p>We will work in collaboration with colleagues from WP/SM to Student Careers.</p>
		<p>This is relevant because:</p>	<p>It supports our strategic aims to student experience and as an outcome of our consultation with our partners.</p>
		<p>We hope to do this within:</p>	<p>Outcome of scoping: by End August 2022 with potential for pilot on/from: 2023.</p>
<p>As a significant resource supporting and working collectively with local communities, we will foster further opportunities for volunteering and internships with staff, students, graduates and alumni in partnership with voluntary sector organisations such as Southampton Voluntary Services. We will also support our graduates through engaging with our local alumni community through platforms such as E-Mentoring.</p>	<p>The Campaign for Southampton will have an ambitious 'volunteering hours' target (tbc), placing volunteering at the heart of the culture of the University as One Southampton, with the potential to engage the civic community, alongside alumni, staff and students. Development of a Volunteering Working Group, represented by internal and external stakeholders including voluntary services, to identify opportunities and local need and advise on volunteering target hours.</p>	<p>Specifically, we want to:</p>	<p>Seek to recommend to Campaign Leadership Group a volunteer hour target for the Campaign for Southampton.</p>
		<p>We will measure this by:</p>	<p>Having the target approved by Campaign Leadership Group.</p>
		<p>It is achievable because:</p>	<p>We will do this as members of the Volunteering Working Group via the Working Group meetings.</p>
		<p>This is relevant because:</p>	<p>Civic is a key stakeholder in setting and achieving our volunteering Campaign target, specifically around developing volunteering opportunities which support Civic University priorities.</p>
		<p>We hope to do this within:</p>	<p>By end of FY 2022/23</p>

Possible studentships and Fellowships for Archives and Special Collections - can include element of helping improve collection description for digital discovery. Also, research focussed on underrepresented voices from the Archives		Specifically, we want to:	
		We will measure this by:	
		It is achievable because:	
		This is relevant because:	
		We hope to do this within:	
Sponsoring and working with SUSU on Real Student Stories project to bring underrepresented student stories to the SJMB		Specifically, we want to:	
		We will measure this by:	
		It is achievable because:	
		This is relevant because:	
		We hope to do this within:	

DRAFT COUNCIL

4.1.4 Health and Wellbeing

Through our research, engagement activity and civic partnerships, we will contribute towards the development of Integrated Care Systems and future iterations of local Health and Wellbeing Strategies. Through our Sports and Wellbeing facilities, we will support opportunities for local people to engage with a variety of sports and physical activity.

Through our education offer, we will continue to respond to the needs of teachers and pupils by designing and delivering curriculum enhancing programmes such as Life Lab. From our partnerships and services with Public Health, NHS, Trust Clinical Commissioning Groups, Community Engagement Hubs and work with community-based organisations such as SVS, SO: Linked and Health Watch to our Sports and Gym Facilities, and cultural venues, we can collectively support improvements to health and wellbeing locally.

We will do this by:

Action	KPI	SMART
<p>Creating a new state-of-the-art Interdisciplinary Research Facility with our partner NHS Trust, to engineer better health. This will bring together world-class teams to drive innovation; speed the time to market of new interventions from bench-to bedside; transform the future of healthcare; and save lives faster.</p>	<p>Engineering Better Health achieves its leading target, and results in a step change (£10m/yr.) in external research and enterprise funding in this area.</p>	<p>Specifically, we want to:</p> <ul style="list-style-type: none"> Complete review University Strategic Interdisciplinary Research Institutes. Implement interdisciplinary research process (sandpits to centres) and attract ambitious proposals. Prepare concept paper and business case for a new state-of-the-art interdisciplinary research Facility with UHST.
		<p>We will measure this by:</p> <ul style="list-style-type: none"> Revised governance arrangements implemented. Revised (5 yr) strategies and annual business plans for each institute (SMMI, WSI and IfLS) approved and funded. Proposals translated into options paper and business case. Business case approved and funded.
		<p>It is achievable because:</p>
		<p>This is relevant because</p>
		<p>We hope to do this within: By 2025</p>

Further developing our Health and Wellbeing Community Engagement Hub which connects those with a shared interest.	Secure effective spread/reach of contribution to collaborative activities via a Civic HUB by 2025	Specifically, we want to:	Review and develop Hub membership to secure effective spread/reach of contribution to collaborative activities (post Lockdown re-energising).
		We will measure this by:	Tracking Hub membership/contributions/activities
		It is achievable because:	Established Hub with strong membership pre-Lockdown.
		This is relevant because:	Hubs are a key mechanism for Civic activity/development
		We hope to do this within:	2023-25
Through our research we will contribute towards the development of Integrated Care Systems and future iterations of local Health and Wellbeing Strategies.	From the Research Strategy??? Not RGP will contact Lucy Green??	Specifically, we want to:	
		We will measure this by:	
		It is achievable because:	
		This is relevant because:	
		We hope to do this within:	

DRAFT COMMENTS

4.1.5 Improving the Quality and Cultural Life of our places

The quality and cultural life of our places in Southampton, Eastleigh, Test Valley and Winchester is essential to the overall wellbeing of communities, both in terms of social and economic prosperity and enrichment. We will be working in partnership with local councils and cultural partners.

We will do this by:

Action	KPI	SMART	
<p>To actively involving all members of the community to co-create and engage with a remarkable range of high-quality cultural experiences.</p>	<p>Key partners in the Cultural Education Partnerships: Southampton, Hampshire</p> <p>Connecting Culture Programme (aligned to Child Friendly Southampton) reaching 600 children and young people aged 5-16 years in 16 wards across Southampton and 10 young people aged 16-25 as co-researchers and cultural leaders.</p>	<p>Specifically, we want to:</p>	<p>We will develop, grow and engage audiences and communities that reflect the diversity of our local communities by creating exciting and innovative programmes that are locally engaged, nationally recognised for their ambition and quality. Success will result in large, more diverse and more engaged audiences</p>
	<p>Arts Campus programme at Mansard Gallery</p>	<p>We will measure this by:</p>	<p>A range of activities, programmes, and partnerships (see NPO aims)</p>
	<p>Turner Street Concert Hall and Engaged Campus Libraries</p>	<p>It is achievable because:</p>	<p>There are strong relationships already in place, dedicated teams and allocated resources</p>
	<p>Southampton Institute for Arts and Humanities (SIAH) Winchester School of Art (WSA) and Capital Development.</p>	<p>This is relevant because:</p>	<p>Our activities will engage, co-create, develop and support the wider communities</p>
		<p>We hope to do this within:</p>	<p>1-3 years</p>

DRAFT CUA

<p>As part of the CoC25 Bid, UoS will transition to becoming a Founding partner of the future Southampton City of Culture Trust supporting two key priority areas:</p> <p>1. Lead for the trust Research Framework</p>	<p>Publicly commits to supporting the new Southampton Culture Trust;</p> <p>Commits to in kind investment that could be offered building on our strengths (and has made some suggestions)</p> <p>Reconfirms its level of financial commitment to per annum</p> <p>Positively advocates for the Trust's ambitions and positively engages its own community in the process</p>	Specifically, we want to:	We will provide research and evidence needed to support future funding bids
		We will measure this by:	UoS named as lead researcher.
		It is achievable because:	Once Trust is set up, bids will incorporate funding to cover research costs.
		This is relevant because:	We have identified the need for a research framework through the City of Culture Needs assessment.
		We hope to do this within:	from the Autumn 2022 for X years
<p>2. Collaborator for the Civic Leadership programme</p>	<p>Specifically, we want to</p>		we will have set up a Civic Leadership Programme to develop a new generation of Civic Leaders (potential to link to Southampton Business School / Transforming Leadership training)
		We will measure this by:	Tracking the number of participants
		It is achievable because:	We have a track record of supporting cultural leadership programmes
		This is relevant because:	We have identified the need to increase cultural leadership across the city through the City of Culture needs assessment
		We hope to do this within:	by 2024/5

DRAFT

<p>Collaborations to place unique and distinctive material in broader civic spaces.</p>		Specifically, we want to:	JHG & WSA collaboration to place Gandhi letters at heart of JHG exhibition which will now tour in India
		We will measure this by:	
		It is achievable because:	
		This is relevant because:	
		We hope to do this within:	
<p>Opportunities to bid for funding to improve digital access to our collections working with academic partners.</p>		Specifically, we want to:	AHRC Knitting collection project with workshops at GH. Peter Brook Postcards made available through digitisation. In the future, a possible big bid with Digital Humanities is in the forward plan that Department
		We will measure this by:	
		It is achievable because:	
		This is relevant because:	
		We hope to do this within:	

DRAFT COUNCIL

4.1.6 Environment, Sustainability and Biodiversity

Collectively, we will help to make changes for the betterment of the environment through our research and learning programmes, that interconnect with local Green City Charters.

We will do this by:

Action	KPI	SMART	
<p>Working with civic and community partners such as those standing for the voluntary and community sector, through the Green City Plan and strategic plans alongside our Environment and Sustainability Strategy, Nature and Biodiversity and Future Cities Hub, we will reduce our carbon footprint. Through our research we will work to offer tools to local businesses, public bodies and individuals to reduce their carbon footprint and develop the technologies of the future.</p>	<p>Development of outcomes from the pilot Green Social Prescribing programme with Southampton Voluntary Services supporting up to eight community groups.</p> <p>Reigniting the Future Cities Hub (increasing local membership to %)</p> <p>Re-establishment of scientific advice support, expertise and research.</p>	<p>Specifically, we want to:</p>	<p>As Green Social Prescribing is a crossover subject between Nature and University Hub and Health and Wellbeing Hub, and the two hubs are now working together, we will be able to support such initiatives when requested by the project team.</p> <p>Work with community leaders such as the newly formed Southampton Climate Action Network leads, to explore how UoS researchers can support civic initiatives via the Future Cities hub.</p>
		<p>We will measure this by:</p>	<p>Evidencing connections made through the Hub that lead to partnerships, collaborative working, new projects and outputs</p>
		<p>It is achievable because:</p>	<p>The Hubs are a proven route to achieving mutually beneficial outcomes by connecting UoS researchers with community practitioners</p>
		<p>This is relevant because:</p>	<p>It aligns with research, teaching/learning, Sustainability Strategy and Engaged University Strategic Framework activity as well as Civic work strands</p>
<p>We hope to do this within:</p>	<p>Ongoing – to be introduced as business as usual</p>		

<p>Making sustainability a cornerstone of our research, engagement activity and societal impact.</p>	<p>Celebrate University research and engagement around biodiversity, sustainability, environment; actively engaging/involving our local publics/community within this work, for local benefit (societal/individual)</p> <p>% Number of people from the community engaging with the research of UoS and as partners, collaborators and participants.</p>	<p>Specifically, we want to:</p>	<p>Strengthen the potential for collaborative activity via our Community Engagement Hubs (Nature & Biodiversity; Future Cities)</p>
		<p>We will measure this by:</p>	<p>Tracking Hubs membership/activities.</p>
		<p>It is achievable because:</p>	<p>Hubs track record already set up, from which to build.</p>
		<p>This is relevant because:</p>	<p>Hubs are a key mechanism for civic activity/development</p>
		<p>We hope to see this within:</p>	<p>2023-25</p>

DRAFT CHANGES

4.1.7 Social Justice and Equality

Promoting social justice and equality is fundamental to our collective efforts and values as a community partner and University. As a partner of the Southampton City Inclusion Pledge and partner of the Cities of Sanctuary becoming a University of Sanctuary, we recognise and celebrate the diversity of our places and local communities.

We will do this by:

Action	KPI	SMART	
Become a University of Sanctuary	Apply to become a University of Sanctuary	Specifically, we want to:	Submit an application that highlights the great work taking place in the university already
		We will measure this by:	Working across the university to pull together different work flows and project work that ties with this area of
		It is relevant because:	As part of the awarding process, we must submit an application form. We can then expect a visit 6-8 weeks after their decision on the application
		This is relevant because:	Being awarded the title of University of Sanctuary ties the work together with the CUA
		We hope to do this within:	Submitting in Autumn 2022

DRAFT COMMENTS

<p>After being awarded University of Sanctuary status – Delivery of University of Sanctuary</p>	<p>We will work on integrating the work outlined in the application across the university to ensure the commitment to the work continues.</p>	<p>Specifically, we want to:</p>	<p>Collaborate with STAR</p> <p>Have a working group</p> <p>Imbed the workflow of sanctuary seekers into university charters, such as the Mental Health Charter, working closely with EDI</p> <p>Part of this will be recognising the university as a hub of community activity for those seeking sanctuary and those supporting them through charity organisations</p> <p>Providing a warm and welcome campus across all the university campuses, for those seeking sanctuary, both for students and the local community ensuring services on campus are accessible</p>
		<p>We will measure this by:</p>	<p>Working group meetings with university wide representatives</p> <p>Increased numbers in the SUSU STAR group</p> <p>Increased applications to the Sanctuary Scholarship</p>
		<p>It is achievable because:</p>	<p>Working closely with the STAR group and national STAR group to ensure communication of the scholarships</p>
		<p>This is relevant because:</p>	<p>It highlights a level of engagement, more students engaged in STAR and 2 filled scholarship places</p>
		<p>We hope to do this within:</p>	<p>In accordance with the 3-year plan from submission</p>

DRAFT COPY

<p>Introduce two UoS Sanctuary Scholarships 2022-23</p>	<p>Remove some of the financial barriers to education, specifically higher education for sanctuary seekers</p>	<p>Specifically, we want to:</p>	<p>Implement two Sanctuary Scholarships</p>
		<p>We will measure this by:</p>	<p>Having two students who complete their studies who otherwise wouldn't have been able to access HE</p>
		<p>It is achievable because:</p>	<p>Part of the application form is that they have no access to funding to support their journeys</p>
		<p>This is relevant because:</p>	<p>It is a vital part of our application to become a University of Sanctuary that we have a scholarship that become an embedded part of our work</p>
		<p>We hope to do this within:</p>	<p>By start of September term 2022-2023. 1 year for PGT and 3 years for the UG scholarship. There will be two new scholarships on offer every year. At any one time we might have around 8</p>
<p>Working with the City of Sanctuary team and HUT/Universities of Sanctuary Action Group, we will develop and work towards on our collective efforts as Universities of Sanctuary</p>	<p>In Spring 2023 we will have been awarded University of Sanctuary status with a range of areas of support, including scholarships for those seeking asylum and refuge and CARA.</p>	<p>Specifically, we want to:</p>	<p>We will have developed a joint programme marking Refugee Week with our HUT and City of Sanctuary colleagues.</p>
		<p>We will measure this by:</p>	<p>Working collaboratively to plan events that complement each individual university</p>
		<p>It is achievable because:</p>	<p>Common goals within each institution</p>
		<p>This is relevant because:</p>	<p>It is embedded within our internal and external strategic commitments.</p>
		<p>We hope to do this within:</p>	<p>June 2023</p>

Making our own spaces more welcoming and accessible e.g., Hartley refurb and other site opportunities will consider Library of Sanctuary perspective & porous spaces for digital scholarship creation, exhibitions and public interface opportunity (including alumni, KEE activity)		Specifically, we want to:	
		We will measure this by:	
		It is achievable because:	
		This is relevant because:	
		We hope to do this within:	

DRAFT CHANGES

5 Timescale of the Civic University Agreement

Aligned with our University Strategy, the Civic University Agreement has a five-year timescale (2022-2027). Whilst the Action Plan sets out our goals, partners recognise that our agreement and plan should also be flexible, agile and responsive of local need and changes, acting in real time. As such, there will be scope within our governance structure that provides further opportunities for this to happen.

6 Governance, Monitoring and Review

Governance of the Civic University Agreement will be overseen by a Civic University Steering Group/Board or similar and an operations group/Civic Action Group will steer forward the CUA working with our partners as it moves towards implementation phase. This will also be supported by a civic university forum, to periodically (once or twice a year) bring together people engaged in relevant activities to share and celebrate what is being done.

We will monitor progress through the Civic Monitoring Group and Civic University Steering Group (meeting every 6 to 8 weeks)

The CUA will be reviewed every two years in alignment with local election cycles. Recognising the complexities of our action plan objectives will be reviewed and evaluated according to their identified KPI's and measurement of outcomes and success.

7 How we will measure the impact of our Civic University Agreement

Structured around a shared framework (see sub-section 7.1) we will measure the progress of our agreement against our internal and independent baseline polling, which includes understanding public perception of the University, partners and challenges. This also aligns with Theory of Change benchmarking exercises will be conducted through the Civic Working Group every 2 years.

Impact Measurement

We will measure the impact of the Civic Agreement through economic and social value assessment alongside the joint cultural needs assessment. Using Social Network analysis and Arnstein's Ladder of Participation will enable us to monitor how the agreement has shaped, enhanced and extended our partnerships and reach over time.

This framework, underpinned by the four Civic pillars, (People, Place, Partnerships and Impact) will enable us to collectively understand how we measure-up as our partnerships and engagements develop and progress over time.

When	Evaluation and Impact	Purpose	Civic Pillars: People, Place, Partnerships and Impact
Baseline and intermittently	Theory of Change exercise (internal) Public Polling (external)	Understand how, over the 5-year agreement, the University is perceived both internally and externally.	People and Place
Baseline and intermittently	Economic Impact Assessment Joint Cultural Needs Assessment/CoC25 Bid	Our economic contribution to our places now and over time. Place-based research for the Southampton 2025 City of Culture bid.	People, Place, Partnerships and Impact People and Place
	Social Value Assessment	How we contribute to our places and make a difference as a social resource/ asset (for e.g., volunteering, placements, our work with schools etc).	People, Place, Partnerships and Impact
	Social Network Analysis; Activity Mapper Arnstein’s Ladder of Participation	How these networks and partnerships, develop, grow and expand. Ways in which we work in partnership moving from participation and consultation to co-creation.	Partnerships Place and Partnerships

7.1.1 Theory of Change

Explains how a given intervention, or set of interventions, are expected to lead to a specific development change, drawing on a causal analysis based on available evidence which we will carry out internally. This will be further supported by;

7.1.2 Public Polling

An opinion poll, often referred to as a poll or a survey to gather public opinion from a particular sample.

7.1.3 *Economic Impact Assessment*

Examines the effects of a project or proposed policy change on the local economy. In this instance, the scope identifies how, as a university, we make an economic impacting on by and with our local communities, as well as regionally, nationally and internationally. Ultimately, Economic Impact Assessments provide a transparent measure of the economic importance of our work.

7.1.4 *Joint Cultural Needs Assessment*

The purpose of a Joint Cultural Needs Assessment Guidelines is to support arts and cultural organisations in the planning and delivery of cultural outcomes that address a wide range of locally determined needs in their communities, including cultural needs.

7.1.5 *Social Value Assessment*

Social value is the quantification of the relative importance that people place on the changes they experience in their lives. Some, but not all of this value is captured in market prices. It is important to consider and measure this social value from the perspective of those affected by an organisation's work.

7.1.6 *Social Network Analysis*

Is the process of investigating social connections and networks. It characterizes networked structures in terms of nodes or rather, individual actors, people, or things within the network and the ties, edges, or links (relationships or interactions) that connect them.

7.1.7 *Activity Mapper*

Using our Activity Mapper tool, we will be able to determine why, where and how these networks develop. For further information about Activity Mapper, visit:

<https://www.efolio.soton.ac.uk/blog/activitymapper/>

7.1.8 *Arnstein's¹ Ladder of Participation*

The ladder is a guide to seeing who has power when important decisions are being made moving from the bottom rungs to co-creation and/or citizen control.

¹ Reference: Sherry R. Arnstein's "A Ladder of Citizen Participation", Journal of the American Planning Association, Vol. 35, No. 4, July 1969, pp. 216-224.

Index

	A		
Action.....	21, 25, 27, 30, 32, 35, 39, 41	Environment, Sustainability, Decarbonisation and Biodiversity.....	20
Activity Mapper.....	42, 43	equality.....	8, 20, 37
alumni.....	7, 8, 27, 28	equality, diversity and inclusion.....	8
Arnstein’s Ladder of Participation.....	41, 42	Erich Zepler.....	5
arts.....	6, 18, 20, 25, 43		
Arts Council England.....	6	G	
Artwork.....	18	geography.....	7
		Governance.....	41
B		government.....	6, 7, 12
benefit.....	7, 8, 10, 18, 19, 25	graduate talent.....	6
Business Improvement Districts (BIDs).....	25	graduates.....	27, 28
		Green City Chesters.....	35
C			
Child Friendly City (CFC)	18	Hampshire County Council.....	11, 15
City Inclusion Pledge.....	37	Hampshire Cultural Education Partnership (HCEP).....	18
City of Culture Bid.....	20	Hampshire Music Service.....	18
City of Sanctuary Trust.....	18	Hampshire Universities Together	9, 10
Civic Charter.....	8	health and wellbeing.....	8, 18, 30
Civic Conversations.....	19, 21	Health and Wellbeing.....	20, 30, 31
civic engagement.....	7	Healthcare.....	6, 30
Civic Monitoring Group.....	41	Henry Robins Hartley.....	4
CIVIC PILLARS.....	42	Highfield Hall.....	5
civic university.....	41		
civic university agreement.....	7	I	
Civic University Agreement.....	19, 41	impact.....	8, 10, 19, 20, 25, 36, 41
Civic University Charter.....	7	Improving the Quality and Cultural Life of our Places ..	20
Civic University Network.....	10	Integration Strategy.....	7
Civic University Steering Group.....	41	Inspire Learning Academy.....	11
CoC25 Bid.....	33, 42	Institute of Sound and Vibration.....	5
collaboration.....	8, 10, 21		
communities.....	7, 8, 9, 10, 19, 20, 21, 25, 26, 27, 28, 32, 37, 43	J	
community.....	10, 15, 16, 19, 20, 26, 27, 28, 30, 33, 35, 36, 37	John Hansard Gallery.....	6, 32
Community Interest Companies (CIC).....	25	Joint Cultural Needs Assessment.....	42, 43
cultural.....	7, 18, 19, 20, 28		
		K	
D		knowledge exchange.....	6
digital divide.....	8	KPI21, 25, 27, 30, 32, 35, 41	
diversity and inclusion.....	11		
		L	
E		Levelling Up.....	7
Eastleigh.....	9, 10, 11, 12, 19, 21, 32	Local Enterprise Partnerships.....	7, 25
Economic Impact Assessment.....	42, 43	local partnerships.....	20, 25
education.....	6, 8, 12, 16, 18, 19, 20, 21, 30, 39		
Education, Learning and Future Jobs.....	20, 21	M	
Edward Turner Sims.....	5	Malaysian campus.....	6
Electronics.....	5		
Engineering Department.....	5	N	
enterprise.....	8, 19, 20, 25, 30	neighbouring area.....	8
environment.....	6, 8, 20, 35, 36		

NHS Foundation Trust.....	8	Southampton Institute for Arts and Humanities.....	6, 32
O		Southampton Photonics	6
opinion poll.....	42	Southampton University College	5
P		Southampton Voluntary Services.....	15, 28
partners .4, 7, 8, 10, 16, 17, 19, 20, 21, 26, 27, 28, 32, 35,		Southern University Network (SUN)	11
36, 41		staff	19, 27, 28
partnership	10, 11, 17, 18, 19, 21, 25, 27, 28, 32, 42	Staff, Students and Graduate Support and Retention .	20,
place	5, 7, 8, 18, 19, 37, 43	27	
Place, People, Partnerships and Impact.....	8	strategic priorities	20
policy mapping.....	20	students	4, 5, 6, 7, 19, 27, 28, 39
priority	20, 33	Supermarine	5
prosperity	8, 19, 20, 25, 32	sustainable communities	8
Public Polling.....	42	SUSU	27
purpose.....	8, 15, 16, 43	SVS	15, 30
Purpose Coalition.....	18, 21	T	
R		Test Valley.....	9, 10, 13, 21, 32
research.....	6, 8, 10, 19, 20, 25, 26, 30, 31, 33, 35, 36, 42	The Hartley Institution	4
Research, Innovation, Enterprise, Business and		Theory of Change.....	20, 41, 42
Economic Growth	20	Theory of Change Framework.....	20
residents' associations.....	20	transform educational opportunities.....	8
Russell Group.....		transforming lives.....	8, 19
S		transport infrastructure.....	6
School of Navigation	5	Triple Helix.....	8
School of Radio Telegraphy	5	Turner Sims Concert Hall	6
SMART	27, 30, 32, 33	U	
Social Justice and Equality	20, 37	University Hospital Southampton	8
social mobility	8, 19, 21	University of Portsmouth.....	10
Social Network analysis	41	University of Sanctuary.....	18, 37, 39
Social Network Analysis.....	41, 43	University of Southampton.....	6, 10
Social Value Assessment.....	42, 43	University of Winchester	10
social value assessment framework.....	41	University Strategy.....	8, 41
Solent LEP.....	16	V	
Solent University.....	10	Viscount Haldane	5
Southampton.....	5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	vision.....	8, 12, 17, 18
Southampton Business.....	5	volunteering.....	6, 12, 15, 16, 20, 27, 28, 42
Southampton City Council.....	12	W	
Southampton City of Culture Trust.....	17, 33	Widening access and participation	21
Southampton Connect.....	17, 21	William Darwin	5
Southampton Cultural Education Partnership	18	Winchester.....	6, 9, 10, 11, 18, 21, 32
Southampton Education Forum.....	11	Winchester City Council.....	14
		Winchester School of Art	6, 10, 32