

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

Wednesday 19 January 2022



The Mayor – Councillor PJ Murphy
Deputy Mayor – Councillor Daryl Brown

ADDISON

Adam Connell (L)
Rachel Leighton (L)
Sue Fennimore (L)

HAMMERSMITH
BROADWAY

Stephen Cowan (L)
PJ Murphy (L)
Patricia Quigley (L)

RAVENSCOURT PARK

Jonathan Caleb-Landy (L)
Bora Kwon (L)
Asif Siddique (L)

ASKEW

Lisa Homan (L)
Rowan Ree (L)
Rory Vaughan (L)

MUNSTER

Adronie Alford (C)
Alex Karmel (C)
Dominic Stanton (C)

SANDS END

Lucy Richardson (L)
Ann Rosenberg (L)
Matt Uberoi (L)

AVONMORE &
BROOK GREEN

David Morton (L)
Rebecca Harvey (L)
Fiona Smith (L)

NORTH END

Daryl Brown (L)
Larry Culhane (L)
Zarar Qayyum (L)

SHEPHERDS BUSH
GREEN

Andrew Jones (L)
Natalia Perez (L)
Mercy Umeh (L)

COLLEGE PARK &
OLD OAK

Alexandra Sanderson (L)
Wesley Harcourt (L)

PALACE RIVERSIDE

Amanda Lloyd-Harris (C)
Donald Johnson (C)

TOWN

Andrew Brown (C)
Belinda Donovan (C)
Victoria Brocklebank-
Fowler (C)

FULHAM BROADWAY

Ben Coleman (L)
Sharon Holder (L)
Helen Rowbottom (L)

PARSONS GREEN AND
WALHAM

Matt Thorley (C)
Mark Loveday (C)
Frances Stainton (C)

WORMHOLT AND
WHITE CITY

Frances Umeh (L)
Sue Macmillan (L)
Max Schmid (L)

FULHAM REACH

Iain Cassidy (L)
Christabel Cooper (L)
Guy Vincent (L)

SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Meeting of the Council on
Wednesday 19 January 2022
at 3 Shortlands, W6 8DA

The Council will meet at 7.00pm

Members of the public can watch the meeting
live on YouTube: youtu.be/PJd6HZzayLY

11 January 2022
3 Shortlands
Hammersmith W6

Kim Smith
Chief Executive

Full Council Agenda

19 January 2022

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3.	MINUTES	7 - 28
	<p>To approve the minutes of the meeting held on 20 October 2021.</p>	
4.	MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS	
5.	PUBLIC QUESTIONS (20 MINUTES)	29 - 30
	<p>The Leader/relevant Cabinet Member to reply to questions submitted by members of the public.</p>	
6.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS	
6.1	COUNCIL TAX SUPPORT SCHEME 2022/23	31 - 186
	<p>This report presents the Council Tax Support Scheme for 2022/23.</p>	

6.2	COUNCIL TAX BASE AND COLLECTION 2022/23 AND DELEGATION OF THE BUSINESS RATES ESTIMATE	187 - 195
	<p>This report is a statutory requirement that sets the council tax base for the purposes of the 2022/23 revenue budget. The report also delegates authority to the Director of Finance to determine the business rates tax base for 2022/23.</p>	
6.3	REVIEW OF POLLING DISTRICTS AND POLLING PLACES	196 - 312
	<p>This report presents a review of polling districts and places and recommends approval of a new polling scheme to be implemented at the local council elections scheduled for 5 May 2022.</p>	
6.4	REVIEW OF THE STATEMENT OF GAMBLING POLICY	313 - 386
	<p>This report presents proposed changes to the Council's Statement of Gambling Policy and the timetable for consultation.</p> <p>Exempt appendix – This report has an appendix which contains information exempt within the meaning of paragraph 5 of Schedule 12A to the Local Government Act 1972 and is not for publication. The appendix has therefore been circulated to Councillors only. Any discussions on the contents of an exempt appendix will require Council to pass the proposed resolution identified in the exempt appendix to exclude members of the public and the press from the proceedings for that discussion.</p>	
6.5	REVIEW OF THE CONSTITUTION	387 - 389
	<p>This report asks Council to note updates to the Economy Register of Authorities.</p>	
6.6	COUNCIL CALENDAR OF MEETINGS 2022/23	390 - 392
	<p>This report presents the 2022/23 calendar of meetings for approval.</p>	
7.	SPECIAL MOTIONS	
	<p>To consider and determine any Special Motions:</p>	
7.1	SPECIAL MOTION 1 - EEL BROOK COMMON	393
7.2	SPECIAL MOTION 2 - THE BOROUGH'S HOUSING STOCK	394
7.3	SPECIAL MOTION 3 - THANKING OUR NHS AND CELEBRATING THE IMPORTANCE OF CHARING CROSS HOSPITAL	395 - 396
7.4	SPECIAL MOTION 4 - THE WEST KENSINGTON AND GIBBS GREEN ESTATES	397
7.5	SPECIAL MOTION 5 - FUNDING HAMMERSMITH & FULHAM	398
7.6	SPECIAL MOTION 6 - THANKING VOLUNTEERS	399
7.7	SPECIAL MOTION 7 - HOME CARE	400

Public Attendance at Council

Members of the public and press are welcome to attend or watch the meeting. You can watch the meeting live on YouTube: youtu.be/PJd6HZzayLY

If you need to attend in person, you can do so but spaces are limited due to social distancing measures so please contact David.Abbott@lbhf.gov.uk. Priority will be given to those who are participating in the meeting. Observers will be allocated seats on a first come first serve basis.

For the safety of attendees, we are ensuring that our meetings take account of any relevant Coronavirus restrictions and public health advice.

Members of the public who are attending a meeting for a specific purpose, rather than general observation, are encouraged to leave the meeting at the end of the item for which they are present.

Before attending the meeting

Do not attend a meeting if you are experiencing Coronavirus symptoms.

Anyone experiencing symptoms of Coronavirus is eligible to book a swab test to find out if they have the virus. You can register for a test after checking your symptoms through the NHS website: www.gov.uk/get-coronavirus-test

You can also call 119 to book a test.

Even if you are not experiencing Coronavirus symptoms, you are requested to take a lateral flow test in the 24 hours before attending the meeting.

You can order lateral flow tests online or visit one of our testing centres:

www.lbhf.gov.uk/coronavirus-covid-19/health-and-wellbeing-advice/covid-19-testing

If your lateral flow test returns a positive result, you should follow Government guidance to self-isolate and make arrangements for a PCR test.

Attending the meeting

To make our buildings Covid-safe, it is important that you observe the rules and guidance on social distancing and hand washing. Masks should be worn at all times, unless you are speaking at the meeting or you are exempt.

You must follow all the signage and measures that have been put in place. They are there to keep you and others safe.

Security staff will be waiting in reception to direct members of the public to the meeting room.



COUNCIL MINUTES

ORDINARY COUNCIL MEETING

WEDNESDAY 20 OCTOBER 2021



PRESENT

The Mayor Councillor PJ Murphy (attended in person)
Deputy Mayor Councillor Daryl Brown (attended remotely)

Councillors:

Attended In Person

Victoria Brocklebank-Fowler
Iain Cassidy
Ben Coleman
Stephen Cowan
Wesley Harcourt
Sharon Holder
Lisa Homan
Andrew Jones
Alex Karmel
Bora Kwon
Zarar Qayyum
Lucy Richardson
Helen Rowbottom
Fiona Smith
Matt Thorley
Frances Umeh

Attended Remotely

Adronie Alford
Andrew Brown
Jonathan Caleb-Landy
Adam Connell
Christabel Cooper
Larry Culhane
Belinda Donovan
Sue Fennimore
Rebecca Harvey
Amanda Lloyd-Harris
Mark Loveday
David Morton
Natalia Perez
Patricia Quigley
Rowan Ree
Ann Rosenberg

Attended Remotely

Alexandra Sanderson
Max Schmid
Asif Siddique
Frances Stainton
Dominic Stanton
Matt Uberoi
Mercy Umeh
Rory Vaughan
Guy Vincent

NOTE: This meeting was held as a hybrid meeting. 17 members attended in person and voted on decision reports. You can watch the meeting online:

<https://youtu.be/cWUJMIyNwZ8>

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Leighton, Donald Johnson, and Sue Macmillan.

Apologies for lateness were received from Councillor Larry Culhane.

2. DECLARATIONS OF INTERESTS

There were no declarations of interest.

3. MINUTES

7.08pm – The minutes of the Annual Council meeting held on 28 April 2021 and the minutes of the informal Council meeting held on 14 July 2021 were agreed as accurate records.

4. MAYOR'S ANNOUNCEMENTS

The Mayor extended the Council's congratulations to Councillors Leighton and Connell on the birth of their first child, Phoebe.

Death of David Amess MP

The Mayor noted the tragic murder of Sir David Amess, Conservative MP for Southend West. Speeches were made by the Leader of the Council, Councillor Stephen Cowan, the Leader of the Opposition, Councillor Victoria Brocklebank-Fowler, and Councillor Andrew Brown.

The Council observed a minute of silence in his memory.

5. PUBLIC QUESTIONS (20 MINUTES)

The Mayor thanked all of the residents who submitted questions. He noted that public question time was limited to 20 minutes and it would not be extended as there were 16 public questions and a full agenda.

Questions 7 and 8 were addressed in the meeting. The Mayor noted that any questions not addressed in the meeting would receive written responses which would also be published in the minutes. All of the questions and responses can be found in Appendix 1 at the end of the minutes.

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

6.1 Results of the Local Government By-Election on 23 September 2021

The Mayor congratulated Councillor Frances Umeh on her election victory and welcomed her to the Council.

Speeches of congratulations were made by the Leader of the Council, Councillor Stephen Cowan and the Leader of the Opposition, Councillor Victoria Brocklebank-Fowler.

7.32pm – The report on the party appointments for the 2021/22 Municipal Year was noted.

6.2 Allocation of Seats and Proportionality on Committees

7.34pm – The report on the allocation of seats and proportionality on committees was noted.

6.3 Party Appointments for 2021-22 – October Updates

The Mayor noted that an amendment had been circulated for this item.

7.35pm – The Council is asked to note updates to the Party Appointments for the 2021/22 Municipal Year including the appointment of Councillor Bora Kwon as the Chief Whip.

6.4 **Committee Membership Changes – October 2021**

The Mayor noted that an amendment had been circulated for this item.

7.35pm – The amended report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The amended report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The amended report and recommendations were declared **CARRIED**.

7.35pm – RESOLVED

1. That Full Council approves the appointment of Councillor Frances Umeh to Planning and Development Control Committee and Licensing Committee.
2. That Full Council notes that Councillor Sharon Holder is the nominated substitute for Commercial Revenue Committee.
3. That Council agrees the appointment of Councillor Frances Umeh as a member and Chair of the Community Safety and Environment Policy and Accountability Committee.

6.5 **Review of the Constitution**

7.35pm – The updates to Contract Standing Orders and the Departmental Registers of Authorities were noted.

6.6 **Dispensation of absence for all Councillors**

7.35pm – The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The report and recommendations were declared **CARRIED**.

7.35pm – RESOLVED

Full Council agreed that any member unable to attend a council meeting for a period greater than six months for Covid-19 related reasons, receives a dispensation further to section 85(1) of the Local Government Act 1972 to 9 November 2021.

7. SPECIAL MOTIONS

7.1 Special Motion 1 - The Green Agenda

7.36pm – Councillor Andrew Brown moved, seconded by Councillor Matt Thorley, the special motion in their names:

“This council is committed to work with all residents and put them at the heart of decisions on how we will decarbonise heat and transport, and build a sustainable future for economic, social and environmental prosperity in Hammersmith and Fulham.

We stand by the principal that no one is left behind, and everyone’s choice can and will be supported, allowing all residents to contribute to the 2050 net zero target, at their pace and without unnecessary upheaval.

We acknowledge climate change and the imperative for clean air, reduced pollution and minimal waste. And we also recognise that solutions must be pragmatic, flexible and fair, so no residents – especially those most vulnerable, lose out. One size does not fit all.

This council accepts that it has made mistakes in the past, forcing well intended but ill-conceived changes to local traffic management without considering the wider implications for the local area, the increased air pollution and congestion in key parts of the Borough, and the inherent risk that brings by increasing emergency response times for critical health and emergency services.

In future, the Council commits to deliver on its pledge to “do things with residents, not to them”, and will respect the views of all communities to find a balanced and fair path to achieve its goals that is acceptable to all. The Council facilitates – but the residents choose.”

Speeches on the motion were made by Councillors Brown and Thorley (for the Opposition).

Under Standing Order 15(e)(6), Councillor Wesley Harcourt moved, seconded by Councillor Stephen Cowan, an amendment in their names:

“Delete all after “This Council...” in line 1 and replace with:

...recognises the importance of climate change and so declared a Climate Emergency in 2019 with an ambitious target of net carbon zero by 2030, far sooner than nationally set target dates. The Council further recognises the importance of the work done by the resident led Climate and Ecological Emergency Commission which reported earlier this year.

This Council notes the work already undertaken by the Climate Unit in developing a climate strategy and the continued input of residents into leading the newly established Strategic Implementation Group.

This Council also acknowledges how clean air, reduced pollution and waste contribute to a cleaner, greener future for our residents and recognises the success of Council initiatives such as retro fitting of properties on Gibbs Green, the last mile delivery service and the rapidly increasing number of electric vehicle charging points to list just a few.

This Council hopes that members, residents and businesses will take part in its series of Climate Carnival events scheduled for later this month.

This Council looks forward to continuing to work with residents to bring about the necessary changes that will achieve its ambition for net carbon zero by 2030 and a greener future for our borough.”

Speeches on the amendment were made by Councillors Harcourt, Cassidy, Frances Umeh (her maiden speech), Caleb-Landy, and Cowan (for the Administration) and Councillors Stanton and Brown (for the Opposition).

The amendment was then put to the vote.

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The amendment was declared **CARRIED**.

Councillor Brown then made a speech winding up the debate before the amended motion was put to the vote.

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The amended motion was declared **CARRIED**.

8.26pm – RESOLVED

This Council recognises the importance of climate change and so declared a Climate Emergency in 2019 with an ambitious target of net carbon zero by 2030, far sooner than nationally set target dates. The Council further recognises the importance of the work done by the resident led Climate and Ecological Emergency Commission which reported earlier this year.

This Council notes the work already undertaken by the Climate Unit in developing a climate strategy and the continued input of residents into leading the newly established Strategic Implementation Group.

This Council also acknowledges how clean air, reduced pollution and waste contribute to a cleaner, greener future for our residents and recognises the success of Council initiatives such as retro fitting of properties on Gibbs Green, the last mile delivery service and the rapidly increasing number of electric vehicle charging points to list just a few.

This Council hopes that members, residents and businesses will take part in its series of Climate Carnival events scheduled for later this month.

This Council looks forward to continuing to work with residents to bring about the necessary changes that will achieve its ambition for net carbon zero by 2030 and a greener future for our borough.

8.27pm – Councillor Bora Kwon moved a motion under Standing Order 15(e)3 to reorder the remaining special motions in the following order: 5, 4, 2, 7, 6 and 3. Councillor Zarar Qayyum seconded the motion and it was agreed.

7.5 **Special Motion 5 - The Threat to Charing Cross Hospital Posed by the Health and Social Care Bill**

8.27pm – Councillor Ben Coleman moved, seconded by Councillor Lucy Richardson, the special motion in their names:

“This Council:

- *Notes the replacement of Rt Hon Matt Hancock MP as Secretary of State for Health and Social Care by Rt Hon Sajid Javid MP;*
- *Notes that one of the first matters in Mr Javid’s in-tray will be his predecessor’s proposals for a new Health and Social Care Bill, as set out in in a White Paper of 11 February 2021;*
- *Is concerned that the Bill increases the power of the Secretary of State at the expense of local accountability and democracy;*
- *Is deeply concerned that the Bill gives the Secretary of State a new power to intervene in local services configuration proposals “where required”, which could end the NHS’s current duty to consult local authorities about substantial variations or reconfigurations of health services and make it easier for the government to close Charing Cross Hospital;*
- *Is concerned that the Secretary of State will have a new power over NHS appointments, enabling him to install compliant allies to run the new, regional Integrated Care Systems that bring together the NHS and local authorities;*
- *Is concerned about the impact on residents’ health and wellbeing of proposals to transfer unspecified functions from Public Health teams, which are based in Councils close to their communities, to the more remote NHS;*
- *Regrets that the White Paper prioritises new government control of Councils’ social care services over new funding as part of a much-needed national plan;*

- *Regrets that the White Paper says nothing about requiring the NHS to share data better with Councils, despite the need for this being a key lesson of the Covid pandemic; and*
- *Urges the Secretary of State to ensure that the Bill which he takes through Parliament addresses the concerns raised here and does not threaten Charing Cross Hospital by undermining local democracy and accountability.”*

Speeches on the motion were made by Councillors Coleman, Richardson, and Cowan (for the Administration) and Councillors Brown and Lloyd Harris (for the Opposition).

Councillor Coleman made a speech winding up the debate before the motion was put to the vote.

FOR	33
AGAINST	10
NOT VOTING	0

The motion was declared **CARRIED**.

8.59pm – RESOLVED

This Council:

Notes the replacement of Rt Hon Matt Hancock MP as Secretary of State for Health and Social Care by Rt Hon Sajid Javid MP;

- Notes that one of the first matters in Mr Javid’s in-tray will be his predecessor’s proposals for a new Health and Social Care Bill, as set out in a White Paper of 11 February 2021;
- Is concerned that the Bill increases the power of the Secretary of State at the expense of local accountability and democracy;
- Is deeply concerned that the Bill gives the Secretary of State a new power to intervene in local services configuration proposals “where required”, which could end the NHS’s current duty to consult local authorities about substantial variations or reconfigurations of health services and make it easier for the government to close Charing Cross Hospital;
- Is concerned that the Secretary of State will have a new power over NHS appointments, enabling him to install compliant allies to run the new, regional Integrated Care Systems that bring together the NHS and local authorities;
- Is concerned about the impact on residents’ health and wellbeing of proposals to transfer unspecified functions from Public Health teams, which are based in Councils close to their communities, to the more remote NHS;
- Regrets that the White Paper prioritises new government control of Councils’ social care services over new funding as part of a much-needed national plan;
- Regrets that the White Paper says nothing about requiring the NHS to share data better with Councils, despite the need for this being a key lesson of the Covid pandemic; and

- Urges the Secretary of State to ensure that the Bill which he takes through Parliament addresses the concerns raised here and does not threaten Charing Cross Hospital by undermining local democracy and accountability.

7.4 **Special Motion 4 - The Decision of the Secretary of State for Housing and Local Communities to Call In the Planning Application for Edith Summerskill House on the Clement Attlee Estate in Fulham**

8.59pm – Councillor Andrew Jones moved, seconded by Councillor Lisa Homan, the special motion in their names:

“This Council notes the decision of the Secretary of State for Housing and Local Communities to call in the planning application for Edith Summerskill House on the Clement Attlee Estate in Fulham. This decision prevents the construction of 133 new homes for residents, the vast majority of which are urgently needed genuinely affordable or temporary housing. The Council notes that after an unnecessary deliberation which took 9 months, the housing scheme is now further delayed for up to 4 years and the replacement of affordable homes under threat. With respect to this decision, this Council further notes:

- *The Council and its partners have invested significant resources into replacing an uninhabitable building with social rented homes of the highest quality;*
- *The call-in purports to be on the grounds of a tall building, but the new building is of very similar height and dimensions to the building it replaces;*
- *The project has been granted planning permission after extensive consultation, and has the approval of the GLA and the Mayor of London;*
- *The eleventh-hour call-in delay has a severely negative impact on the Council’s finances – it will delay the provision of 105 temporary housed households which will cost the Council on average £175,000 per month;*
- *Further delays will severely impact the lives of over-crowded families and those on the housing register waiting for an offer of permanent accommodation;*
- *By creating this delay the Government is imposing a further £840,000 to £1.26m to the overall costs of the project;*
- *The Council will also have to continue to fund 24/7 site security at a cost of £8,000 per month;*
- *Peabody, who are the final developer/operator, have also spent £1.5m to date; and*
- *The delay threatens the project’s overall finances as some of the funding will time-out.*

This Council further notes that Edith Summerskill was identified under the previous Conservative administration as an affordable/private tenure redevelopment and the current scheme is little different to that which has been proposed for nearly a decade.

The Council therefore calls upon the Government to cancel this unjustified, costly and detrimental eleventh-hour decision and to allow the scheme to proceed in order to deliver much need genuinely affordable housing.”

Speeches on the motion were made by Councillors Jones, Homan, Holder, and Rowbottom (for the Administration) and Councillors Thorley and Karmel (for the Opposition).

Councillor Jones made a speech winding up the debate before the motion was put to the vote.

FOR	33
AGAINST	10
NOT VOTING	0

The motion was declared **CARRIED**.

9.32pm – RESOLVED

This Council notes the decision of the Secretary of State for Housing and Local Communities to call in the planning application for Edith Summerskill House on the Clement Attlee Estate in Fulham. This decision prevents the construction of 133 new homes for residents, the vast majority of which are urgently needed genuinely affordable or temporary housing. The Council notes that after an unnecessary deliberation which took 9 months, the housing scheme is now further delayed for up to 4 years and the replacement of affordable homes under threat. With respect to this decision, this Council further notes:

- The Council and its partners have invested significant resources into replacing an uninhabitable building with social rented homes of the highest quality;
- The call-in purports to be on the grounds of a tall building, but the new building is of very similar height and dimensions to the building it replaces;
- The project has been granted planning permission after extensive consultation, and has the approval of the GLA and the Mayor of London;
- The eleventh-hour call-in delay has a severely negative impact on the Council's finances – it will delay the provision of 105 temporary housed households which will cost the Council on average £175,000 per month;
- Further delays will severely impact the lives of over-crowded families and those on the housing register waiting for an offer of permanent accommodation;
- By creating this delay the Government is imposing a further £840,000 to £1.26m to the overall costs of the project;
- The Council will also have to continue to fund 24/7 site security at a cost of £8,000 per month;
- Peabody, who are the final developer/operator, have also spent £1.5m to date; and
- The delay threatens the project's overall finances as some of the funding will time-out.

This Council further notes that Edith Summerskill was identified under the previous Conservative administration as an affordable/private tenure redevelopment and the current scheme is little different to that which has been proposed for nearly a decade.

The Council therefore calls upon the Government to cancel this unjustified, costly and detrimental eleventh-hour decision and to allow the scheme to proceed in order to deliver much need genuinely affordable housing.

7.2 **Special Motion 2 - Disabled Access to Tube Stations in Hammersmith and Fulham**

9.33pm – Councillor Victoria Brocklebank-Fowler moved, seconded by Councillor Amanda Lloyd-Harris, the special motion in their names:

“This Council recognises the challenge facing people with disabilities and others with limited mobility, including older people and those with young families, of using the London Underground.

This Council notes that whilst some tube stations in our borough have step free access, many others do not.

This Council regrets that no progress has been made on important accessibility improvements to our transport infrastructure in over seven years.

This Council calls on Transport for London to put forward plans to give additional stations across the borough step-free access, such as Putney Bridge, Parsons Green and Barons Court Tube Stations.

This Council pledges to work with TfL, local residents, businesses and developers to support plans for step free access, and to provide Section 106 funding to support these schemes.”

Speeches on the motion were made by Councillors Brocklebank-Fowler and Lloyd-Harris (for the Opposition).

Under Standing Order 15(e)(6), Councillor Ben Coleman moved, seconded by Councillor Patricia Quigley, an amendment in their names:

“Delete all after "This Council" and insert:

...welcomes this administration's determination to make Hammersmith & Fulham the best borough for Disabled people and its commitment to work in co-production with Disabled people to remove the barriers they face.

This Council recognises the barriers that Disabled people and others, including older people and those with young families, face in using the London Underground.

This Council regrets that while some tube stations in our borough have step-free access, many others do not.

This Council regrets that at the time of the redevelopment of Shepherd's Bush station, the then Conservative administration and the then London Mayor Boris Johnson did not support the local MP and Labour Party in insisting that step-free access to the station form part of the redevelopment.

This Council welcomes it that Transport for London (TfL) has made 21 stations step free in the past five years and that it will be launching a consultation in November to help shape its future approach to step-free tube stations should more funding become available.

This Council notes that prior to the pandemic TfL was on track to deliver an operating surplus by 2022/23, having reduced its net cost of operations by almost £1bn over the past four years and increased cash reserves to more than £2bn.

This Council regrets the catastrophic effect of the Covid pandemic on TfL's finances and notes that without government support, TfL may still face a £500m gap this year, which could inhibit the installation of step-free access at more stations.

This Council commits to:

- *Encouraging local residents, businesses and community groups to respond to the forthcoming TfL consultation to urge step-free access for more tube stations in our borough; and*
- *Organising sessions with TfL and residents so that TfL can hear directly about the problems caused by the lack of step-free access.*

This Council calls on the government to engage fully with TfL to secure a long-term funding agreement that will enable TfL to fund step-free access in more stations in Hammersmith & Fulham and across London.”

Speeches on the amendment were made by Councillors Coleman, Quigley and Harcourt (for the Administration) and Councillor Donovan (for the Opposition).

The amendment was then put to the vote.

FOR	33
AGAINST	10
NOT VOTING	0

The amendment was declared **CARRIED**.

The guillotine fell at 10pm.

Councillor Brocklebank-Fowler made a speech summing up the debate before the amended motion was put to the vote.

FOR	33
AGAINST	10
NOT VOTING	0

The amended motion was declared **CARRIED**.

10.03pm – RESOLVED

This Council welcomes this administration's determination to make Hammersmith & Fulham the best borough for Disabled people and its commitment to work in co-production with Disabled people to remove the barriers they face.

This Council recognises the barriers that Disabled people and others, including older people and those with young families, face in using the London Underground.

This Council regrets that while some tube stations in our borough have step-free access, many others do not.

This Council regrets that at the time of the redevelopment of Shepherds Bush station, the then Conservative administration and the then London Mayor Boris Johnson did not support the local MP and Labour Party in insisting that step-free access to the station form part of the redevelopment.

This Council welcomes it that Transport for London (TfL) has made 21 stations step free in the past five years and that it will be launching a consultation in November to help shape its future approach to step-free tube stations should more funding become available.

This Council notes that prior to the pandemic TfL was on track to deliver an operating surplus by 2022/23, having reduced its net cost of operations by almost £1bn over the past four years and increased cash reserves to more than £2bn.

This Council regrets the catastrophic effect of the Covid pandemic on TfL's finances and notes that without government support, TfL may still face a £500m gap this year, which could inhibit the installation of step-free access at more stations.

This Council commits to:

- Encouraging local residents, businesses and community groups to respond to the forthcoming TfL consultation to urge step-free access for more tube stations in our borough; and
- Organising sessions with TfL and residents so that TfL can hear directly about the problems caused by the lack of step-free access.

This Council calls on the government to engage fully with TfL to secure a long-term funding agreement that will enable TfL to fund step-free access in more stations in Hammersmith & Fulham and across London.

7.7 Special Motion 7 - The Government's Inadequate Funding for Education Catch-Up Will Cost Our Country Far More in the Long Term

The special motion was withdrawn.

7.6 Special Motion 6 - Learning from the Failures of the £37BN National Test and Trace System

The special motion was withdrawn.

7.3 Special Motion 3 - Eel Brook Common

The special motion was withdrawn.

Meeting started: 7.03 pm
Meeting ended: 10.03 pm

Mayor

Public Questions and Responses – 20 October 2021

NOTE: 'TCPR' refers to the South Fulham Traffic, Congestion and Pollution Reduction scheme. You can read about the scheme on our website: <https://www.lbhf.gov.uk/transport-and-roads/south-fulham-traffic-congestion-and-pollution-reduction-scheme>

Question 1 – The TCPR and commitments on health and traffic reduction

From: Nick Smith, Resident

To: The Cabinet Member for the Environment

“Can the Council please confirm that its Eastern TCPR scheme – and the future Western extension – are critical components of its COP 26 Pledge and its local environmental commitments on health and traffic reduction?”

Response

The current experimental Traffic, Congestion and Pollution Reducing (TCPR) has shown traffic has reduced by 75% in the streets east of Wandsworth Bridge Road and by 12% on Wandsworth Bridge Road. This is essential to the council's work to improve the environment and to our COP 26 pledge.

Question 2 – Proposed western TCPR

From: Sarah Law, Resident

To: The Cabinet Member for the Environment

“Please can you confirm the trial East TCPR won't be made permanent without a West TCPR also being implemented. The streets to the west are badly affected by the East TCPR, so it would not be acceptable for the east trial scheme is made permanent while this imbalance persists. Please reassure the residents on the west that the east TCPR won't be quietly rubber stamped.”

Response

The Council is hugely grateful for the very significant time that a large number of residents have spent engaging with it on refining the current TCPR and developing thinking on an extension to the west.

We have heard concerns about traffic displacement and are consistently monitoring residential streets to the west of Wandsworth Bridge Road (WBR) and on WBR to inform future proposals. We understand the importance of considering an extension to the TCPR scheme in parallel. Our monitoring has considered both these aspects in detail and our approach to decision-making will be led by the data.

The decision on the current TCPR will be made by Cabinet. Any extension of the scheme will be subject to legal and governance requirements and any associated consultation.

Question 3 – Improving access to the TCPR scheme

From: Nicola Dryden, Resident

To: The Cabinet Member for the Environment

“The TCPR implementation in Fulham is making a difference with stats showing that that traffic and pollution in the area is down. Since the TCPR trial scheme began, traffic has reduced by 75% in the streets to the east of Wandsworth Bridge Road (WBR) and by 12% on Wandsworth Bridge Road. Which is a huge step forward for reducing traffic and pollution making the streets and roads safer for local residents. To improve access to the scheme the Ringo App needs some updating to allow more than one person to grant access for visitors. The current challenge is that only one person per household can grant access. This does not always work as the person with access may not always be available. Are there plans to update the app so that more than one person per household can grant visitor access within the app?”

Response

Thank you for comments about the scheme’s positive impact on traffic and pollution. We much appreciate your views on the Ringo App, which we have also heard from others. As a result, the council has created its own TCPR app, which is due for launch in November. This will enable more than one person per household to grant visitor access.

It will remain possible, as now, to book an unlimited number of free TCPR access-only sessions in the RingGo app.

Question 4 – Proposed western expansion to the TCPR

From: Carlos Lutterbach, Resident

To: The Cabinet Member for the Environment

“It is my understanding that the extension to the west together with the east and the measures taken to improve Wandsworth Bridge Road will work in concert to improve the quality of life in the whole area. Could you please expand on how the extension to the west will help the traffic scheme as a whole?”

Response

The data currently collected during the eastern TCPR experiment has shown a significant reduction in traffic and pollution. With an average traffic reduction of 75% in residential streets east of Wandsworth Bridge Road this has proportionately reduced air pollution. To further reduce traffic on the main road network, we would need to secure the residential side streets with a scheme in the west.

Most of the traffic to the west continues to come from out-of-borough drivers cutting through: currently 50% in Studdridge Street and higher in Peterborough Road and Broomhouse Lane. Protecting these roads and others to the west of WBR from this traffic would make it possible to reduce WBR’s capacity for vehicles, leading to fewer cars, without the risk of displacement to the residential streets to the east or the west.

Question 5 – The traffic impact of the Kings Park and Chelsea Creek developments

From: Natale Giostra, Resident

To: The Cabinet Member for the Environment

“Can the Council give assurances to local residents that the 2,000 flats due to come on-line in Kings Park and Chelsea Creek will NOT overrun the small residential roads (namely

Harwood Terrace) around them and that the TCPR will be maintained (especially because all these folks' car will be in the zone and can travel through the cameras)?"

Response

To help achieve our goal of H&F becoming carbon neutral by 2030, we are aiming to reduce demand for parking and discourage car use. As part of this, the Chelsea Creek development will be permit-free, meaning that its residents will not be eligible for a parking permit. While they can still have guest and visitor permits for deliveries and visitors, we expect this to generate very little additional traffic compared to the volume of traffic in the area prior to the TCPR scheme. The proposed link road to Imperial Road will also be within the TCPR controlled area, preventing traffic from using it as a bypass and we will work with the developer to limit the scope of any off-street car parking provision.

Question 6 – Implementing the western TCPR

From Jonathan Massey, Resident

To: The Cabinet Member for the Environment

"The existing TCPR on the East side has driven traffic towards the West side. At the same time traffic from the North travels down Peterborough Road and then uses the rat run via Clancarty Road and the streets to the immediate South (Beltran, Ashcombe, Narborough, Friston and Woolneigh), and vice versa. Traders also use this rat run heading North and West from Carnwath Road to avoid congestion on the Wandsworth Bridge Road because they cannot pass through the barrier on the Peterborough Road. There are many schools in this area (Hurlingham Academy, Sullivan Primary, Marie d'Orleac / Holy Cross) whose pupils suffer appalling levels of pollution and a dangerous and hostile environment regarding the traffic congestion. This also applies to people of all ages who use South Park. My concern is that unless the West side TCPR is implemented that traffic levels will continue to increase. It seems to me that the whole scheme, both East and West, has to be implemented or the situation on the West side will deteriorate even further."

Response

The monitoring data supports your observations. There has been a rebalancing of traffic in the west as well as a growth in school-run traffic due to travel habits changing during the Covid pandemic. We are grateful to the many residents who have engaged with the council to develop ideas for extending the TCPR scheme to the west, which is now being considered. Any extension of the scheme will be subject to legal and governance requirements and any associated consultation.

Question 7 – The success of the TCPR

From: Andy Knowles, Resident

To: The Cabinet Member for the Environment

"The Traffic, Congestion and Pollution Reduction (TCPR) scheme appears to residents in Sands End East to have been a great success in its aims of reducing traffic, congestion and pollution, for example with queues now very rarely seen stretching past the pedestrian entrance to Sainsbury's. Can the council provide data to confirm what we are seeing ourselves?"

Response

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

We appreciate this comment and many others which we councillors have received. Our traffic survey data continuously monitors traffic levels in the area. It correlates with your observations and we have seen a reduction of traffic on Bagleys Lane, Imperial Road, Townmead Road of 72%, 77% and 56% respectively. In addition there has been a net reduction of total traffic volumes on Wandsworth Bridge Road and New Kings Road.

NOTE: As public question time is limited to 20 mins we've explained to the following people that a written response will be provided

Question 8 – Wandsworth Bridge Road Speed Limit

From: Gary Fannin, Resident

To: The Cabinet Member for the Environment

“The Wandsworth Bridge Road is the only road leading to a bridge crossing still at 30mph. SatNavs priorities roads first based on speed limit and then secondly on traffic volumes. This leads to the WBR being prioritised above all other bridge crossing for many through commuters which leads to more and unnecessary congestion. I understand the council conducted a consultation on 20mph some years ago and the public didn't have a strong opinion either way. So therefore, can you please give us an indication when the WBR can have a 20mph speed limit urgently implemented to help create a level playing field with other bridge crossings to help deter commuting traffic?”

Response

We confirm that the introduction of a 20mph limit on Wandsworth Bridge Road will be considered at Cabinet. As the road is a key link road, the council will also be required to consult TfL and neighbouring boroughs, which will inform the timeframe for implementation.

Question 9 – Maintain the eastern TCPR and expand to the West

From: Casey Abaraonye, Resident

To: The Cabinet Member for the Environment

“Given the number of schools within the south Fulham area and the failure to implement any school streets to date, will the council confirm that it will maintain the TCPR in the east and imminently implement it in the west as 25% more road traffic collisions occur on minor roads than on A roads¹ and LTNs by whatever name you call them have seen a 2-3 times reduction in road traffic collisions?² Can the council confirm that such a safety outcome is a priority and such evidence a justification for implementation?”

Response

The council can confirm that the safety priorities you have highlighted form part of the considerations for the future of the TCPR scheme. A decision on the scheme will be made by Cabinet.

Question 10 – Public consultation on the continuation of the TCPR

From: Donald Grant, Resident

To: The Cabinet Member for Environment

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

“The various traffic management acts and guidance require statutory consultation of affected residents and businesses, before making permanent those traffic schemes implemented using temporary orders. This includes objective measures such as “polling to British Polling Council standards to ensure that the loudest minority voices do not dominate”.

The Sands End experimental traffic scheme, which has caused significant public controversy from hurting many more Fulham residents than it has benefited, is due to be removed next January. If the Council intends to continue the traffic scheme unlike Ealing, Hounslow and other London Boroughs have done with theirs, what statutory consultation and polling measures does he plan to ensure the Council complies with the law, and will he pledge to give all Fulham residents the final say like neighbouring boroughs have?”

Response

Although the TCPR scheme has followed the statutory consultation process required to implement, it is important to recognise that consultation is about understanding the views and requirements of residents and not a referendum on a scheme. Consensus amongst residents with conflicting priorities and differing opinions is rarely achieved and in addition to the consultation, the scheme also has to take into consideration other national and local objectives such as climate change, air quality and active travel. In addition, data has been continuously collected over the duration of the scheme and together this information and data needs to be considered as part of the decision-making process.

The secretary of state, wrote to all councils urging them to ensure policy objectives take priority when delivering experimental schemes and to implement them if they achieve the desired outcomes. Despite this guidance, the council took the view to heavily engage with residents in the largest consultation process undertaken and their views have been listened to and acted upon where appropriate.

Question 11 – Mitigating traffic collisions on Kings Road

From: Francesca Moore, Resident

To: The Cabinet Member for Environment

“The area of Kings Road between the Tesco Esso Express filling station at 601 Kings Road and Edith Row has been the scene of too many Road Traffic Collisions, very often because when motor vehicles are stationary and cyclists are riding down the advisory lane on the inside, drivers turning into either the filling station or the road are unsighted until it is often too late to avert a collision.

This can be mitigated by design and the filling station is currently closed for works. Can the council urgently redesign this hazard zone or acknowledge its responsibility for this dangerous layout?”

Response

The council is committed to increasing cycling, reducing vehicular traffic and improving safety. Safety is a key element in enabling people to switch to cycling as a journey choice and the area highlighted is one that has been brought to the council’s attention before. We will look at the collision history in the area but also work with the residents and cycling groups to look at possible solutions here.

Question 12 – Ending the TCPR experiment early

From: Caroline Brooman-White, Resident

To: The Cabinet Member for Environment

“As it has now become clear that the residents and businesses on the Wandsworth Bridge Road are suffering so badly from the impact of the experimental East scheme, will the Council end the experiment earlier than the January deadline?”

Response

We are aware that some residents and businesses were affected by the scheme during its initial implementation and apologise for any inconvenience caused while the scheme bedded in. H&F Council have been keen to ensure that businesses can continue to provide their services and that residents truly benefit from the scheme. We have opened up several lines of communication to ensure all voices are heard – whether this be by phone, our dedicated South Fulham Streets email inbox and via our Commonplace consultation platforms. All comments and enquiries are logged, and we have made several improvements to the scheme since its inception, in response to suggestions provided by residents and businesses including provision of a separate RingGo code for Access-only permits. All business vehicles with a valid LBHF business parking permit holder are also able to pass through control points without being penalised. A report that informs a decision will be published in advance of being presented to Cabinet, where a decision will be made on the future of the scheme.

Question 13 – Will there be a western TCPR

From: Caroline Shuffrey, Resident

To: The Cabinet Member for Environment

“Cabinet is considering whether to remove the Sands End East TCPR or make it permanent in the last quarter of 2021. Should it decide to make the TCPR permanent will it bring in a temporary or experimental TCPR on the West Side of Wandsworth Bridge Road at the same time or at a later date – and what consultation will the council undertake before doing this?”

Response

The introduction of any TCPR scheme to the west of WBR will follow the correct democratic and legal processes, and any new scheme implementation will require consultation with residents, businesses and other key stakeholders. As part of our initial review of the scheme to the east of WBR, we are aware of existing resident concerns and identification of congestion hotspots and other issues identified on residential streets to the west of WBR. We have already logged and reviewed initial responses received, and we will continue to consult with all relevant parties. H&F Council are committed to working with residents to provide a scheme that will help alleviate existing issues west of WBR.

Question 14 – King Street Safer Cycle Way

From: Henrietta Bewley, Resident

To: The Cabinet Member for Environment

“HF cyclists are pleased to see the progress being made on the King Street Safer Cycle Way. Will the new temporary cycle lane be able to carry cycle traffic, including cargo bikes, adapted tricycles and Dutch family bikes in both directions, all the way from Hounslow to

Kensington? And while works are ongoing can there be signposting to direct riders as to what to do or which way to go when approaching from the west going eastwards, or temporary safe provision be made for them?"

Response

The cycle route implemented along King Street within the London Borough of Hammersmith and Fulham is designed mainly as a 3m wide bi-directional cycle lane, although there are some sections where the width has needed to be reduced down to 2.5m. This should be able to accommodate a variety of bicycles, tricycles and cargo bikes.

Although the route continues from and into neighbouring boroughs, unfortunately we cannot comment on the specification of the cycle route beyond the London Borough of Hammersmith and Fulham, but fully support the aim of providing space for active travel wherever possible.

During the works there will be diversion signs to direct cyclists and other road users and we will continue to consider any other additional signage that may be required while the work is being carried out.

Question 15 – Wandsworth Bridge Road, A High Street for All

From: Perunika Petkova, Resident

To: The Cabinet Member for Environment

"Improvements to North End Road are underway and will benefit one of London's oldest street markets at a time of great need. We would like the council to note our expression of support for this scheme. Wandsworth Bridge Road is a similar road that would benefit from transformation from a highway into a high street. The proposals to do this have been supported with a successful bid to the Mayor for London's "High Streets For All" challenge³. Will the council allocate effort and resources to bring this vision to life, and consider how it's benefits can be implemented in other parts of the borough?"

Response

The council actively supported the WBRA on their successful bid to the GLA and will continue to do so. The council is committed to supporting all local projects that bring benefits to our residents.

Question 16 – A borough-wide 20mph speed limit

From: Kenneth McCosh, Resident

To: The Cabinet Member for Environment

"I applaud the Council's work to make cycling and walking easier and safer throughout the borough, including the imposition of the 20mph speed limit in many streets. However, I consider that the existence of different speed limits throughout the borough tends to make drivers inattentive to safe speed requirements. Given the lack of segregated cycle lanes and the broad support for motoring speed reduction, could the Council please implement a borough-wide general speed limit of 20mph?"

Response

The council has implemented 20mph zones in many residential streets but following a consultation conducted several years ago residents at the time wanted to exclude the main roads. Since that consultation, the traffic and environmental objectives have changed along with community perceptions of 20 mph on main roads. Many more people are requesting

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lower speed limits in built up areas and the application of 20mph speed limits to main roads is under consideration as a result of this.

Public Questions for Full Council – 19 January 2022

Question 1 – Controlling Drug Dealing

From: Rebecca Emerick, Resident

To: The Leader of the Council

“What is being done to control levels of drug dealing in the borough? Although this is not something that can likely be stamped out, residents are complaining that it has become excessively visible, that the dealers have no fear of the police and that school children frequently witness it on their way home from school.”

Question 2 – Expanding the number of bike hangers in Fulham

From: Jon Burden, Resident

To: The Cabinet Member for the Environment

"Given the general encouragement to cycling declared in the Council's recently published Climate and Ecology Strategy, can the Council explain their plans to expand the number of bike hangers in Fulham in order to encourage more cycling and help to reduce bike crime?"

Question 3 – Water Billing Safeguards

From: Aliya Khan, Resident

To: The Cabinet Member for Housing

“LBHF has now changed from charging council tenants for their water and handed over the responsibility to Thames Water for direct billing. What safeguards have been put in place to prevent tenants being overcharged and threatened with bailiffs?”

Question 4 – Council Tax

From: Constance Campbell, Resident

To: The Leader of the Council

“When you, the current Labour administration were in opposition, you consistently claimed you would reduce council tax faster and more than the Conservative Administration's 20% reduction from 2006-14. Why have you failed?”

Question 5 – Covid Vaccination and Booster Rates

From: Adrian Pascu-Tulbure, Resident

To: The Cabinet Member for Health and Adult Social Care

“What exactly is the council doing to address LBHF's dreadfully low anti-Covid vaccination and booster rates?”

Question 6 – Air Pollution¹

From: Ted Townsend, Resident

To: The Cabinet Member for the Environment

"The public consultation on the Council's Climate and Ecology Strategy document identified 'Air pollution' and 'Traffic on our streets' as two of the issues of most concern to residents. However, the big emphasis on transitioning to electric vehicles in order to reduce greenhouse gas as well as NO2, benzene and sulphur dioxide emissions seems not to have considered the increase in particulate matter that comes from brakes and tyres on heavy electric vehicles, some of which can be up to 30% heavier than their petrol or diesel equivalent. Given that 96% of H&F's super output areas are in the worst 10% in the country for particulate matter pollution, and 100% in the worst 20%, could the Council give an indication of the trade-off analysis that has been done to support the promotion of electric vehicle usage potentially at the expense of worse air pollution?"

Question 7 – New Enforcement Team

From: Andrew Dinsmore

To: The Deputy Leader

“I note that the H&F magazine delivered to all residents before Christmas highlighted the council deploying '72 new enforcement officers'. Prior to this, the Council disbanded the highly regarded Parks Police.

What was the cost of setting up the new Enforcement team (including without limitation a breakdown of the costs of making Parks Police redundant, re-employing them in the new Enforcement team, transferring staff from other departments and the recruitment of individuals that had not previously worked for the Council)?”

¹ Question edited for length

Report to: Full Council

Date: 19/01/2022

Subject: Council Tax Support Scheme 2022/23

Report of: Cabinet Member for Finance and Commercial Services - Councillor Max Schmid

Report author: Kirsty Brooksmith, Head of benefits

Responsible Director: Sharon Lea – Strategic Director Environment

SUMMARY

Since 2013, every council has been required to set its own Council Tax Support Scheme, setting out how it wants to help those on low income pay their council tax. The administration is determined to ensure that residents are no worse off than they would have been had the original council tax benefit regulations stayed in place, ensuring that lower income families are supported by the council. This constitutes a £9m investment by the Council to support the borough's lowest income families for 2022/23.

Hammersmith and Fulham are one of only 34 Councils out of 326 across England to take this approach. Most other councils have introduced a “minimum payment”, which requires everyone to pay at least some Council Tax regardless of their income. The average minimum payment has risen on average from 0% to 19% in recent times.

The Child Poverty Action Group and Z2K (Still Too Poor to Pay: Council Tax Support in London 2018-19 (2020)), have reported that the impact of making changes to local Council Tax Support Schemes on household budgets have pushed 11% of the people effected into debt. This is why this council continues to protect families on low incomes and maintain an unchanged Council Tax Support Scheme, despite cuts in grant from central government over the last decade.

This report therefore proposes to maintain the Council Tax Support Scheme for 2022/23.

The report proposes to apply the annual uprating, which will apply to the allowances, applicable amounts, and income for both pensioners and working age Department of Work and pensions (DWP) benefits, as per the Housing Benefit uprating circular issued to local authorities in late November 2021. This circular advises the new rates from April 2022. All local authorities have a duty to apply uprating to their Housing Benefit Scheme and we propose to continue to reflect this uprating within our Council Tax Support Scheme to mirror the original intention of the default scheme. This will ensure transparency, ease of administration and clarity for our residents.

RECOMMENDATIONS

It is recommended that Full Council approve the following recommendations:

1. That the Council Tax Support Scheme in operation in 2021/2022 (included at Appendix 1) shall continue in 2022/2023.
2. That the Council shall apply the annual uprating of allowances, applicable amounts and income, set out in the DWP Housing Benefit circular, to the Council Tax Support scheme for 2022/2023.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	We'll support our low-income residents by ensuring our scheme gives them the maximum benefit of up to 100%, contributing to keeping their living costs, including their council tax, affordable.
Creating a compassionate council	We are continuing our local Council Tax Support Scheme to the most vulnerable amongst us, so we know they are looked after financially.
Doing things with local residents, not to them	We'll continue to listen to and work with our residents by offering financial support to them. We will continue to monitor the impacts of economic and welfare changes to our residents, ensuring we understand their needs. This will allow us to continue to target our help to support them where they say it is needed the most.
Being ruthlessly financially efficient	We want our residents to know we are working to protect and maintain policies that protect our most vulnerable.

Financial Impact

The Council Tax Support Scheme operates by offering a discount to residents who need help paying their council tax. The cost of the scheme is shared between Hammersmith & Fulham Council and the Greater London Authority based on their respective council tax charges. The scheme cost is estimated at £12.9m in 2022/23, based on current council tax levels, of which the Hammersmith and Fulham share will be £9.09m. This estimate is allowed for within the 2022/23 council tax base report.

Funding for the Council Tax Support Scheme was originally provided through Revenue Support Grant (RSG) from the Government. Government grant funding has reduced by £64m (53% in real terms) from 2010/11 to 2021/22. Therefore, the cost of funding is fully borne by the Council and Greater London Authority.

Legal Implications

Each financial year the Council must consider whether it wants to revise its Council Tax Support Scheme, leave as is or replace it. The Council must make this decision no later than 31 January in the financial year preceding when the scheme is to take effect.

The Council has a statutory duty to set the council tax each year and this report is part of this process. The Council can only vary or set council tax discounts or higher amounts as legally empowered to do so. The relevant regulations and legislation are the Local Government Finance Act 1992, the Local Authorities (Calculation of Council Tax Base) Regulations 2012, and the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, as amended in 2012. The Council Tax base has been calculated in accordance with the relevant Acts and regulations.

Contact Officers

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Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. No further options regarding proposing changes to introduce a minimum contribution have been considered this year. Changes such as this would result in working age families having to contribute to their Council Tax. These options have not been considered in light of the pandemic and the financial difficulties residents are facing at this current time.

Reasons for Decision

2. We are not proposing any changes to the scheme this year. This scheme is particularly important this year in light of the financial challenges residents are facing due to the ongoing economic impacts of Covid, including the rise in unemployment, the ending of furlough schemes, the removal of £20 Universal Credit increase, and the significant inflationary increases in overall living costs, especially fuel and food costs.
3. Residents in receipt of Universal Credit are facing impacts to their income as a result of changes to their household circumstances, through loss of employment or reduction of earnings whilst they were furloughed. This has resulted in much more reliance on the use of foodbanks across Hammersmith & Fulham which have reported a continued rise in their use again this year. The consequence of our residents having a reduction in their disposable income does lead to a rise in arrears and complexities around income collection for both council rents and Council Tax.
4. Currently there are 14,229 households receiving Council Tax Support in Hammersmith & Fulham, of these 4,813 are pensioner age therefore would be unaffected by any changes to the Council Tax Support Scheme and 9,356 are working age. Therefore, any changes we made would detrimentally impact the largest proportion of our caseload.
5. The Council has concluded that if changes were made to the scheme to introduce a minimum contribution towards council tax for working age customers on low incomes, we would be seeking repayment from the poorest in our society, many of whom have already been severely financially impacted this year.

Equality Implications

6. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of these proposals.

Risk Implications

7. Over the last decade, local authorities have received significant real terms cuts to budgets, in addition the Government's Universal Credit Scheme has posed

challenges to the poorest and most vulnerable in society. Council tax benefit was a UK-wide benefit that provided support for council tax to low-income families. This was abolished in April 2013 and local authorities in England were charged with designing their own council tax support schemes in its place. Although these must maintain support for pensioners at its previous level, local authorities have wide discretion to design their own schemes for working-age families. The Council's scheme contributes positively to our residents, meeting their needs and expectations. It also contributes to our council values most specifically being a compassionate council, so the most vulnerable among us are looked after.

Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, tel 07817 507 695

Climate and Ecological Emergency Implications

8. There are no anticipated climate or ecological implications as a result of the approval of this recommendation.

Consultation

9. There is no requirement to consult this year as we are not proposing any changes to our scheme.

LIST OF APPENDICES

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**London Borough of Hammersmith and
Fulham
Council Tax Reduction Scheme
2021/22**

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PART 1 - Introduction

1.– Citation, commencement and application

- (1) This scheme may be cited as the London Borough of Hammersmith and Fulham Council Tax Reduction Scheme 2021/22 and comes into effect on 1 April 2021.
- (2) This scheme applies in relation to the billing authority in England known as the London Borough of Hammersmith and Fulham.
- (3) This Council Tax Reduction Scheme for working age applicants has been determined by the Council and is intended to assist people in financial need, by the award of a reduction in their council tax liability. It is a local scheme determined in respect of a decision made by full Council. Central Government has prescribed that the reduction given to pensioners.
- (4) The scheme in respect of pension age applicants is defined by Central Government within the following:
 - (a) Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - (b) Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - (c) Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - (d) Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
 - (e) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - (f) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
 - (g) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
 - (h) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
 - (i) The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
 - (j) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
 - (k) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
 - (l) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021; and
 - (m) Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012)
- (5) Whilst the scheme for those who have reached the qualifying age for state pension credit is set by Central Government, 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 for Pension age applicants

- (6) The incomes outlined within paragraph (6) shall also be disregarded in full for all persons who are not pensioners. Both this and the enhancement to the pensioner's scheme meets the authority's commitment to the Armed Forces Covenant.

- (7) Except where otherwise stated, an uprating will be applied to the Council Tax Reduction Schemes to reflect national changes to the amounts of pensions, tax credits, income related and non-income related social security benefits and allowances, component parts, applicable amounts, premiums and deductions.

PART 2 Interpretation

2.-(1) In this scheme—

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

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

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

“alternative maximum council tax reduction” means the amount determined in accordance with paragraph 30 and Schedule 4;

“applicable amount” means—

(a) in relation to a pensioner, the amount calculated in accordance with paragraph 24 and Schedule 2, and

(b) in relation to a person who is not a pensioner, the amount calculated in accordance with—

(i) paragraph 25 and Schedule 3; or

(ii) paragraph 27,

as the case may be;

“applicant” means a person applying for a reduction under this scheme;

“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 an office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance;

“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products

“assessment period” means the period determined—

(a) in relation to pensioners—

(i) in relation to the earnings of a self-employed earner, in accordance with paragraph 42 of this scheme for the purpose of calculating the weekly earnings of the applicant;

or

(ii) in relation to any other income, in accordance with paragraph 39 of this scheme for the purpose of calculating the weekly income of the applicant;

(b) in relation to persons who are not pensioners, such period as is set out in paragraphs 46 to 48 of this scheme over which income falls to be calculated;

“attendance allowance” means—

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

(b) an increase of disablement pension under section 104 or 105 of that 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 that 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 that 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 the billing authority in whose area this scheme has effect by virtue of paragraph 4 of Schedule 1A to the 1992 Act

“basic rate” has the meaning given by the Income Tax Act 2007;

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995, the State Pension Credit Act 2002 and the Welfare Reform Act 2007;

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

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

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

“**child**” means a person under the age of 16;

“**child benefit**” has the meaning given by section 141 of the SSCBA;

“**child care costs element**” has the meaning given by regulation 27 of the Universal Credit Regulations 2012;

“**child tax credit**” means a child tax credit under section 8 of the Tax Credits Act 2002;

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

“**concessionary payment**” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002 are charged;

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

“**council tax benefit**” means council tax benefit under Part 7 of the SSCBA;

“**couple**” has the meaning given by paragraph 4 of this scheme;

“**designated office**” means the office of the authority designated by it for the receipt of applications—

(a) by notice upon or with a form supplied by it for the purpose of making an application; or

(b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or

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

“**disability living allowance**” means a disability living allowance under section 71 of the SSCBA;

“**dwelling**” has the meaning given by section 3 of the 1992 Act;

“**earnings**” has the meaning given by paragraph 40, 42, 43 or 50 of this scheme as the case may be;

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

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

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

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

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

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

“**extended reduction**” means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

“**extended reduction period**” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 87, 94 or 99;

“**extended reduction (qualifying contributory benefits)**” means a reduction under this scheme for which a person is eligible in accordance with paragraph 87 or 98;

“**family**” has the meaning given by paragraph 6 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;

“**Grenfell Tower support payment**” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;”;

“**guarantee credit**” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

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

“**housing benefit**” means housing benefit under Part 7 of the SSCBA;

“**housing costs element**” has the meaning given by regulation 21 of the Universal Credit Regulations 2012;

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

“**income-related employment and support allowance**” means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

“**independent hospital**”—

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

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and

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

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

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

“**local authority**” means a local authority in England within the meaning of the Local Government Act 1972

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

“**the London Emergencies Trust**” means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017

“**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 or the applicant is a member of the work-related activity group except in Part 1 of Schedule 3;

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

“**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 or the applicant is a member of the work-related activity group except in Part 1 of Schedule 3

“**member of a couple**” means a member of a married or unmarried couple;

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

“**mobility supplement**” means—

(a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vi) of Schedule 5 to this scheme refers;

(b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

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

“**the National Emergencies Trust**” means the registered charity of that name (number 1182809) established on 28th March 2019;

“**net earnings**” means such earnings as are calculated in accordance with paragraph 41 or 51 of this scheme, as the case may be;

“**net profit**” means such profit as is calculated in accordance with paragraph 60 of this scheme;

“**new dwelling**” means, for the purposes of the definition of “second authority” and paragraphs 89, 96 and 101, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“**non-dependant**” has the meaning given by paragraph 9 of this scheme;

“**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;

“**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;

“**parental bereavement leave**” means leave under section 80EA of the Employment Rights Act 1996;

“**partner**”, in relation to a person, means—

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

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

“**paternity leave**” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;

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

“**pensionable age**” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

“**pensioner**” has the meaning given by paragraph 3(2)(a) of this scheme;

“**person on income support**” means a person in receipt of income support;

“**person who is not a pensioner**” has the meaning given by paragraph 3(2)(b) of this scheme;

“**persons treated as not being in Great Britain**” has the meaning given by paragraph 21 of this scheme;

“**personal independence payment**” has the meaning given by Part 4 of the Welfare Reform Act 2012;

“personal pension scheme” means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;
(b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

“polygamous marriage” means any marriage to which paragraph 5 of this scheme applies;

“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 income-related benefit” means—

(a) income support;

(b) income-based jobseeker’s allowance;

(c) income-related employment and support allowance;

“qualifying person” means—

(a) a person in respect of whom a Grenfell Tower support payment has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, Discretionary Fund, the Windrush Compensation Scheme National Emergencies Trust or the London Bombings Relief Charitable Fund;

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

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

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

“remunerative work” has the meaning given by paragraph 10 of this scheme;

“rent” means **“eligible rent”** to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 29 (non-dependant deductions) of this scheme;

“resident” has the meaning given by Part 1 of the 1992 Act;

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“the Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978(b))

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(f);”

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

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

“self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

(a) an employment zone programme;

(b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or

(c) the Employment, Skills and Enterprise Scheme;

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

- 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 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;

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

“the SSCBA” means the Social Security Contributions and Benefits Act 1992;

“state pension credit” means state pension credit under the State Pension Credit Act 2002;

“statutory parental bereavement pay” means a payment to which a person is entitled in accordance with section 171ZZ6 of the Social Security Contribution and Benefits Act 1992

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

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

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Chief Executive of Skills Funding or the Welsh Ministers;

(b) to a person for his maintenance or in respect of a member of his family; and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers, but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the Employment and Training Act 1973, or is training as a teacher;

“the Trusts” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust and “Trustees” is to be construed accordingly;

“universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012;

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

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

“war pension” means a war disablement pension, a war widow’s pension or a war widower’s pension;

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

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

“water charges” means—

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

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

“the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017;

“the Windrush Compensation Scheme” means—

(a) the scheme of that name operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom; and

(b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances” which was operated by the Secretary of State for the purpose of compensating individuals who, for urgent

and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;

“**working tax credit**” means a working tax credit under section 10 of the Tax Credits Act 2002;

“**young person**” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

- (2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.
- (3) For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—
 - (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations 1996 or section 19 or 20A or regulations made under section 17A of the Jobseekers Act 1995 (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 1996 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 1995 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).
- (4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day—
 - (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007 (disqualification); or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- (5) For the purposes of this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (6) In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- (7) In this scheme, references to any person participating as a service user are to —
 - (a) a person who is being consulted by or on behalf of—
 - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services
 - (aa) a person who is being consulted by or on behalf of
 - (a) 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
 - (b) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or

(b) the carer of a person consulted as described in sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.

Application of scheme: pensioners and persons who are not pensioners

3 - (1) In this scheme—

(a) a person is a “pensioner” if—

(i) he has attained the qualifying age for state pension credit; and

(ii), he is not and, if he has a partner, his partner is not—

(aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or

(bb) a person with an award of universal credit; and

(b) a person is a “person who is not a pensioner” if—

(i) he has not attained the qualifying age for state pension credit; or

(ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is—

(aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or

(bb) a person with an award of universal credit.

(2) For the purposes of sub-paragraphs (a)(ii)(bb) and (b)(ii)(bb) in paragraph (1) an award of universal credit is to be disregarded during the relevant period.

(3) In this regulation—

“assessment period” has the same meaning as in the Universal Credit Regulations 2013;

“relevant period” means the period beginning with the day on which P and each partner of P has attained the qualifying age for state pension credit and ending with the day on which the last assessment period for universal credit ends.

Meaning of “couple”

4.—(1) In this scheme “couple” means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as 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.

(2) Two people of the same sex who are not civil partners of each other 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.

Polygamous marriages

5.—(1) This paragraph applies to any case where—

(a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and

(b) either party to the marriage has for the time being any spouse additional to the other party.

(2) For the purposes of paragraph 4 neither party to the marriage is to be taken to be a member of a couple.

Meaning of “family”

6.—(1) In this scheme “family” means—

(a) a couple;

(b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or

(c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.

- (2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).
- (3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is—
 - (a) on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, or has an award of universal credit;
 - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies;

Circumstances in which a person is to be treated as responsible or not responsible for another

- 7.—(1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.
- (2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with—
 - (a) the person who is receiving child benefit in respect of that child or young person, or
 - (b) if there is no such person—
 - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
 - (ii) in any other case the person who has the primary responsibility for him.
- (3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

Households

- 8.—(1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.
- (2) A child or young person is not to be treated as a member of the applicant's household where he is—
 - (a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained)”; 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 2002 or the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.
- (3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—
 - (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- (4) The authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where—
 - (a) that child or young person lives with the applicant for part or all of that reduction week; and

(b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(5) In this paragraph "relevant enactment" means—

- (a) the Army Act 1955;
- (b) the Air Force Act 1955;
- (c) the Naval Discipline Act 1957;
- (d) the Matrimonial Proceedings (Children) Act 1958;
- (e) the Social Work (Scotland) Act 1968;
- (f) the Family Law Reform Act 1969;
- (g) the Children and Young Persons Act 1969;
- (h) the Matrimonial Causes Act 1973;
- (i) the Children Act 1975;
- (j) the Domestic Proceedings and Magistrates' Courts Act 1978;
- (k) the Adoption and Children (Scotland) Act 2007;
- (l) the Family Law Act 1986;
- (m) the Children Act 1989;
- (n) the Children (Scotland) Act 1995; the Children's Hearings (Scotland) Act 2011; and;
- (na) the Children's Hearings (Scotland) Act 2011; and
- (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Non-dependants

9.—(1) In this scheme, "non-dependant" means any person, except someone to whom subparagraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

- (a) any member of the applicant's family;
- (b) if the applicant is polygamously married,
 - (i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—
 - (aa) party to such a marriage other than the applicant's partner; and
 - (bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or
 - (ii) in any other case, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);
- (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
- (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

(3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—

- (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either—
 - (i) that person is a close relative of his or his partner; or
 - (ii) the tenancy or other agreement between them is other than on a commercial basis;
- (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;

(c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

Remunerative work

- 10.—(1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- (2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—
- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
 - (b) in any other case, the period of 5 weeks immediately prior to the date of 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.
- (3) Where, for the purposes of sub-paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.
- (4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- (5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.
- (6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week is to be treated as not being in remunerative work in that week.
- (7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave, shared parental leave", parental bereavement leave or adoption leave, or is absent from work because he is ill.
- (8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—
- (a) a sports award has been made, or is to be made, to him; and
 - (b) no other payment is made or is expected to be made to him.

PART 3 Procedural matters

Procedure for reduction applications and appeals against reduction decisions

11. Schedule 1 contains provisions about the procedure—
- (a) by which a person may apply for a reduction under this scheme;
 - (b) by which a person may make an appeal against certain decisions of the authority;
 - (c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

PART 4 Classes of person entitled to a reduction under this scheme

- 12.—(1) The classes of person described in paragraphs 13 to 18 are entitled to a reduction under this scheme.
- (2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

Class A: pensioners whose income is no greater than the applicable amount

13. On any day class A consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 24 and Schedule 2, and
 - (f) who has made an application for a reduction under this scheme.

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

14. On any day class B consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 24 and Schedule 2;
 - (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
 - (g) who has made an application for a reduction under this scheme.

Class C: alternative maximum council tax reduction - pensioners

- 15.—(1) On any day class C consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application for a reduction under this scheme; and
 - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (1) 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
- (f) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Class D: persons who are not pensioners whose income is less than the applicable amount

16. On any day class D consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income (if any) for the relevant week is less than his applicable amount calculated in accordance with paragraph 25 and Schedule 3, and
 - (f) who has made an application for a reduction under this scheme.

Class E: persons who are not pensioners whose income is greater than the applicable amount

17. On any day class E consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 25 and Schedule 3;
 - (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in his case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
 - (g) who has made an application for a reduction under this scheme.

Class F: alternative maximum council tax reduction - persons who are not pensioners

- 18.—(1) On any day class F consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application; and
 - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the person in question in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to any other resident of the dwelling who—
- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; and
 - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
 - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant for the reduction is a member of that couple or of that marriage and—

- (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
- (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- (d) is not a person who jointly with the applicant for reduction falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Periods of absence from a dwelling - pensioners and persons who are not pensioners

19 –(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a “period of temporary absence” means–

- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as–
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- (b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as–
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period is unlikely to exceed 13 weeks;
- (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as–
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and
 - (iv) subject to sub-paragraph (2D), a period of absence within Great Britain is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and;
- (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as– (i) the person intends to return to the dwelling; (ii) the part of the dwelling in which he usually resides is not let or sub-let; and (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks;

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

(2B) Where–

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person’s return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

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

(2D) Where –

1. a person returns to Great Britain after a period of absence from Great Britain (period A);
2. that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
3. at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where–

1. a person is temporarily absent from Great Britain;
2. immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

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

1. the person's partner or a child or young person for whom the person or the person's partner is responsible;
2. the person's close relative;
3. the close relative of the person's partner; or
4. the close relative of a child or young person for whom the person or the person's partner is responsible,
then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).”;

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

- (a) is a person to whom sub-paragraph (3A) applies;
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom subparagraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(3A) This sub-paragraph applies to a person (“P”) who is–

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside–
 - (i) in a dwelling, other than a dwelling P occupies as P's home; or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007(a), and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where–

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

- (3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.
- (3D) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (3F) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of subparagraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (4) This sub-paragraph applies to a person who is—
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995; and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.
- (5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
 - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- (6) In this paragraph—
- ““continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998(a);
 - “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

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

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

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(c)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;”;

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

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

“residential accommodation” means accommodation which is provided in—

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

Transitional provision

19A (1) Subject to paragraph (2), the amendments made by regulation 2(3)(a), shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st April 2017, is temporarily absent from Great Britain and is—

- (a) a member of Her Majesty’s forces posted overseas;
- (b) absent in the capacity of a continental shelf worker; or
- (c) absent in the capacity of a mariner.

(3) In this regulation—

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

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

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

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

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and

subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

PART 5 Classes of person excluded from this scheme

Classes of person excluded from this scheme

20. The classes of person described in paragraphs 21 to 24 are not entitled to a reduction under this scheme.

Class of person excluded from this scheme: persons treated as not being in Great Britain

21.—(1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

(2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

(4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—

(a) regulation 13 of the EEA Regulations;

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

(i) a jobseeker for the purpose of the definition of a ‘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 16 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.

(4A) For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

(a) (removed)

(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;

“(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(6) 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);

(5) A person falls within this sub-paragraph if the person is—

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

(b) a family member of a person referred to in 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 1971¹ where that leave is–
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (i) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance or
- (ha) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4)

(6) A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty’s forces posted overseas.

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

(8) In this paragraph–
 “claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
 “EEA Regulations” means the Immigration (European Economic Area) Regulations 2016 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.

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

22.–(1) Persons subject to immigration control are not entitled to a reduction under this scheme.

(2) “Person subject to immigration control” has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

(2A) 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 and is not a person subject to immigration control for the purpose of paragraph (1)dc

¹ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

Class of person excluded from this scheme: capital limit

- 23.-(1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000.
- (2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

Class of person excluded from this scheme: students

24. The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).

PART 6 Applicable amounts

Applicable amounts: pensioners

- 25.- (1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case—
- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
 - (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members 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 that Schedule (family premium);
 - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).
- (1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.
- (1B) Sub-paragraph (1C) applies where—
- (a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and
 - (b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).
- (1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—
- (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;”
- (2) In Schedule 2—
- “additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;
- “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005

Applicable amounts: persons who are not pensioners

- 26.—(1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case—
- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
 - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
 - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
 - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
 - (e) the amount of either the—
 - (i) work-related activity component; or
 - (ii) support component,
 - (f) which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components));
 - (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).
- (2) In Schedule 2—
- “additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;
- “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005
- (3) In Schedule 3—
- “additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;
- “converted employment and support allowance” means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;
- “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

Polygamous marriages: persons who are not pensioners

- 27.—(1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.
- (2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case—
- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;
 - (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
 - (c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
 - (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);
 - (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);
 - (f) the amount of either the—
 - a. (i) work-related activity component; or
 - b. (ii) support component,

which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);

- (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

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

28.—(1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner—

- (a) who has, or
(b) who (jointly with his partner) has,
an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

(2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—

- (a) one of them is a party to an earlier marriage that still subsists; and
(b) the other party to that earlier marriage is living in the same household.

(3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

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

PART 7 Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Maximum council tax reduction amount under this scheme: pensioners and persons who are not pensioners

29.—(1) Subject to sub-paragraphs (2) to (4), the maximum council tax reduction payable to a pensioner in respect of a day is 100 per cent of the amount A/B where—

- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
(b) B is the number of days in that financial year
less any deductions in respect of non-dependants which fall to be made under paragraph 29 (non-dependant deductions: pensioners and persons who are not pensioners).

(2) In calculating a person’s maximum council tax reduction under this scheme any support in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a support under this scheme), is to be taken into account.

(3) Subject to sub-paragraph (5), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (4) does not apply in his case.

(5) The reference in sub-paragraph (4) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 73(2) applies.

(6) In this paragraph “relevant financial year” means, in relation to any particular day, the financial year within which the day in question falls.

Non-dependent deductions: pensioners and persons who are not pensioners

30.—(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 28 are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £12.45 x 1/7;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.05 x 1/7.
- (2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—
- (a) less than £217.00, the deduction to be made under this paragraph is that specified in subparagraph (1)(b);
 - (b) not less than £217.00 but less than £377.00, the deduction to be made under this paragraph is £8.30 x 1/7
 - (c) not less than £377.00 but less than £469.00, the deduction to be made under this paragraph is £10.40 x 1/7.
- (3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.
- (4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- (5) Where in respect of a day—
- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom paragraph (a) refers is a non-dependent of two or more of the liable persons, the deduction in respect of that non-dependent must be apportioned equally between those liable persons.
- (6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
 - (b) receiving in respect of himself—
 - (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependent if—
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full-time student within the meaning of Part 11 (students); or

- (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
- (i) “patient” has the meaning given in paragraph 19(6), and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
- (8) No deduction is to be made in respect of a non-dependent—
- (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance
 - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependent who is a student to whom paragraph 4 of that Schedule refers, or
 - (c) is entitled to an award of Universal Credit where the award is calculated on the basis that the person does not have any earned income.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependent’s weekly gross income—
- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006), the Windrush Compensation Scheme or the National Emergencies Trust which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
 - (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).
- (10) No deductions shall be made in respect of a non-dependant aged less than 25 who is entitled to an award of universal credit where the award is calculated on the basis that the non-dependant does not have any earned income
- (11) For the purposes of paragraph (10), ‘earned income’ has the meaning given in regulation 52 of the Universal Credit Regulations 2013
- (11A) For the purposes of sub-paragraph (8), ‘earned income’ has the meaning given in Regulation 52 of the Universal Credit Regulations 2013

PART 8 Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

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

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

**PART 9 Amount of reduction under this scheme
Amount of reduction under this scheme: Classes A to F**

- 32.—(1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.
- (2) Where the person is within class A or D, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.
- (3) Where the person is within class B or E, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f), as the case may be.
- (4) Where the person is within class C or F, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.
- (5) Sub-paragraph (6) applies where both—
(a) sub-paragraph (2) or sub-paragraph (3), and
(b) sub-paragraph (4),
apply to a person.
- (6) Subject to the maximum reduction specified by paragraph 12 and 28, the amount of the reduction to which the person is entitled is whichever is the greater of—
(a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
(b) the amount of the reduction given by sub-paragraph (4).

PART 10 Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

**CHAPTER 1 Income and capital: general
Calculation of income and capital: applicant's family and polygamous marriages**

- 33.—(1) The income and capital of—
(a) an applicant; and
(b) any partner of that applicant,
(c) is to be calculated in accordance with the provisions of this Part.

- (2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.
- (3) Except where paragraph 37 applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household—
 - (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

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

- 34.—(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependent and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependent has more income and capital than the applicant.
- (2) Except where—
 - (a) the applicant is a pensioner and is on a guarantee credit, or
 - (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,
 the authority must treat the applicant as possessing income and capital belonging to that non-dependent and, in such a case, any income and capital which the applicant does possess is to be disregarded.
- (3) Where an applicant is treated as possessing income and capital belonging to a non-dependent under sub-paragraph (2) the income and capital of that non-dependent must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependent.

CHAPTER 2 Income and capital: pensioners in receipt of guarantee credit or savings credit

Applicant in receipt of guarantee credit: pensioners

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

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

- 36.—(1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.
- (2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—
 - (a) the amount of any savings credit payable;
 - (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
 - (c) the higher amount disregarded under this scheme in respect of—
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
 - (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);

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

CHAPTER 3 Income and capital where there is an award of universal credit

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

- 37.—(1) In determining the income of an applicant—
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit. For the avoidance of doubt the award of Universal Credit shall be determined **before** any deduction, sanction, advance etc.
- (2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.
- (3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account—
- (a) the amount of the award of universal credit **before** any deduction, sanction, advance etc;
 - (b) paragraph 34 (circumstances in which income and capital of non-dependent is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
 - (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).
- (4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.
- (5) Paragraph 34 (income and capital of non-dependent to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).
- (6) In determining the capital of an applicant—
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

(7) 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.

Tolerance of cases where Universal Credit is in payment.

(8) Where the authority receives any notification from the Secretary of State for Work and Pensions that a person who is awarded Universal Credit has a change in that award of less than £5, no adjustment shall be made to the applicant’s Council Tax Reduction.

CHAPTER 4 Income: other pensioners

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

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

Meaning of “income”: pensioners

39.—(1) For the purposes of classes A to C in this scheme, “income” means income of any of the following descriptions—

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

- (xxi) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
- (xxii) funeral expense assistance given in accordance with section 34 of that Act;
- (xxiii) any Scottish child payment assistance given in accordance with section 79 of that Act;
- (xxiv) any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019(11);
- (xxv) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018(12);
- (xxvi) winter heating assistance given in accordance with regulations under section 30 of that Act;
- (xxvii) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;
- (l) a payment made—
 - (i) under article 30 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc. (Worker's Compensation) Act 1979;
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—
 - (i) under a court order;
 - (ii) under an agreement for maintenance; or
 - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (r) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under—
 - (i) the Civil List Act 1837,
 - (ii) the Civil List Act 1937,
 - (iii) the Civil List Act 1952,
 - (iv) the Civil List Act 1972, or
 - (v) the Civil List Act 1975;
- (u) any income in lieu of that specified in paragraphs (a) to (r);
- (v) any payment of rent made to an applicant who—
 - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
 - (ii) occupies part of the property; and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
- (w) any payment made at regular intervals under an equity release scheme;
- (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

(2) Where the payment of any social security benefit referred to in sub-paragraph (1) or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.

- (3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this sub-paragraph are those made in accordance with—
- (a) the Social Security (Overlapping Benefits) Regulations 1979;
 - (b) the Social Security (Hospital In-Patients) Regulations 1975;
 - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
 - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it;
 - (e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharer's section 4 pension);
 - (f) section 45B or 55B of the Social Security Contributions and Benefits Act 1992 (reduction in additional pension in Category A retirement pension and shared additional pension: pension sharing).
- (5) In sub-paragraph (1)(w), "equity release scheme" means a loan—
- (a) made between a person ("the lender") and the applicant;
 - (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
 - (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home

Calculation of weekly income: pensioners

- 40.—(1) Except in a case within sub-paragraph (2), (3A), (4A) or (5), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made—
- (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
 - (b) exceeds a week, the amount to be included in the applicant's weekly income is to be determined—
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
 - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
 - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.
- (2) Sub-paragraph (3) applies where—
- (a) the applicant's regular pattern of work is such that he does not work the same hours every week; or
 - (b) the amount of the applicant's income fluctuates and has changed more than once.
- (3) The weekly amount of that applicant's income is to be determined—
- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does not work, those periods but disregarding any other absences); or
 - (b) in any other case, on the basis of—
 - (i) the last two payments if those payments are one month or more apart;
 - (ii) the last four payments if the last two payments are less than one month apart; or
 - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.
- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
 - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week
- (4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.
- (4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
 - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.
- (5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.
- (6) This sub-paragraph applies to—
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
 - (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; and
 - (c) any payment which is made on an occasional basis.
- (7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.
- (9) The sums specified in Schedule 5 are to be disregarded in calculating—
- (a) the applicant's earnings; and
 - (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).
- (10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.
- (11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.
- (12) Schedule 9 (capital disregards: pensioners) has effect so that—
- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
 - (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 71 (calculation of tariff income from capital: pensioners).
- (13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

Earnings of employed earners: pensioners

41.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner who is a pensioner, means any remuneration or profit derived from that employment and includes—

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice;
- (d) any holiday pay;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of—
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant’s absence from home;
- (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001;
- (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
- (i) statutory paternity pay payable under Part 12ZA of that Act;
- (j) statutory adoption pay payable under Part 12ZB of that Act;
- (k) any sums payable under a contract of service—
 - (i) for incapacity for work due to sickness or injury; or
 - (ii) by reason of pregnancy or confinement.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
- (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;
- (f) any payment in respect of expenses arising out of the applicant’s participation in a service user group.

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

Calculation of net earnings of employed earners: pensioners

42.—(1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable

under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

- (3) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.
- (4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—
 - (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less—
 - (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
 - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

Calculation of earnings of self-employed earners: pensioners

- 43.—(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment—
 - (a) over a period of one year; or
 - (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.
- (2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.
- (3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph is to be his assessment period.

Earnings of self-employed earners: pensioners

- 44.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.
- (2) “Earnings” in the case of employment as a self-employed earner does not include—
 - (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
 - (b) any payment made by a local authority to an applicant—
 - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26(1) of the Children (Scotland) Act 1995; or
 - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;

- (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
- (d) any payment made to the applicant or his partner for a person (“the person concerned”) who is not normally a member of the applicant’s household but is temporarily in his care, by—
 - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (ii) a voluntary organisation;
 - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006; or
 - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
 - (vi) the persons concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult);
- (da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the applicant where A—
 - (i) was formerly in the applicant’s care;
 - (ii) is aged 16 or over; and
 - (iii) continues to live with the applicant;
- (db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance: further provisions
- (e) any sports award.

Notional income: pensioners

- 45.—(1) An applicant who is a pensioner is to be treated as possessing—
- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
 - (i) for which no claim has been made; and
 - (ii) to which he might expect to be entitled if a claim for it were made;
 - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
 - (b) a shared additional pension payable under section 55A of the SSCBA;
 - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
 - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
 - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
 - (b) fails to purchase an annuity with the funds available in that scheme; and
 - (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.
- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.

- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from the fund and must be determined by the authority, taking account of information provided by the pension fund holder.
- (7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).
- (8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pension Schemes Act 1993.
- (9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.
- (10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.
- (11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.
- (12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant’s participation in a service user group.
- (13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.
- (14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must—
- (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant’s income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
 - (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).
- (15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—
- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
 - (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.
- (16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties: pensioners

- 46.—(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.

- (2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.
- (3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant's participation in a service user group.

CHAPTER 5 Income: persons who are not pensioners

Average weekly earnings of employed earners: persons who are not pensioners

- 47.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—
- (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of—
 - (i) 5 weeks, if he is paid weekly; or
 - (ii) 2 months, if he is paid monthly; or
 - (b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.
- (2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)—
- (a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;
 - (b) in any other case, the authority must estimate the applicant's average weekly earnings.
- (3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.
- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account---
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of each reduction week following the date the applicant commences that employment and the first day of each reduction week thereafter; or
 - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require calculation under this paragraph, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week thereafter,
- (4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).
- (4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account---
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;

- (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment and the first day of each reduction week thereafter; or
- (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.

Average weekly earnings of self-employed earners: persons who are not pensioners

- 48.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.
- (2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

Average weekly income other than earnings: persons who are not pensioners

- 49.—(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).
- (2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

Calculation of weekly income of employed earners: persons who are not pensioners

- 50.—(1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made—
- (a) does not exceed a week, the weekly amount is to be the amount of that payment;
 - (b) exceeds a week, the weekly amount is to be determined—
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.
- (2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

Earnings of employed earners: persons who are not pensioners

- 51.—(1) Subject to sub-paragraph (2), "earnings", in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
 - (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
 - (e) any payment by way of a retainer;

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

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any payment in respect of expenses arising out of the applicant's participation in a service user group.

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

Calculation of net earnings of employed earners: persons who are not pensioners

52.—(1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(4) In this paragraph "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.

- (5) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—
- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to H), his net earnings is to be calculated by taking into account those earnings over the assessment period, less—
- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 35, 36 or 37 of the Income Tax Act 2007 as is personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are; (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 is to be calculated on a pro rata basis;
 - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings

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

- 53.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.
- (2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 8 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.
- (3) This paragraph applies to—
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
 - (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.
- (4) Where the applicant’s earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by—
- (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
 - (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant’s case.

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

- 54.—(1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist

of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).

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

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

Where

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books and equipment);

B = 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 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

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

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

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

- (9) In this paragraph—

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

“assessment period” means—

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

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

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

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

whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

1st January and ending on 31st March;

1st April and ending on 30th June;

1st July and ending on 31st August; or

1st September and ending on 31st December;

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

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

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

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

Capital treated as income: persons who are not pensioners

55.—(1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £16,000, be treated as income.

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

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

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

(5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

Notional income: persons who are not pensioners

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

(2) Except in the case of—

(a) a discretionary trust;

(b) a trust derived from a payment made in consequence of a personal injury;

(c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;

(d) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);

(e) any sum to which paragraph 51(a) of Schedule 10 refers;

(f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;

(g) child tax credit;

- (h) working tax credit, or
 - (i) any sum to which sub-paragraph (11) applies,
 - (j) any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.
- (3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made—
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (4) Sub-paragraph (3) does not apply in respect of a payment of income made—
- (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
 - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
 - (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996(144);
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
 - (e) in respect of a person's participation in the Mandatory Work Activity Scheme;
 - (f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.
- (6) Subject to sub-paragraph (7), where—
- (a) an applicant performs a service for another person; and
 - (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

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

CHAPTER 6 Income: further provisions applying to pensioners and persons who are not pensioners
Calculation of income on a weekly basis

- 57.—(1) Subject to paragraph 60 (disregard of changes in tax, etc.), the income of an applicant is to be calculated on a weekly basis—
- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
 - (b) by adding to that amount the weekly income calculated—
 - (c) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);
 - a. (i) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners); and
 - (d) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.
- (2) The conditions of this paragraph are that—
- (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-paragraph (3) otherwise applies in his case; and
 - (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.
- (3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be—
- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
 - (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

- 58.—(1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and—
- (a) is a lone parent and is engaged in remunerative work;
 - (b) is a member of a couple both of whom are engaged in remunerative work; or
 - (c) is a member of a couple where one member is engaged in remunerative work and the other—
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- (2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph
- (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- (a) is paid statutory sick pay;
 - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
 - (c) is paid an employment and support allowance;
 - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
 - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or

(b) the first day of the period in respect of which earnings are credited, as the case may be.

- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10).
- (6) The charges are paid by the applicant for care which is provided—
- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- (7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—
- (a) in respect of the child's compulsory education;
 - (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
 - (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.
- (8) The care to which sub-paragraph (7) refers may be provided—
- (a) (out of school hours, by a school on school premises or by a local authority—
 - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
 - (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or
 - (e) by—
 - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
 - (ii) local authorities registered under section 83(1) of that Act, where the care provided is child minding or day care of children within the meaning of that Act; or
 - (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
 - (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of "childcare" for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - (k) by a foster parent or kinship carer under the Fostering Services Regulations 2011, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or

- (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations or by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or
 - (m) by a person who is not a relative of the child wholly or mainly in the child's home.
- (9) In sub-paragraphs (6) and (8)(a), "the first Monday in September" means the Monday which first occurs in the month of September in any year.
- (10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
 - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—
 - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
 - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;
 - (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (e) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
 - (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
 - (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (h) there is payable in respect of him one or more of the following pensions or allowances—
 - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
 - (ii) attendance allowance under section 64 of the SSCBA;
 - (iii) severe disablement allowance under section 68 of the SSCBA;
 - (iv) disability living allowance under section 71 of the SSCBA;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) increase of disablement pension under section 104 of the SSCBA;
 - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
 - (ix) main phase employment and support allowance;
 - (i) a pension or allowance to which sub-paragraph (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is

- regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.
- (14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—
- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (b) to whom the daily living component of personal independence payment is payable or would be payable but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - (d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.
- (15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that—
- (a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;
 - (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and
 - (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

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

- (a) the date that leave ends;
- (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends, whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

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

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

- (a) who has, or
- (b) who (jointly with his partner) has,
- (c) an award of universal credit.

Calculation of average weekly income from tax credits

59.—(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).

(3) Where the instalment in respect of which payment of a tax credit is made is—

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

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

Disregard of changes in tax, contributions etc.

60. In calculating the applicant's income the authority may disregard any legislative change—

- (a) in the basic or other rates of income tax;
- (b) in the amount of any personal tax relief;
- (c) in the rates of social security contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small profits threshold in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
- (e) in the maximum rate of child tax credit or working tax credit, for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

Calculation of net profit of self-employed earners

- 61.—(1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be—
- (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
 - (c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—
- (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- (5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of—
- (a) any capital expenditure;
 - (b) the depreciation of any capital asset;
 - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
 - (d) any loss incurred before the beginning of the assessment period;
 - (e) the repayment of capital on any loan taken out for the purposes of the employment;
 - (f) any expenses incurred in providing business entertainment; and
 - (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.
- (6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for—
- (a) the replacement in the course of business of equipment or machinery; or

- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- (7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (8) For the avoidance of doubt—
- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
 - (b) a deduction must be made thereunder in respect of—
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment.
- (9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—
- (a) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA,
 - (iii) calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.
- (11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined—
- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- (12) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

Calculation of deduction of tax and contributions of self-employed earners

- 62.—(1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated—
- (a) on the basis of the amount of chargeable income, and
 - (b) as if that income were assessable to income tax at the basic rate 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 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances.
- (2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.
- (3) The amount to be deducted in respect of social security contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of—
- (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA at the rate applicable to the assessment period except where the applicant’s chargeable income is less than the amount specified in section 11(4) of that

Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and

- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.

(4) In this paragraph “chargeable income” means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

**CHAPTER 7 Capital
Calculation of capital**

- 63.—(1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).
- (2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in—
- (a) Schedule 9, in relation to pensioners;
 - (b) Schedule 10, in relation to persons who are not pensioners.
- (3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of—
- (i) child tax credit;
 - (ii) working tax credit;
 - (iii) state pension credit,
- if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.
- (4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

Income treated as capital: persons who are not pensioners

- 64.—(1) This paragraph applies in relation to persons who are not pensioners.
- (2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.
- (3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.
- (4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.
- (5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- (6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.
- (7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.
- (8) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- (9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (10) Any arrears of working tax credit or child tax credit must be treated as capital.

Calculation of capital in the United Kingdom

65. Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—
- (a) where there would be expenses attributable to the sale, 10 per cent; and
 - (b) the amount of any encumbrance secured on it.

Calculation of capital outside the United Kingdom

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

Notional capital

- 67.—(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).
- (2) A person who is a pensioner who disposes of capital for the purpose of—
- (a) reducing or paying a debt owed by the applicant; or
 - (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,
- is to be regarded as not depriving himself of it.
- (3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.
- (4) Except in the case of—
- (a) a discretionary trust; or
 - (b) a trust derived from a payment made in consequence of a personal injury; or
 - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 9; or
 - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
 - (e) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or
 - (f) any sum to which paragraph 51(a) of Schedule 10 refers; or
 - (g) child tax credit; or
 - (h) working tax credit,
- any capital which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.
- (5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), made—
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;

- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made—
- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
 - (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
 - (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
 - (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (7) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case—
- (a) the value of his holding in that company must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and
 - (b) he must, subject to sub-paragraph (8), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- (8) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (7) is to be disregarded.
- (9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

Diminishing notional capital rule: pensioners

- 68.—(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—
- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
 - (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).

- (2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—
- (a) he is in receipt of a reduction under this scheme; and
 - (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of—
- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
 - (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
 - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
 - (d) where the applicant has also claimed a jobseeker’s allowance, the amount of an income-based jobseeker’s allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker’s Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—
- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
 - (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
 - (d) if the applicant would, but for regulation 113 of the Jobseeker’s Allowance Regulations 1996, have been entitled to an income-based jobseeker’s allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) (“the relevant amount”) is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
 - (b) multiplying the result of that calculation by 7.

- (7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
 - (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), the date on which he last made an application which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
 - (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).
- (9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—
- “part-week”—
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
 - (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
 - (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;
- “relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—
- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
 - (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction;
- and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;
- “relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Diminishing notional capital rule: persons who are not pensioners

- 69.—(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—
- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions,
 is to be reduced by an amount determined under sub-paragraph (3);
 - (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and

(ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,
is to be reduced by the amount determined under sub-paragraph (5).

- (2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—
- (a) he is in receipt of a reduction in council tax under this scheme; and
 - (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—
- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
 - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
 - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—
- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
 - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
 - a. (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - b. (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
 - (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) (“the relevant amount”) is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
 - (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
 - (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
 - (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).
- (9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—
- “part-week”—
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;
 - (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
 - (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (a) 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
 - (b) any other period of less than a week for which it is payable;
- “relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—
- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
 - (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,
- and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;
- “relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Capital jointly held

70. Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share

and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

Calculation of tariff income from capital: pensioners

71. The capital of an applicant who is a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of—
- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
 - (b) £1 for any excess which is not a complete £500.

Calculation of tariff income from capital: persons who are not pensioners

72. The capital of an applicant who is not a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income⁽¹⁶⁹⁾ of—
- (a) £1 for each £250 in excess of £6,000 but not exceeding £16,000;
 - (b) £1 for any excess which is not a complete £250.

PART 11 Students

CHAPTER 1 General Interpretation

73.—(1) In this Part—

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

“access funds” means—

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

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

“contribution” means—

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

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

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

“education authority” means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

“full-time course of study” means a full-time course of study which—

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

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

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) applies;

“grant income” means—

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

“higher education” means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

“last day of the course” means—

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

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;

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

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

“qualifying course” means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations 1996;

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

“standard maintenance grant” means—

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

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

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

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

- (2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—
 - (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
 - (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

- (3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—
- (a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
 - (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.
- (4) In sub-paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

Treatment of students

74. This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

Students who are excluded from entitlement to a reduction under this scheme

- 75.—(1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)—
- (a) full-time students, and
 - (b) students who are persons treated as not being in Great Britain.
- (2) Sub-paragraph (1)(b) does not apply to a student—
- (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
 - (b) who is a lone parent;
 - (c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;
 - (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
 - (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
 - (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
 - (i) who is—
 - a. (i) aged under 21 and whose course of study is not a course of higher education,
 - b. (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or
 - c. (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
 - (j) in respect of whom—
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students’ Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;

- (iii) a payment has been made under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
- (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
- (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986, on account of his disability by reason of deafness.

- (3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.
- (4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- (5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (6) A full-time student to whom sub-paragraph (2)(i) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- (7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if—
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).
- (8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- whichever first occurs.

CHAPTER 2

Income

Calculation of grant income

- 76.—(1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.
- (2) There must be excluded from a student's grant income any payment—
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;

- (h) intended for the child care costs of a child dependent;
 - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
- (3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- (4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- (5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—
- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- (6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- (7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- (8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

Calculation of covenant income where a contribution is assessed

- 77.—(1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.
- (2) The weekly amount of the student's covenant must be determined—
- (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding £5 from the resulting amount.
- (3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

Covenant income where no grant income or no contribution is assessed

78.—(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—

- (a) any sums intended for any expenditure specified in paragraph 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
- (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

(2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that—

- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and
- (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

Relationship with amounts to be disregarded under Schedule 8

79. No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc., payments).

Other amounts to be disregarded

80.—(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

81.—(1) A student loan is to be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income—

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period—
 - (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and
 - (ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year, but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
 - (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned £10 is to be disregarded.
- (3) A student is to be treated as possessing a student loan in respect of an academic year where—
- (a) a student loan has been made to him in respect of that year; or
 - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- (4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.
- (5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- (6) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

Treatment of payments from access funds

- 82.—(1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.
- (2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.
- (3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)—
- (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and
 - (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, must be disregarded as income to the extent of £20 per week.
- (4) Where a payment from access funds is made—

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

Disregard of contribution

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

Further disregard of student's income

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

Income treated as capital

- 85.—(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.
- (2) An amount paid from access funds as a single lump sum must be treated as capital.
- (3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

Disregard of changes occurring during summer vacation

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

PART 12 Extended reductions

CHAPTER 1 Extended reductions: pensioners

Extended reductions: pensioners

87. Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

Extended reductions (qualifying contributory benefits): pensioners

- 88.—(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is entitled to an extended reduction (qualifying contributory benefits) where—
- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
 - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and

- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.
- (2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where—
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): pensioners

- 89.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
- (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): pensioners

- 90.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—
- (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
 - (b) the amount of reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 88 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: pensioners

- 91.—(1) This paragraph applies—
- (a) to a mover; and
 - (b) from the Monday following the day of the move.
- (2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—
- (a) the second authority; or
 - (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C

- 92.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 88(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.
- (2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended reduction – movers: pensioners).

Continuing reductions where state pension credit claimed: pensioners

- 93.—(1) This paragraph applies where—
- (a) the applicant is entitled to a reduction under this scheme;
 - (b) sub-paragraph (2) is satisfied; and
 - (c) either—
 - (i) the applicant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
 - (ii) the applicant's partner has actually claimed state pension credit.
- (2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—
- (a) the applicant's award of—
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and
 - (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.
- (3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.
- (4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.
- (5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—
- (a) the whole of the income and capital of the applicant is to be disregarded;
 - (b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.
- (6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated—
- (a) the applicant's council tax liability has increased; or
 - (b) a change in the deduction under paragraph 30 falls to be made.

CHAPTER 2 Extended reductions: persons who are not pensioners

Extended reductions: persons who are not pensioners

94. Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

Extended reductions: persons who are not pensioners

- 95.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction where—
- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
 - (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.
- (2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- (3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.
- (4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where—
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).
- (5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987(remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners

- 96.—(1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
- (a) at the end of a period of eight weeks; or
 - (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

Amount of extended reduction: persons who are not pensioners

- 97.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—
- (a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
 - (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 95 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions—movers: persons who are not pensioners

- 98.—(1) This paragraph applies—
- (a) to a mover; and
 - (b) from the Monday following the day of the move.
- (2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—
- (a) the second authority; or
 - (b) the mover directly.

Relationship between extended reduction and entitlement to a reduction by virtue of classes D to F

- 99.—(1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.
- (2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction—movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners

- 100.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction (qualifying contributory benefits) where—
- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
 - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
 - (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.
- (2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where—
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners

- 101.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
- (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

102.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—

- (a) the amount of reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 100 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 100 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners

103.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to F

104.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction—movers: persons who are not pensioners).

CHAPTER 3 Extended reductions: movers in the authority's area

Extended reductions: applicant moving into the authority's area

105. Where—

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

PART 13 When entitlement begins and change of circumstances

Date on which entitlement begins

106.—(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

Date on which change of circumstances is to take effect

107.—(1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme (“change of circumstances”), takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

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

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

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

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid

in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

- (9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- (10) Sub-paragraph (11) applies if—
- (a) the applicant or his partner has attained the age of 65; and
 - (b) either—
 - (i) a non-dependent took up residence in the applicant's dwelling; or
 - (ii) there has been a change of circumstances in respect of a non-dependent so that the amount of the deduction which falls to be made under paragraph 30 increased.
- (11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.
- (12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means—
- (a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependent has occurred since—
 - (i) the date on which the applicant's entitlement to a reduction under this scheme first began; or
 - (ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;
 - (b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.
- (13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

Change of circumstances where state pension credit in payment

- 108.—(1) Sub-paragraphs (2) and (3) apply where—
- (a) the applicant is in receipt of state pension credit;
 - (b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and
 - (c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.
- (2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—
- (a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or
 - (b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—
 - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
 - (ii) state pension credit is increased, whichever is the later.
- (3) Where the change of circumstance ("the relevant change") is that the applicant's state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces—
- (a) in a case where the applicant's state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or

- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—
- (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
 - (ii) state pension credit is reduced,
- whichever is the later.
- (4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.
- (5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—
- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
 - (b) entitlement to state pension credit begins,
- whichever is the later.
- (6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—
- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
 - (b) a change of circumstances which is a relevant determination,
- each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).
- (7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.
- (8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.
- (9) In this paragraph—
- “official error” means an error made by—
- (a) the authority or a person—
 - (i) authorised to carry out any function of the authority relating to this scheme; or
 - (ii) providing services relating to this scheme directly or indirectly to the authority; or
 - (b) an officer of—
 - (i) the Department for Work and Pensions; or
 - (ii) the Commissioners of Inland Revenue,
 acting as such,
- but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;
- “relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant’s or, as the case may be, the applicant’s partner’s income and capital for the purposes of the award of state pension credit;
- “relevant determination” means a change in the determination by the authority of the applicant’s income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).

PART 14 Applications (including duties to notify authority of change of circumstances)

Making an application

109. –(1) In the case of–

- (a) a couple or (subject to paragraph (b)) members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or
 - (b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- (2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and–
- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
 - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.
- (3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under this scheme and to receive and deal on his behalf with any sums payable to him.
- (4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- (5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)–
- (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
 - (c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- (6) Anything required by this scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- (7) The authority must–
- (a) inform any person making an application of the duty imposed by paragraph 115(1)(a);
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

Date on which an application is made

- 110.—(1) Subject to sub-paragraph (7), the date on which an application is made is—
- (a) in a case where—
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office, the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;
 - (b) in a case where—
 - (i) an applicant or his partner is a person in receipt of a guarantee credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change, the date on which the change takes place;
 - (c) in a case where—
 - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received, the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
 - (d) in a case where—
 - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change, the date on which the change takes place;
 - (e) in a case where—
 - (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
 - (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation, the date of the death or separation;
 - (f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
 - (g) In any other case, the date on which the application is received at the designated office.
- (2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—
- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
 - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
- have been entitled to that allowance.
- (3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)—

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
 - (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.
- (4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- (5) The conditions are that—
- (a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
 - (b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies—
 - (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
 - (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,
 or, in either case, within such longer period as the authority may consider reasonable; or
 - (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- (6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.
- (7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than—
- (a) in the case of an application made by—
 - (i) a pensioner, or
 - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,
 the seventeenth reduction week following the date on which the application is made, or
 - (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.
- (8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance.

Applications where an applicant’s Universal Credit ceases an award of Council Tax Reduction

- (9) Where a council tax reduction claim has stopped due to the level of the applicant’s Universal Credit and associated income, that claim will remain valid from the date that Council Tax Reduction has stopped for a period of six calendar months.

Joint claims for Housing Benefit and Council Tax Reduction.

- (10) Where an applicant is entitled to Housing Benefit and notifies the authority of a wish to claim Council Tax Reduction, the authority will assess Council Tax Reduction without the need for a separate claim form
- (11) The effective date of the applicant shall be the date the request is made to the authority (in any format).

Backdating of applications: pensioners

- 111.—(1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.
- (2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

Backdating of applications: persons who are not pensioners

- 112.—(1) Where an applicant who is a person who is not a pensioner—
- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
 - (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period), the application is to be treated as made on the date determined in accordance with sub-paragraph (2).
- (2) That date is the latest of—
- (a) the first day from which the applicant had continuous good cause;
 - (b) the day 1 month before the date the application was made;
 - (c) the day 1 month before the date when the applicant requested that the application should include a past period.

Information and evidence

- 113.—(1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.
- (2) This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by—
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
 - (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by—
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.
- (3) Sub-paragraph (2) does not apply—
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
 - (b) to a person who—
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.
- (4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this scheme has been awarded, must furnish such certificates, documents, information and

evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

- (5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- (6) Where a request is made under sub-paragraph (4), the authority must—
- (i) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (ii) without prejudice to the extent of the duty owed under paragraph 115, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.
- (7) This sub-paragraph applies to any of the following payments—
- (a) a payment which is—
 - (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
 - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Caxton Foundation” insert “, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund;
 - (aa) a Grenfell Tower support payment
 - (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 30(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).
- (8) Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information—
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

Amendment and withdrawal of application

- 114.—(1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- (2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.
- (3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.
- (4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
- (5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.
- (6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

- (7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

Duty to notify changes of circumstances

- 115.—(1) Subject to sub-paragraphs (3), (6) and (7), the applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time—
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.
- (2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under this scheme (a “relevant change of circumstances”) by giving notice to the authority—
- (a) in writing; or
 - (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- (3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- (4) For the purposes of sub-paragraph (3)(c) “relevant benefit” means income support, an income-based jobseeker’s allowance or an income-related employment and support allowance or universal credit.
- (5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- (6) The duty imposed on a person by sub-paragraph (1) includes—
- (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
 - (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, the date when this occurs.
- (7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report—
- (a) changes affecting the residence or income of any non-dependent 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 or where the absence is from Great Britain, which exceeds or is likely to exceed 4 weeks.
- (8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report—

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his case, but not changes in the age of the child;
- (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (c) any change in the income or capital of—
 - (i) a non-dependent whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependent is to be treated as applicant's); or
 - (ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers,
 and whether such a person or, as the case may be, non-dependent stops living or begins or resumes living with the applicant.

(9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

PART 15 Decisions by authority

Decision by authority

116. The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

Notification of decision

117.—(1) The authority must notify in writing any person affected by a decision made by it under this scheme—

- in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

(2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- informing the person affected of the duty imposed by paragraph 115(1)(b);
- explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

(3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

(4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in this scheme relating to the procedure for making an appeal.

(5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

(6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

(7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

(8) This sub-paragraph applies to—

- the applicant;
- in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—

- (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
- (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- a person appointed by the authority under paragraph 109(3).

PART 16 Circumstances in which a payment may be made

Payment where there is joint and several liability

118.—(1) Where—

- (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a financial year;
 - (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
 - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate,
- it may make a payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(2) Subject to sub-paragraph (3), any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

(3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

PART 17

Award or payment of reduction

Time and manner of granting reduction under this scheme

119.—(1) Subject to paragraph 122 (payments on death), where a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of the financial 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 this 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.

(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 sub-paragraph (1).

(3) In a case to which sub-paragraph (1)(b) refers—

- (a) if the amount of the council tax for which he remains liable in respect of the financial year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under this 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 this 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 this 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.

- (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).

Person to whom reduction is to be paid

120.—(1) Subject to paragraph 122 (payment on death) and sub-paragraph (2), any payment of the amount of a reduction under paragraph 116(1)(b) must be made to the person who is entitled to the reduction.

- (2) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 107(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 107(5), the amount of the reduction may be paid to that person.

Shortfall in reduction

121. Where, on the revision of a decision allowing a reduction under this 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 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.

Payment on the death of the person entitled

122. 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.

- (2) Where an Act of Parliament or subordinate legislation repeals and re-enacts, with or without modification, a previous enactment (including a previous regulation) then, unless the contrary intention appears.

Transitional provisions for restrictions on amounts for children and young persons (pensioners)

123 (1) This regulation applies where—

(a) on 31st March 2018, a person 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 Local Government Finance Act 1992 (“a section 13A(2) scheme”); and

(b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a protected individual”).

- (2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

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

(b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

- (a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);
- (b) the child tax credit provisions do not apply; and
- (c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

- (a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and
- (b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

- (a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;
- (b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and
- (c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

- (a) the child amount in relation to the protected individual; and
- (b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

- (a) "the 2012 Regulations" means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- (b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;
- (c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
- (d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (f) "new individual" means a child or young person who is not a protected individual;
- (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);
- (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations

SCHEDULE 1 Procedural matters

Paragraph 11

PART 1 Procedure for an application for a reduction under this scheme

Procedure by which a person may apply for a reduction under this scheme

1. Paragraphs 2 to 7 apply to an application for a reduction under this scheme.
2. An application may be made—
 - (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 3.—(1) An application which is made in writing must be made to the designated office on a properly completed form.

(2) The form must be provided free of charge by the authority for the purpose.
4. - (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 supplied for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
(2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 5.—(1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
- 7.—(1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

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

PART 2 Procedure for making an appeal

Procedure by which a person may make an appeal against certain decisions of the authority

8. A person who is aggrieved by a decision of the authority which affects—
 - (a) the person's entitlement to a reduction under this scheme, or
 - (b) the amount of any reduction under this scheme,may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
9. The authority must—
 - (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing—
 - (i) that the ground is not well founded, giving reasons for that belief; or

(ii) that steps have been taken to deal with the grievance, stating the steps taken.

10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

PART 3 Procedure for applying for a discretionary reduction

Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act

- 11.—(1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
- (a) in writing;
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
 - (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.
- (2) Where—
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under this scheme,
- that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

PART 4 Electronic communication

Interpretation

12. In this Part—
“information” includes an application, certificate, notice or other evidence;
“official computer system” means a computer system maintained by or on behalf of the authority for the sending, receiving, processing or storing of any information.
Conditions for the use of electronic communication
- 13.—(1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.
- (2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- (4) The second condition is that the person uses an approved method of—
- (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any application or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the authority any information.
- (5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.
- (6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- (7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

(8) In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

Use of intermediaries

14. The authority may use intermediaries in connection with—
- (a) the delivery of any information by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication

- 15.—(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed—
- (a) by this Part; and
 - (b) by or under an enactment,
- are satisfied.
- (2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- (3) Information must not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

16. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
 - (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
- the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

- 17.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this must be presumed to have been the case where—
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.
- (2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this must be presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.
- (3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt must be presumed to be that recorded on an official computer system.

Proof of content of information

18. If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content must be presumed to be that recorded on an official computer system.

SCHEDULE 2 Applicable amounts:

PART 1 Persons who are pensioners Paragraph 25

The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 25(1)(a) is;

(a) on or after 1st April 2021, the amount specified in column (2) of Table 1 below in respect of each person or couple referred to in column (1) of that Table.

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

(a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and
(b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—

(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

Transitional provisions for restrictions on amounts for children and young persons

(1) This regulation applies where—

(a) on 31st March 2018, a person 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 Local Government Finance Act 1992 ("a section 13A(2) scheme"); and
(b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a "protected individual").

(2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

(a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or
(b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

(a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);
(b) the child tax credit provisions do not apply; and
(c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

(a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and
(b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under

the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

- (a) the number of protected individuals for whom either the person or the person’s partner (if any) is responsible, and who are members of the same household, is one;
- (b) the number of new individuals for whom either the person or the person’s partner is responsible, and who are members of the same household, is two or more; and
- (c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

- (a) the child amount in relation to the protected individual; and
- (b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person’s partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

- (a) “the 2012 Regulations” means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- (b) “applicable amount”, “child”, “partner” and “young person” have the same meanings as in the 2012 Regulations;
- (c) “child amount” means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
- (d) “child tax credit provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (e) “default provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (f) “new individual” means a child or young person who is not a protected individual;
- (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority’s section 13A(2) scheme and the person’s partner (if any);
- (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

Table 1

<i>Column (1) Person, couple or polygamous marriage</i>	<i>Column (2) Amount</i>
(1) Single applicant or lone parent who has attained pensionable age before 1 st April 2021	£191.15
(2) Couple one or both members before 1 st April 2021	£286.05
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age before 1 st April 2021	(a) 286.05; (b) £94.90
(a) for the applicant and the other party to the marriage; (b) for each additional spouse who is a member of the same household as the applicant.	£177.10
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	£270.30
(5) Couple where both members have attained pensionable age on or after 1st April 2021	
(6) If the applicant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021—	£270.30
(a) for the applicant and the other party to the marriage; (b) for each additional spouse who is a member of the same household as	£93.20

the applicant

2. Child or young person amounts

(1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

Column (1)	Column (2)
Child or young Person	Amount
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; (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.	(a) £68.60; (b) £68.60

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

PART 2 Family premium

3. Family premium

The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person—

- (a) is £17.65 in respect of a reduction week which begins in the period beginning with 1st April 2015 and ending with 30th April 2016;
- (b) is nil in respect of a reduction week which begins after 1st May 2016.

Transitional provision

(1) The amendment in regulation Part 2-3 (Family Premium) of this policy (or 2(4)(b) for the purposes of SI2041/2015) does not apply to a person who, on 30th April 2016, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A (2) of the Act and is—

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

(2) Paragraph (1) does not apply if—

- (a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or
- (b) the person makes a new application for a reduction under an authority's scheme under section 13A (2) of the Act.

(3) For the purposes of this regulation—

- (a) "the Act" means the Local Government Finance Act 1992;
- (b) "child", "family", "partner", "polygamous marriage" and "young person" have the meanings given by regulation 2 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.

PART 3 - Premiums

4. The premiums specified in Part 4 shall, for the purposes of paragraph 24(1)(d), be applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person 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 provision of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9 of this Schedule, a person shall be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012.

Severe disability premium

6.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant shall be treated as being a severely disabled person if, and only if—

- a. in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; and
 - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him;
- b. in the case of an applicant who has a partner—
 - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
 - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit that includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph

(2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—
(a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; or
(b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person shall be treated—
(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made there under;
(c) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—
(a) no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and
(b) references to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element shall include reference to a person who would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

Enhanced disability premium

7.—(1) The condition is—
(a) that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act in respect of a child or young person who is a member of the applicant's family; or
(b) (as the case may be) that the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with Part 4 of that Act.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind within the meaning of paragraph 6(4) of this Schedule or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

9.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance, this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
- (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person shall be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9 of this Schedule, 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.

Person in receipt of benefit

11. For the purposes of this Part 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.

PART 4 - Amounts of premium specified in Part 3

<i>Provision</i>	<i>Amount</i>
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £67.30;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(b)
(a) in a case where there is someone in receipt of a carer's allowance or who has an award of universal credit which includes the carer element under regulation 29 of the	(i) £67.30;
	(ii) £134.60.

<p>Universal Credit Regulations 2013, or if he or any partner satisfies that condition only by virtue of paragraph 6(7);</p> <p>(b) in a case where there is no-one in receipt of such an allowance or such an award of universal credit.</p> <p>(2) Enhanced disability premium</p> <p>(3) Disabled Child Premium.</p> <p>(4) Carer Premium.</p>	<p>(2) £26.67 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.</p> <p>(3) £65.94 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied</p> <p>(4) £37.70 in respect of each person who satisfies the condition specified in paragraph 9.</p>
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Applicable amounts: persons who are not pensioners Paragraph 26**PART 1 Personal allowances****Personal allowances**

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 of paragraphs 25(1)(a) and 26(1)(a) and (b)–

<i>Person or couple</i>	<i>Amount</i>
(1) A single applicant who–	(1)
(a) is entitled to main phase employment and support allowance;	(a) £74.70
(b) is aged not less than 25;	(b) £74.70
(c) is aged not less than 18 but less than 25.	(c) £59.20
(2) Lone parent.	(2) £74.70
(3) Couple.	(3) £117.40
(4) If the applicant is a member of a polygamous marriage	
(a) for the applicant and the other party to the marriage;	(a) £117.40
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £42.70

2. For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if–

- (a) paragraph 18 of this Schedule is satisfied in relation to the applicant; or
 (b) the applicant is entitled to a converted employment and support allowance.

- 3.–(1) The amounts specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of paragraphs 25(1)(b) and 26(1)(c) of this scheme:

<i>Child or Young person</i>	<i>Amount</i>
Person in respect of the period–	
(a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	£68.60
(b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s twentieth birthday.	£68.60

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

PART 2 - Family premium**4. Family premium**

The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person is £17.65.

PART 3 - Premiums

5. Except as provided in paragraph 6 of this Schedule, the premiums specified in Part 4 of this Schedule shall, for the purposes of paragraphs 25(1)(d) and 26(1)(e) of this scheme, be applicable to

an applicant who satisfies the condition specified in paragraphs 9 to 14 of this Schedule in respect of that premium.

6. Subject to paragraph 7 of this Schedule, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

7. The following premiums, namely—

- (a) a severe disability premium to which paragraph 11 of this Schedule applies;
- (b) an enhanced disability premium to which paragraph 12 of this Schedule applies;
- (c) a disabled child premium to which paragraph 13 of this Schedule applies; and
- (d) a carer premium to which paragraph 14 of this Schedule applies, may be applicable in addition to any other premium which may apply under this Schedule.

8.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person 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 Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14 of this Schedule, 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 SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

Disability premium

9. The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 of this Schedule is satisfied; or
- (b) where the applicant has a partner, either—
 - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or
 - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner.

Additional condition for the disability premium

10.—(1) Subject to sub-paragraph (2) and paragraph 8 of this Schedule, the additional condition referred to in paragraph 9 of this Schedule is that either—

- (a) the applicant or, as the case may be, his partner—
 - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
 - (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant has since remained continuously entitled to council tax benefit and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
 - (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section

113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 57(11)(i) (treatment of child care charges); or

(iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 57(11)(i) (treatment of child care charges); or

(v) is provided by the Secretary of State with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1977 (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to the Act of 1977 (additional provisions as to vehicles) or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or

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

(b) the applicant—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

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

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vi), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

(a) the reference to a period of 8 weeks in sub-paragraph (3); and

(b) the reference to a period of 56 days in sub-paragraph (5),

shall in each case be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

Severe disability premium

11.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant shall be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

(i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012; and

(ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and

(iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him ;

(b) in the case of an applicant who has a partner—

(i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012; and

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and

(iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit which includes the carer element in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2), that partner shall be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—

(a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA; or

(b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person shall be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance or an award of universal credit which include the carer element shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions)

Enhanced disability premium

12.—(1) Subject to sub-paragraph (2), the condition is that—

- (a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or
- (b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family, who has not attained the qualifying age for state pension credit; or
- (c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family, who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

- (a) an applicant who—
 - (i) is not a member of a couple or a polygamous marriage; and
 - (ii) is a patient within the meaning of paragraph 57(11)(e) of this scheme (treatment of child care charges) and has been for a period of more than 52 weeks; or
- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 57(11)(e) and has been for a period of more than 52 weeks.

Disabled child premium

13. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind or treated as blind within the meaning of paragraph 10 of this Schedule; or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

14.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

(2) Where a carer premium is awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

- (3) The relevant date for the purposes of sub-paragraph (2) shall be—
- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
 - (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

- (4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—
- (a) the person in respect of whose care the carer's allowance has been awarded dies;
 - (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

15. For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14 of this Schedule, 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

16. For the purposes of this Part 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.

PART 4

Amounts of Premiums Specified in Part 3

<i>Premium</i>	<i>Amount</i>
(1) Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £35.10
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £50.05
(2) Severe Disability Premium—	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £67.30
(b) where the applicant satisfies the condition in paragraph 11(2)(b)—	
(i) in a case where there is someone in receipt of a carer's allowance or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013; and if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £67.30
(ii) (ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit	(b)(ii) £134.60

(3) Disabled Child Premium.	(3) £65.94 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied.
(4) Carer Premium.	(4) £37.70 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced disability premium	(5)
(a) £26.67 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;	
(b) £17.20 in respect of each person who is neither—	
(i) a child or young person; nor	
(ii) a member of a couple or a polygamous marriage,	
in respect of whom the conditions specified in paragraph 12 are satisfied;	
(c) £24.60 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage.	

PART 5 - The components

18. Subject to paragraph 20 of this Schedule the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 of this Schedule if—

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

19. Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.

20.—(1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10 of this Schedule.

(2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

The work-related activity component

21. The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

The support component

22. The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

PART 6 - Amount of Components

23. The amount of the work-related activity component is £29.70.

24. The amount of the support component is. £39.40

PART 7 - Transitional Addition

25.—(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008 and—
 - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008; and
 - (ii) is not in receipt of an income-related employment and support allowance, unless the amount of the transitional addition calculated in accordance with paragraph 28 of this Schedule would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

26.—(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under—
 - (i) paragraph 25(2)(b) of this Schedule;
 - (ii) sub-paragraph (3)(b) of this paragraph; or
 - (iii) paragraph 27(3)(b) of this Schedule;
- (b) within 104 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related;
- (d) if the period between the events mentioned in paragraphs (a) and (b) is more than 12 weeks, the intervening period is one to which regulation 145(2) (linking period where applicant is a work or training beneficiary) of the Employment and Support Allowance Regulations 2008 applies in respect of the relevant person; and
- (e) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of

circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

27.—(1) This paragraph applies where—

(a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—

- (i) paragraph 25(2)(c);
- (ii) paragraph 26(3)(c); or
- (iii) sub-paragraph (3)(c);

(b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;

(c) either—

(i) at the date on which the relevant person again becomes entitled to an employment

support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; or

(ii) the period between the events mentioned in paragraphs (a) and (b) is one to which

regulation 145(2) of the Employment and Support Allowance Regulations 2008 applies in respect of the relevant person; and

(d) at the date on which the relevant person again becomes entitled to an employment support

allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29 of this Schedule), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

PART 8 - Amount of Transitional Addition

28.—(1) Subject to paragraph 29 of this Schedule, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (“the 2010 Regulations”) is made in respect of the relevant person—

(a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and

(b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—

(a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and

(b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, “basic amount” means the aggregate of such amounts as may apply in the applicant’s case in accordance with paragraph 25(1)(a) to (e) or paragraph 26(1)(a) to (f) of this scheme.

29.—(1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant’s basic amount, the transitional addition that applies immediately before the change of circumstances shall be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition shall be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.

SCHEDULE 3 Amount of alternative maximum council tax reduction: pensioners and persons who are not pensioners

Paragraph 31

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 30 is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 15(2) of this scheme applies; and
- (b) “persons to whom paragraph 71(1) of this scheme applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and
- (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) <i>Second adult</i>	(2) <i>Alternative maximum council tax support</i>
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance, or are under the age of 25 and in receipt of Universal Credit where the award is calculated on the basis that the second adult does not have any earned income (as given in regulation 52 of the Universal Credit Regulations 2013)	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker’s allowance—	(b)
(i) is less than £215.00 per week;	(i) 15 per cent of the council tax due in respect of that day;
(ii) is not less than £215.00 per week but less than £279.00 per week;	(ii) 7.5 per cent of the council tax due in respect of that day;
© where the dwelling would be wholly occupied by one or more persons to whom paragraph 71(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker’s allowance.	(c) 100 per cent of the council tax due in respect of that day.

2. In determining a second adult’s gross income for the purposes of this Schedule, there shall be disregarded from that income—

- (a) any attendance allowance, any disability living allowance under section 71 of the SSCBA, or any personal independence payment under Part 4 of the Welfare Reform Act 2012;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 53 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 53, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

3. Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income shall be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 4 Sums disregarded from applicant's earnings: pensioners

Paragraph 40

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—
 - (a) £25 in the case of a lone parent;
 - (b) £20 in any other case.
2. In a case where an applicant is a lone parent, £25 of earnings.
- 3.—(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.
 - (2) This paragraph applies to employment—
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005 as an auxiliary coastguard in respect of coast rescue activities;
 - (d) in the manning or launching of a lifeboat if the employment is part-time;
 - (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.
 - (3) If—
 - (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
 - (b) either of them has, or both of them have, other earnings, so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.
- 4.—(1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.
 - (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings 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.
 - (3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.
- 5.—(1) £20 is disregarded if the applicant or, if he has a partner, his partner—
 - (a) is in receipt of—
 - (i) long-term incapacity benefit under section 30A of the SSCBA;
 - (ii) severe disablement allowance under section 68 of that Act;
 - (iii) attendance allowance under sections 64 to 76 of that Act;
 - (iv) disability living allowance under section 71 to 76 of that Act;
 - (v) personal independence payment under Part 4 of the Welfare Reform Act 2012;
 - (vi) 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;
 - (vii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
 - (viii) main phase employment and support allowance; or
 - (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

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

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

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

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

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

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

(a) £20 was disregarded in respect of earnings taken into account in that award; and

(b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

(a) entitlement to housing benefit; or

(b) receipt of a reduction under a council tax reduction scheme; or

(c) employment, following the first day in respect of which that benefit is awarded under this scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

6.—(1) Where—

(a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;

(b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and

(c) paragraph 34 does not apply,

the amount specified in sub-paragraph (7) (“the specified amount”).

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

(3) Notwithstanding paragraph 26 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple (“A”) it 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;

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

- (6) “Exempt work” means work of the kind described in—
- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39 (1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be); or
 - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
- and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded there under.
8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—
- (a) £5 shall be disregarded if an applicant who has no partner has earnings;
 - (b) £10 shall be disregarded if an applicant who has a partner has earnings.
9. Any earnings, other than earnings referred to in paragraph 39(8)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.
- 10.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
 - (b) the applicant—
 - (i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) if he is a member of a couple—
 - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his family includes at least one child or young person
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.
- (3) The following are the amounts referred to in sub-paragraph (1)—
- (a) any amount disregarded under this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 56(1)(c); and
 - (c) £17.10.
- (4) The provisions of paragraph 10 of this scheme 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 sub-paragraph (1) of that paragraph was a reference to 30 hours.
11. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

SCHEDULE 5 Amounts to be disregarded in the calculation of income other than earnings: pensioners

Paragraph 40

1.(1) 100% of any of the following—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
- (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 and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (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) a pension paid by a government to victims of National Socialist persecution.

(2) The amounts to be disregarded under paragraph 1 include any amount included in a pension to which this paragraph relates in respect of the applicant's need for constant attendance or the applicant's exceptionally severe disablement

2. 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.

3. 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.

4. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

5 Not used

6.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

7. £15 of any widowed parent's allowance to which the applicant is entitled under section 39A of the SSCBA.

8. £15 of any widowed mother's allowance to which the applicant is entitled under section 37 of the SSCBA.

9. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

10. If the applicant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
 - (i) the amount paid by that person is less than £20 per week, the whole of that amount;
 - or
 - (ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 or if it was higher at the time, pensionable age;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants, the amount, calculated on a weekly basis, equal to—
 - (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
 - (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
 - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
 - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

13. Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

14. Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

15. Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

16. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

17. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

18. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

(a) under, or pursuant to regulations made under powers conferred by, section 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;

(b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

19.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

(a) is not in receipt of any award, grant or student loan in respect of that education; or
(b) is in receipt of an award 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 there under, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in subparagraph (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 subparagraph (1)(b), whichever is less.

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

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

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

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

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

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

25. Any victims' payment under the Victims' Payments Regulations 2020

SCHEDULE 6 Sums disregarded in the calculation of earnings: persons who are not pensioners

Paragraph 53

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
 - (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions, any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in—
 - (aa) paragraph 51(1)(e) (retainer), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in—
 - (aa) paragraph 51(1)(g) or (i) (compensation etc. relating to employment), or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals), including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to a reduction under this scheme—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work, any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).
2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—
 - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated, any earnings paid or due to be paid in respect of that employment except—
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).
3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.
- 4.—(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

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

- (3) This paragraph applies where—
- (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and
 - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
5. In a case where the applicant is a lone parent, £25.
- 6.—(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.
7. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—
- (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
 - (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
8. In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
- 9.—(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as—
- (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
 - (c) an auxiliary coastguard in respect of coast rescue activities;
 - (d) a person engaged part-time in the manning or launching of a life boat;
 - (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;
- but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).
- (2) If the applicant's partner is engaged in employment—
- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.
10. Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.
11. In a case to which none of the paragraphs 4 to 10 applies, £5.

12.—(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
 - (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
 - (c) paragraph 14 does not apply,
- the amount specified in sub-paragraph (7) (“the specified amount”).

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

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

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

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

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

(6) “Exempt work” means work of the kind described in—

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

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

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

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

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

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

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

17. Any earnings of a child or young person.

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

- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
 - (b) the applicant—
 - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) is a member of a couple and—
 - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—
 - (aa) the applicant’s applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;
 - (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
 - (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.
- (3) The following are the amounts referred to in sub-paragraph (1)—
- (a) (a) the amount calculated as disregardable from the applicant’s earnings under paragraphs 4 to 12;
 - (b) (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and
 - (c) (c) £17.10.
- (4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

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

SCHEDULE 7 Sums disregarded in the calculation of income other than earnings: persons who are not pensioners

Paragraph 54

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme.
4. Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).
5. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).
6. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
7. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
10. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
11. Any disability living allowance, personal independence payment or an AFIP.
12. Any concessionary payment made to compensate for the non-payment of—
 - (a) any payment specified in paragraph 11 or 14;
 - (b) income support;
 - (c) an income-based jobseeker's allowance;
 - (d) an income-related employment and support allowance.
13. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
14. Any attendance allowance.
15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
- 16.—(1) Any payment—
 - (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);

- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

18.—(1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment—

- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

19.—(1) Subject to sub-paragraph (2), any of the following payments—

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
- (d) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
- (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by—

- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20. Subject to paragraph 40, any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14);
- (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 and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (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 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.

21. Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.—(1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of “water charges” in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as his home”.

23. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

24.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount must be equal to—

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.

25. Any payment made to the applicant by a child or young person or a non-dependent.
26. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
27. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
 - (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.
- 28.—(1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to “income in kind” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
29. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 30.—(1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(200) (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
 - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
31. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made—
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
32. Any payment made to the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant’s household but is temporarily in his care, by—
- (a) a health authority;

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

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

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

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

35.—(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974(201) or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

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

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

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

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

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

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

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

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

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

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

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

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

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

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

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

42. Any housing benefit.

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

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

45. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax).

46.—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

47. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49.—(1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

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

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50.—(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In sub-paragraph (1)—

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991(202);
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

51. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(203) to assist disabled persons to obtain or retain employment despite their disability.

52. Any guardian's allowance.

53.—(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependent in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependent in respect of whom the increase is paid is not a member of the applicant's family.

54. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

55. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

56.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

57. Any council tax benefit to which the applicant is entitled.

58. Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

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

60.—(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—

- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
- in respect of which such assistance is or was received.

(2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

61.—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

62. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

63. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

64. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(204).

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

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

66. Any payment of child benefit.

SCHEDULE 8 Capital disregards: pensioners
Paragraph 63

PART 1 Capital to be disregarded

1. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
2. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
3. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
4. Any premises occupied in whole or in part—
 - (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision 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. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.
7. Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
8. All personal possessions.
9. The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.
10. The assets of any business owned in whole or in part by the applicant if—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or reengaged, in that business,
for a period of 26 weeks from the date on which the application for a reduction under this scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
11. The surrender value of any policy of life insurance.
12. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which—
 - (a) the applicant makes one or more payments to another person (“the provider”);

- (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
- (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

13. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner, by the Japanese during the Second World War, an amount equal to that payment.

14.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—

- (a) a diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph 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.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is—

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents, at the date of the diagnosed person's death 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 or an independent hospital.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;
“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
“trust payment” means a payment under a relevant trust.

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

- (a) was a slave labourer or a forced labourer;

- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died, during the Second World War.

16.— Any payment made under or by—

(a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, “the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or

(aa) a Grenfell Tower support payment

(b) the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment and which is made to or for the benefit of that person's partner or former partner—

(a) from whom he is not, or where that person has died was not, estranged or divorced, or

(b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

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

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

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

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, where—

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

(b) the payment is made either—

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

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

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

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, where—

(a) that person at the date of his death (“the relevant date”) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and

(b) the payment is made either—

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

(ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent, but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from—

(a) any payment of income or capital made under or deriving from any of the Trusts; or

(b) a Grenfell Tower support payment

16A- Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy

16B Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants;

17.—(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

(a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;

(b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or

(c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,
the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

(a) purchasing premises which the applicant intends to occupy as his home; or

(b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

21.—(1) Subject to paragraph 22 any amount paid—

(a) by way of arrears of benefit;

(b) by way of compensation for the late payment of benefit;

(c) in lieu of the payment of benefit;

(d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;

(e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as “Supporting People” or section 91 of the Housing (Scotland) Act 2001.

(f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in paragraph 16 of Schedule 1);

(g) to rectify, or compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant's entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply

(2) In sub-paragraph (1), “benefit” means—

(a) attendance allowance under section 64 of the Act;

(b) disability living allowance;

(c) personal independence payment;

(d) income support;

(e) income-based jobseeker's allowance;

(f) state pension credit;

(g) housing benefit;

(h) council tax benefit;

(i) child tax credit;

- (j) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
- (k) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (l) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (m) working tax credit;
- (n) income-related employment and support allowance,
- (o) social fund payments under Part 8 of the SSCBA,
- (p) universal credit,
- (q) maternity allowance under section 35 of the SSCBA (state maternity allowance for employed or self-employed earner);
- (r) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
- (s) funeral expense assistance given in accordance with section 34 of that Act;
- (t) any Scottish child payment assistance given in accordance with section 79 of that Act;
- (u) any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019;
- (v) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018; or
- (w) winter heating assistance given in accordance with regulations under section 30 of that Act

(3) In sub-paragraph (1) "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

22.—(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error or an error on a point in law relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to benefit under the Council Tax Benefit Regulations 2006 or the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(1A) Subject to paragraph (3), any payment of £5,000 or more received by the applicant in full on or after the day on which the applicant became entitled to a reduction under an authority's scheme which has been made to rectify, or compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant's entitlement to contributory employment and support allowance.

(1B) In sub-paragraph (1A) "contributory employment and support allowance" has the meaning in paragraph 21(3)

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(f) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014

(3) Any disregard which applies under sub-paragraph (1) (1A) or (2) shall have effect until the award comes to an end.

(4) In this paragraph—
"the award", except in sub-paragraph (2), means—

(a) the award of benefit under the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and

(b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—

- (i) is the person who received the relevant sum;
- (ii) is the partner of that person; or
- (iii) was the partner of that person at the date of his death;

“official error”—

(a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and

(b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means—

(a) in the case of an existing award of benefit under these Regulations or the Council Tax Benefit Regulations 2006, 6th October 2003; and

(b) in any other case, the date on which the claim for benefit under these Regulations or the Council Tax Benefit Regulations 2006 was made;

“the relevant sum” means the total amount referred to in sub-paragraph (1).

23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

26. The dwelling occupied as the home; but only one dwelling shall be disregarded under this paragraph.

27.—(1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.

28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

(a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;

(b) the amount of that lump sum, but only for so long as that person does not change that election in favour of an increase of pension or benefit.

29. - Any payments made by virtue of regulations made under—

(a) section 57 of the Health and Social Care Act 2001 (direct payments);

(b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);

(c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);

(d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare);

(e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments);

or

(f) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)

29A.

- (1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care)(a).
- (2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—
 - (a) was formerly in the applicant’s care;
 - (b) is aged 16 or over; and
 - (c) continues to live with the applicant.”.

29B. A payment made under the Age-Related payments regulations 2013.

29C Any payments to an applicant made under section 49 of the Children and Families Act 2014 (a) (personal budgets and direct payments)

29D. Any lump sum payment made in accordance with regulation 24 of the Victims’ Payments Regulations 2020.

29E. Any sum paid by means of assistance in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.

29F. Any sum paid by means of winter heating assistance in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018

PART 2 - Capital disregarded only for the purposes of determining deemed income

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

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

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

33.Where property is held under a trust, other than—

- (a) a charitable trust within the meaning of the Charities Act 1993; or
- (b) a trust set up with any payment to which paragraph 16 of this Schedule applies, and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant’s partner, or both, that property.

SCHEDULE 9 Capital disregards: persons who are not pensioners

Paragraph 63

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
4. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.
5. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
7. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
10. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
- 11.—(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,
for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
 - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

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

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

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
 - (b) an income-related benefit under Part 7 of the SSCBA;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit;
 - (f) an income-related employment and support allowance,
- but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

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

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
 - (b) received by the applicant in full on or after 14th October 2001,
- sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

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

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

13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

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

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

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

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

(2) But sub-paragraph (1)—

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

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

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

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

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

21. The surrender value of any policy of life insurance.

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

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

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

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

1. was formerly in the applicant’s care, and
2. is aged 18 or over, and
3. continues to live with the applicant.

25. Any—

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

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

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

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

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

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

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;

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

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

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

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

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

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

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

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.

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

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

the payment is made either—

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

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

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

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

the payment is made either—

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

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

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

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

30.—(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy

that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph “dwelling” includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

32. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

33. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

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

35. The value of the right to receive an occupational or personal pension.

36. The value of any funds held under a personal pension scheme.

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

38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(209) or section 66 of the Housing (Scotland) Act 1988(210) (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
to purchase premises intended for occupation as his home; or
to carry out repairs or alterations which are required to render premises fit for occupation as his home,
for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.—(1) Any payment or repayment made—
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);

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);

as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

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

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

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

45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

47. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(211) to assist disabled persons to obtain or retain employment despite their disability.

48. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958(212) to homeworkers assisted under the Blind Homeworkers' Scheme.

49.—(1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.

50.—(1) Any sum of capital to which sub-paragraph (2) applies and—
which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
which can only be disposed of by order or direction of any such court; or
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—
an award of damages for a personal injury to that person; or
compensation for the death of one or both parents where the person concerned is under the age of 18.

51. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—
award of damages for a personal injury to that person; or
compensation for the death of one or both parents where the person concerned is under the age of 18.

52. Any payment to the applicant as holder of the Victoria Cross or George Cross.

53. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

54.—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

55.—(1) Any payment—

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;

) corresponding to such an education maintenance allowance, made pursuant to—

(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

(ii) regulations made under section 181 of that Act; or

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—

regulations made under section 518 of the Education Act 1996;

regulations made under section 49 of the Education (Scotland) Act 1980; or

directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

56. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

57. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

58. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

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,

by the Japanese during the Second World War, £10,000.

59.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant’s family who is—

a diagnosed person;

the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;

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

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 person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;

a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending—

(i) two years after that date; or

(ii) on the day before the day on which that person—

(aa) ceases receiving full-time education; or

(bb) attains the age of 20, whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

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

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 person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;

a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending two years after that date; or

person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending—

(i) two years after that date; or

(ii) on the day before the day on which that person—

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person—

being the diagnosed person's partner;

being a member of a diagnosed person's family;

acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph—

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

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

“trust payment” means a payment under a relevant trust.

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

was a slave labourer or a forced labourer;

had suffered property loss or had suffered personal injury; or

was a parent of a child who had died,

during the Second World War.

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

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

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

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

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

London Borough of Hammersmith & Fulham

Report to: Full Council

Date: 19/01/2022

Subject: Council Tax Base and Collection Rate 2022/23 and Delegation of the Business Rate Estimate

Report of: Report of the Cabinet Member for Finance and Commercial Services – Councillor Max Schmid

Report author: Jamie Mullins, Head of Revenues

Responsible Director: Emily Hill, Director of Finance

SUMMARY

This report is a statutory requirement that sets the council tax base for the purposes of the 2022/23 revenue budget.

The proposed 2022/23 council tax base is 82,263. This is an increase of 1,333 on the figure agreed for 2021/22 and will result in an increased income, based on the 2021/22 Band D council tax charge, of £1,109,002 for Hammersmith & Fulham.

The report also delegates authority to the Director of Finance to determine the business rates tax base for 2022/23.

RECOMMENDATIONS

That Full Council approve for the financial year 2022/23:-

1. The estimated numbers of properties for each Valuation Band as set out in this report.
 2. An estimated collection rate of 97.0%.
 3. The Council Tax Base of **82,263** Band “D” equivalent properties.
 4. The delegation of authority to the Director of Finance to determine the business rates tax base for 2022/23.
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Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Keeping the Council Tax low and providing council tax support help residents to maintain affordable living costs.
Creating a compassionate council	We continue to lead on Ethical Debt collection by working closely with vulnerable residents and not employing Enforcement Agents for the collection of council tax.
Being ruthlessly financially efficient	The recommendations in this statutory report will ensure that the Council continues to charge the premium on long term empty properties and not grant discounts or exemptions to second homes or unoccupied and unfurnished properties. These generate additional income and contributes to one of the lowest Council Tax rates in the country.
Taking pride in H&F	The Council's policy on not granting discounts or exemptions on empty or second properties encourages bringing these properties back in to use and creating safer and cleaner communities for residents and contributing to the prevention of homelessness.

Financial Impact

Council Tax Base

The Local Government Finance Act 1992 requires that the council set the tax base by 31 January each year. It is used within the overall council tax and budget setting process, due to be reported to Budget Council on 24 February 2022.

The proposed Council Tax Base for 2022/23 of 82,263 is 1,333 Band D equivalents, higher than the 80,930 agreed for 2021/22. The increase in the tax base will generate additional income, using 2021/22 council tax charges, of £1,109,002 for Hammersmith & Fulham and £484,758 for the Greater London Authority.

The main reasons for the tax base change are:

	Band D Equivalents
An increase in the tax-base due to new non-exempt properties	11
An allowance for new properties added in-year	275
A forecast reduction in the number of single persons discounts	143
Reduction in the number of local council tax support scheme discounts	671
Reduction in student and other discounts	233
Increase in the 2022/23 tax base	1,333

Local authority finances have faced unprecedented financial risk and uncertainty due to the impact of the Covid-19 pandemic. The 2021/22 tax base forecast, using trend data, modelled that the economic slowdown would increase the number of Band D equivalent discounts offered under the local council tax support scheme by 885. The actual increase has been 214 and this has enabled an improvement in the 2022/23 tax base of 671 Band D equivalents.

Due to concerns over the impact of Covid-19 the budgeted collection rate reduced from 97.5% in 2020/21 to 97% in 2021/22. A 97% collection rate will continue to be modelled for 2022/23.

Prior Year Collection Fund Adjustments

The Local Government and Finance Act 1988 requires that all council tax and non-domestic rates income is paid into a Collection Fund, along with payments out regarding the Greater London Authority precept, the business rates retention scheme and a contribution towards the Council's own General Fund. Subsequent budget adjustments are made should the actual sum paid into the Collection Fund be more, or less, than the originally approved tax base.

For 2022/23 the net impact of expected prior year adjustments is an estimated surplus of £685,000 of which the Hammersmith & Fulham share is £487,000. This sum continues to be reviewed and will be finalised as part of the 2022/23 Revenue Budget and Council Tax Setting Report considered by Budget Council.

Business Rates

As part of the Autumn 2021 Budget, the Chancellor of the Exchequer announced that a new temporary 50% business rates relief will apply for eligible retail, hospitality and leisure properties for 2022/23. In addition, a new 100% improvement relief will be available where eligible improvements increase rateable value. There will also be a business rates freeze in 2022/23 (no increase in line with the multiplier). Local authorities will be compensated by the government for the resultant loss of income from these measures.

Until the detail of these changes is confirmed it is not possible to set the 2022/23 business rates tax base. Accordingly delegated authority is requested for the Director of Finance to approve the 2022/23 business rates tax base. This will normally be by 31 January 2022.

Legal Implications

The Council has a statutory duty to set the Council Tax each year and this report is part of this process.

The relevant regulations and legislation together with the legal basis for agreeing the recommendations relating to the council tax base are found under section 31B of the Local Government Finance Act 1992 which imposes a duty on a billing authority to calculate its council tax by applying a formula laid down in that section. This relies on calculating a figure for the council tax base for the year. The Local Authority (Calculation of Council Tax Base) (England) Regulations 2012 require a billing authority to use a given formula to calculate the council tax base. The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, as amended in 2012 and Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 address the position of second and unoccupied homes.

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Background Papers Used in Preparing This Report

MHCLG Return CTB1 Jamie Mullins x1650
(October 2021)

DETAILED ANALYSIS

Discounts

Second Homes

1. There are 2,112 second homes in the borough. The Council does not offer a discount on second homes which adds 2,526 Band "D" equivalents to the 2022/23 tax base.
2. Based upon 2021/22 council tax levels, this generates income to the Council of £1.97m. This income is allowed for within the Council's medium-term financial strategy. Our preceptor, the Greater London Authority (GLA), also benefits from the reduction in the discount and the increase in income to the Council.

Empty Properties

3. There are 619 empty (unoccupied and unfurnished) properties in the borough. The Council does not offer a discount for empty properties which adds an additional 730 Band "D" equivalents to the 2022/23 tax base. Based upon 2021/22 council tax levels, this generates income to the Council of £568,232. This income also directly benefits the GLA.

Council Tax Support

4. Under council tax support, Hammersmith & Fulham and the GLA absorb the full cost of the scheme. This mirrors the previous council tax benefit arrangements. For 2022/23, the Council has provided council tax support discounts that equate to 10,825 Band 'D' equivalents. Based on 2021/22 Council Tax levels, this represents financial support of £12.94m (including the GLA precept).
5. The tax base regulations require the cost of the scheme to be treated as a discount and deducted from the Council's tax base calculation.

Valuation Band Properties

6. The latest information on the number of properties within each valuation band is contained within a return (CTB1), which the Council provided to the DLUHC on 15 October 2021. This return reflected the actual number of properties shown in the Valuation List as of 13 September 2021, and the Council's records as of 4 October 2021.
7. A detailed analysis of the properties in each valuation band is summarised below. There are 92,148 dwellings on the list with 29,196 properties estimated to receive a single person's discount. The total Band "D" equivalent is approximately 95,740.6 properties.

Council Tax Base Return Summary (CTB1)

Band	Band Size	Total Dwellings	Total after Discounts, Premiums, Exemptions and Disabled Relief	Ratio	Band "D" Equivalents
A	Values not exceeding £40,000	4,094.0	3,046.25	6/9	2,030.8
B	Values exceeding £40,000 but not exceeding £52,000	6,637.0	4,915.00	7/9	3,822.8
C	Values exceeding £52,000 but not exceeding £68,000	14,318.0	12,344.50	8/9	10,972.9
D	Values exceeding £68,000 but not exceeding £88,000	25,448.0	22,655.25	9/9	22,655.3
E	Values exceeding £88,000 but not exceeding £120,000	16,643.0	15,144.50	11/9	18,509.9
F	Values exceeding £120,000 but not exceeding £160,000	10,503.0	9,673.00	13/9	13,972.1
G	Values exceeding £160,000 but not exceeding £320,000	11,708.0	11,013.75	15/9	18,356.3
H	Values exceeding £320,000	2,797.0	2,710.25	18/9	5,420.5
	Total	92,148.0	81,502.50		95,740.6

Adjustments to the Valuation List

8. The above table shows the valuation band position on 13 September 2021, but the Council is also required to consider any likely changes that may arise for the financial year 2022/23. Therefore, the following adjustments need to be considered:

New Properties

9. There are likely to be a number of new properties, conversions etc added to the valuation list at some point during the year. There are approximately 270 units currently under construction on various sites in the borough that will be added to the tax base sometime during 2022/23. It is estimated after allowing for different completion dates that this will equate to an additional 275 Band 'D' equivalents.

Single Person Discounts (SPD)

10. The Council undertakes a regular review of single person discounts being awarded to taxpayers. The next review will take place in June 2022 and based on previous reviews; it is estimated that a further 651 Band D equivalent SPD discounts will be removed which will add an additional 180.4 Band "D" equivalents to the tax base for 2022/23. This will benefit the Council by an estimated £140,501.

Student Exemptions

11. Dwellings wholly occupied by students are exempt from council tax. The projected council tax base needs to be adjusted to allow for students that have yet to prove their exemption for the new academic year. It is estimated that an adjustment of 495 Band D equivalents is required.

Council Tax Support

12. The cost of the scheme equates to 10,825 Band “D” equivalents, based on 2021/22 council tax levels, which are deducted from the tax base for 2022/23. This is less than the deduction of 11,476 Band D equivalents made in 2021/22. This is due to an estimated decrease in the number of claimants applying for a discount since the Covid-19 pandemic peaked.

Care Leavers

13. For 2021/22, the Council has provided discounts for care leavers up to the age of 25. This equates to 69 Band D equivalents based on 2021/22 council tax levels. The cost of this discount is fully funded by the Council and needs to be deducted from the council’s tax base calculation.
14. The Council is required to set its tax base on the total of the relevant amounts for the year for each of the valuation bands shown or is likely to be shown for any day in the year in the authority’s valuation list.
15. Based on the CTB1 return to the DLUHC, and the proposed adjustments, the Council is requested to approve the estimated numbers of properties for each valuation band as set out in the following table:

2022/23 Council Tax Base Calculation

Band	Band “D” Equivalent Actual September	Adjustments for New Properties	Adjustments for Student Exemptions	SPD	Adjustments for Council Tax Support Scheme	Care Leaver	Revised Band “D” Equivalents
A	2,030.8	0	-11	5	-498	-8	1,518.8
B	3,822.8	-1	-19	10.7	-1,090	-22	2,701.5
C	10972.9	-10	-30	28	-2,466	-15	8,479.9
D	22,655.3	273	-132	47.5	-3,279	-18	19,546.8
E	18,509.9	10	-138	33.5	-2,035	-4	16,376.4
F	13,972.1	-6	-111	23.5	-870	0	13,008.6
G	18,356.3	7	-48	26.2	-567	-2	17,772.5
H	5,420.5	2	-6	6	-20	0	5,402.5
Total	95,740.6	275	-495	180.4	-10,825	-69	84,807

Collection Rate

16. The Council is also required to estimate its collection rate for 2022/23 at the same time as arriving at the estimated number of properties within the tax base. In arriving at a percentage collection rate for 2022/23, the Council considers the likely sum to be collected, previous collection experience and any other relevant factors.
17. The actual sum to be collected from local council taxpayers cannot be finally determined until the preceptor's requirements are known and the Council has approved its budget. The Council therefore must make an estimate of the sums to be collected locally making estimated allowance for sums from council tax support and write-offs/non-collection.
18. The actual collection rate for 2021/22 achieved to the end of October 2021 is 60.57%, comprising cash collection of £59.6m and Council Tax Support of £12.9m. It is estimated that a further £36.3m (35.93%) will need to be collected by 31 March 2022 and £0.50m (0.5%) thereafter.
19. Collection performance has been calculated in order to comply with DLUHC performance indicator calculations. Latest calculations for 2021/22 show that the current collection rate is at approximately the same level as 2020/21. It is therefore, suggested that the collection rate for 2022/23 is set at 97%.

The Tax Base

20. Under Section 31(B) of the Local Government Finance Act 1992 and the Regulations, the Council's tax base is calculated by multiplying the estimated number of Band "D" equivalents by the estimated collection rate
21. Based on the number of Band "D" equivalents in the table in paragraph 9. Above and the estimated collection rate in paragraph 19 above, the calculation is as follows:

$$(\text{Band D equivalents}) \times (\text{Collection Rate}) = (\text{Tax Base})$$

$$84,807 \times 97.0\% = 82,263$$

Business Rates Tax base

22. The Local Government Finance Act 2012 made it obligatory for authorities to formally calculate the estimated level of business rates (the business rates tax base) it anticipates collecting for the forthcoming financial year and passing this information to precepting authorities by 31 January. The Government continues to set the tax rate (known as the non-domestic multiplier).
23. The tax base is based on data from the Valuation Office with local allowance for the appropriate level of business rates appeals, the provision for bad debts, any discretionary reliefs and any forecast growth. This information is pulled together into a government return (NNDR1). The detailed guidance on completing the

NNDR1 will be issued just before Christmas and will include changes made to the business rates system relating to the continued impact of Covid-19.

Reasons for Decision

24. Under Section 11A of the Local Government Finance Act 1992, Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 and Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 the Council reduced discounts for both Second Homes and Unoccupied and Unfurnished dwellings to 0% with effect from 2013/14, this remains in place.
25. Under Section 11B of the Local Government Finance Act 2012 the Council introduced the Council Tax Empty Homes Premium with effect from 1 April 2014, this remains in place. This increased the charge on dwellings that have been unoccupied and substantially unfurnished by an additional 50% of the council tax that would be payable if the dwelling were occupied by two adults and no discounts were applicable. The premium increased to 100% from 01/04/2019 and from the 01/04/2020, the premium increased to 200% for dwellings which have remained unoccupied and substantially unfurnished for over five years.

Equality Implications

26. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of these proposals.

Risk Management Implications

27. The report considers the implications required by the Council to meet its obligations under the Local Government Finance Act 2012 which made it obligatory for authorities to formally calculate the estimated level of business rates (the business rates tax base) it anticipates collecting for the forthcoming financial year and passing this information to precepting authorities by 31 January. The Council is also required to estimate its Collection Rate for 2022/23 at the same time as arriving at the estimated number of properties within the Tax Base. The Council is required Under Section 33(1) of the Local Government Finance Act 1992 and The Local Authorities (Calculations of Council Tax Base) (England) Regulations 2012, the Council (as billing authority) to calculate its Council Tax Base. The proposals are compliant with statutory duties and are provided in accordance with management of standing risk to manage the Council's finances.

Implications verified by, David Hughes, Director of Audit, Fraud, Risk and Insurance, tel: 07817 507 695

Agenda Item 6.3

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Full Council

Date: 19/01/2022

Subject: Review of Polling Districts and Polling Places

Report of: Kim Smith, Chief Executive and (Acting) Returning Officer

Report author: Zoe Wilkins, Electoral Services Manager

Responsible Director: Rhian Davies, Director of Resources.

SUMMARY

The Council must divide each parliamentary constituency in the area into polling districts, to designate polling places for those polling districts, and to keep these under review.

New ward boundaries will come into effect at the local council elections in May 2022.

As a result, Hammersmith & Fulham must review polling districts and places and approve a new polling scheme to be implemented at the local council elections scheduled for 5 May 2022.

RECOMMENDATIONS

1. That Council approve the adoption of parliamentary polling districts and parliamentary polling places as set out in the scheme contained in Appendix 1.
2. That Council approve the adoption of the scheme contained in Appendix 1 in relation to all other referenda and elections held within the borough.
3. That Council instruct the Electoral Registration Officer to make the necessary amendments to polling districts and to revise and republish the electoral register on 1 February 2022.

Wards Affected: ALL

Our Values	Summary of how this report aligns to the H&F Values
Doing things with local residents, not to them	Local residents have been encouraged to respond to proposals, and the consultation process has been extended for as long as possible to allow

	maximum participation.
Being ruthlessly financially efficient	Cost savings will be achieved by discontinuing the use of temporary cabins as polling stations where possible.
Rising to the challenge of the climate and ecological emergency	The proposals support using permanent buildings rather than cabins as part of the permanent scheme, marginally reducing carbon footprint.

Financial Impact

- The new polling arrangements do not include any temporary cabins as polling stations, saving a forecasted £6,500 for hire and installation costs compared to previous years. This saving is partially reduced by the need to hire new stations in some districts at an estimated £2,000.
- However, should any designated polling stations become suddenly unavailable due to unforeseen circumstances, then there is a risk that temporary cabins may be needed to mitigate this.
- Poll cards, maps and voter information will need to be amended to take account of new ward and polling district boundaries.
- The costs of any amendments required as a result of this decision will be met from existing revenue budgets and reserves funding for local elections.

Legal Implications

Section 18A of the Representation of the People Act 1983 (as amended) requires that the Council divide each parliamentary constituency in the area into polling districts, to designate polling places for those polling districts, and to keep these under review.

Contact Officer

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Verified by Emily Hill, Director of Finance

Name: Angela Hogan

Background Papers Used in Preparing This Report - none

Proposals and Analysis of Options

1. Due to the complexity of the proposals, with maps and tables, please see the separate document at Appendix 1 which sets out the proposals and the reasoning behind them, and Appendix 2 which provides detailed maps.

Reasons for Decision

2. Under Section 18A of the Representation of the People Act 1983 (as amended) the Council is required to divide each parliamentary constituency in the area into polling districts, to designate polling places for those polling districts, and to keep these under review.
3. Following the Local Government Boundaries Commission for England (LGBCE) review of wards in the borough, it has become necessary to determine new polling district boundaries and designate polling places to accommodate the new ward boundaries.

Equality Implications

4. Local authorities have a duty to review the accessibility of all polling places to disabled voters and ensure that every polling place and prospective polling place for which it is responsible is accessible to disabled voters 'so far as is reasonable and practicable' (Representation of the People Act 1983, Section 18 (2)(a)).
5. An Equality Impact Assessment, shown in Appendix 3 was developed alongside the review to consider the review's impact on electors who have protected characteristics.
6. In order to determine the accessibility of polling places, a standard questionnaire, shown in Appendix 4 was used to assess the suitability of new stations or considering the comparative merits between potential venues.
7. Presiding Officers were also asked to complete the same questionnaire for existing polling places, and to advise on any other matters that residents may have raised with them with regards to the suitability of existing polling places.
8. Electoral Commission guidance, shown in Appendix 5, provides further information on considering accessibility issues.

9. Groups and individuals considered to have expertise in access issues within the Hammersmith & Fulham area were invited to respond to the Acting Returning Officer's representations in the public consultation.

Risk Management Implications

10. There is a risk to the Council should the polling arrangements not be agreed in time for the next council elections on 5 May 2022 when new ward boundaries come into effect.
11. There is a risk that electors whose polling place has changed may be unsure where they should go to vote at the next election in May 2022.
12. To minimise the risk, the Electoral Registration Officer and Returning Officer will run an additional information campaign prior to the May elections to remind electors that their polling place may have changed through the following channels:
 - Council's website
 - Social media
 - Updated maps on poll cards
 - Information in libraries
 - Additional wayfinding and signage at new polling places
13. In reviewing polling places, the reasonable facilities for staff at polling stations during elections has also been considered, as has the space, facilities and general safety for members of the public visiting their polling stations. All new polling places which are approved will be assessed to ensure that they comply with accessibility requirements.
14. All existing polling stations were assessed for COVID 19 safety at the GLA elections in 2021. Proposed new stations have been assessed for size and ventilation / possibility of using one-way systems at future elections.
15. Two stations, Manor Court and John Betts House, that were not used at the GLA elections have been removed from the polling scheme due to COVID 19 safety requirements and/or changes to ward boundaries making them less favourable locations for the wards in which they are situated.

Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, tel: 07817 507 695.

Climate and Ecological Emergency Implications

16. Using permanent rather than temporary buildings decreases, slightly, the use of fossil fuels in polling stations, as they afford better insulation and lower costs for heating than temporary, mobile units. Similarly, there is further small reduction in fossil fuel use as there is no need to transport a temporary structure into the borough.

Implications verified by: Hinesh Mehta, Strategic Lead, Climate Emergency, tel 07960 470125

Consultation

17. The notice of review was published ahead of initial proposals being produced so that interested parties could provide their thoughts and ideas for incorporation into the proposals, if desired.
18. The initial proposals were published on 8 October 2021 and were open for six weeks to all residents, stakeholders and interested parties. Representations were specifically sought from local disability action groups on the accessibility and suitability of polling places.
19. The Council used Citizenspace as the main pathway for responses, although emails, letters or other written methods of response were also encouraged via the Council website and email.
20. Links to the consultation and invitations to respond to the proposals were sent to all Councillors, both local Members of Parliament that represent the borough, and to local political party organisers and agents active at the most recent sets of elections.
21. 962 contacts (residents and tenants representatives) were emailed directly inviting them to respond to the proposals either online or via email or post.
22. Further information was published on social media including Facebook, Nextdoor and Twitter with links to the council's website and consultation.
23. Presiding Officers were asked to offer comments about the suitability of the venues currently used as polling places.
24. There were 22 responses, and these are summarised in Appendix 4.

LIST OF APPENDICES

- Appendix 1 – Polling District and Places Review 2021 – Final Proposals
- Appendix 2 – Maps of proposed new polling arrangements
- Appendix 3 – Equalities Impact assessment
- Appendix 4 – Responses to consultation
- Appendix 5 – Electoral Commission guidance extract

Polling District and Polling Places Review 2021 Final Proposals

Introduction and background

1. Under the Representation of the People Act 1983 (RPA83) the Council has a duty to divide the borough into parliamentary polling districts and to designate polling places for each one. In Hammersmith & Fulham, the same districts are used at all elections and referendums.
2. The Local Government Boundary Commission's (the Commission) review introduces changes to the electoral arrangements in the borough, with an increase from 16 to 21 wards. The Commission was not required to take account of polling district boundaries, and many existing polling districts are divided in some way by the new ward boundaries.
3. To provide electors with reasonable facilities for voting in their new wards from the next council elections, due to be held on 5 May 2022, the new wards will therefore need to be divided into new polling districts, each served, ideally, by their own polling place. In some cases, this has meant identifying wholly new polling venues for use as polling places.

Timeline of engagement and decision-making

4. The review has followed the timetable below:

July to August 2020	Preliminary review by electoral services team, gathering of data and mapping
9 August 2021	Publication of notice of review and start of consultation period
8 October 2021	Publication of proposals and further public consultation opened
19 November 2021	Public consultation closed
23 December 2021	Revised proposals based on results of consultation
19 January 2022	Formal meeting of Full Council to approve new proposals
1 February 2022	Publish electoral register under new polling arrangements

Criteria used for review

5. The following criteria were used when drawing up the proposals. The first two are required by electoral law; the others are taken from previous reviews and proposal documentation. They are general guidelines and not strict rules.
 - a. The Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
 - b. The Council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.
 - c. Ideally the polling place should be in its own polling district.
 - d. Polling districts should have no less than 1,000 and no more than 3,000 electors per polling district and ideally between 2,000 and 2,500 electors.

- e. Polling places should not be shared by two wards.
- f. Where possible “natural” boundaries should be used, e.g. railways, major roads, waterways.
- g. All properties in a minor road or estate should be in the same polling district.
- h. Polling places should be “logical”; that is, electors should not have to pass another polling place to get to their own place.
- i. Where the new wards cross the current parliamentary constituency boundaries, then the present parliamentary constituency boundary must also be a polling district boundary in the affected wards.
- j. Schools will be avoided where 1. polling prevents the school in question remaining open to pupils and 2. other suitable venues are available in a polling district.

Access for Disabled Voters

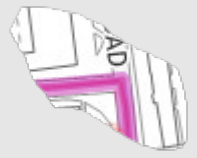
- 6. All polling stations that are currently used by the Council have reasonable, if not always ideal, facilities for Disabled Voters, albeit with some venues requiring adaptation for polling day such as ramps or additional lighting.
- 7. Presiding officers have been asked to complete a short survey on the stations they managed at the recent Greater London Authority elections.
- 8. New polling stations are visited by electoral services staff, and a survey of each is completed. The survey used is provided by the Electoral Commission, with some additional data gathered that is useful locally.
- 9. As part of the formal consultation process, information about the review was forwarded to local Disability action groups for comment and/or alternative proposals.

Proposed polling arrangements

1. Proposals have been drawn up for each new ward. Each ward has a map showing the proposed new polling districts and proposed polling stations.

2. Key for maps in this document

Ward boundary lines are shown in deep pink:



These cannot be changed, they are set by the Local Government Boundary Commission

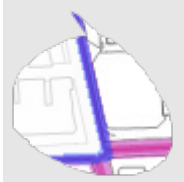
Proposed polling district lines are shown in red. These boundaries are decided by the Council.



Proposed polling venues are shown with a “ballot box” icon:



Parliamentary boundaries are shown in blue.



They are relevant in some areas because they occasionally cross the new ward boundaries.

3. Lettering of Polling Districts

The proposed lettering for polling districts is included in the polling district. Generally, the first two letters of a ward’s name have been used (WH for White City, to give an example).

However, to allow for ease of administration, lettering has been chosen so that if sorted alphabetically, polling districts will fall into the same order as ward names if sorted alphabetically. This is helpful for checking statistics, printing, registers and other assorted functions, particularly when using spreadsheets or similar software.

4. Electorates

The electorate figures shown are local government electors as at 1 July 2021. It includes postal voters. This electorate was chosen over the smaller Parliamentary “in person” electorate to ensure stations will be big enough to accommodate the maximum number of electors at elections in the borough.

5. Summary of polling arrangement proposals

The table below summarises the proposals for the polling arrangements in the borough. Further detail and maps are given for each ward separately on subsequent pages. NB **bold** and * indicates a new polling place.

Ward	Council seats	Polling District Letters	Proposed polling place (bold and *indicates new polling place)
Addison	2	ADA	Lena Gardens Primary School, Lena Gardens, W6 7PZ
		ADB	Charecroft Estate Community Hall, Rockley Road, W12 8PQ
		ADC	Addison Primary School, Addison Gardens, W14 0DT
Avonmore	2	AVA	St Marys Church Hall, 147 Hammersmith Road, W14 0QL
		AVB	*Lytton Estate Community Hall, North End Crescent, W14 8TE
Brook Green	2	BGA	*Masbro Centre, 87 Masbro Road, W14 0LR
		BGB	Springvale Tenants Hall, Blythe Road, W14 0PW
		BGC	Holy Trinity Parish Centre, Brook Green, W6 7BL
College Park and Old Oak	3	CLA	Kenmont Primary School, Valliere Road, NW10 6AL
		CLB	Ark Bentworth Primary Academy, Bentworth Road, W12 7AJ
		CLC	Old Oak Community Centre, 76 Braybrook Street, W12 0AP
		CLD	Brickfields Hall, Off Shinfield Street, W12 0BZ
		CLE	Ark Bentworth Primary Academy, Bentworth Road, W12 7AJ
		CLF	Wood Lane Community Centre, 78 White City Close W12 7DZ
Coningham	3	CNA	Askew Road Library, 87-91 Askew Road, London, W12 9AS
		CNB	Greenside Primary School, Westville Road, W12 9PT
		CNC	Miles Coverdale School, Coverdale Road, W12 8JJ
Fulham Reach	3	FRA	Melcombe Primary School, Colwith Road, W6 9ER
		FRB	Matthews Community Hall, Margravine Road, W6 8HJ
		FRC/ FRCC	Queens Manor Primary School, Lysia Street, SW6 6ND
		FRD	Twynholm Baptist Church, Fulham Cross, SW6 7PP
Fulham Town	2	FTA	Fulham Library, 598 Fulham Road, SW6 5NX
		FTB	*Norah Phillips Hall, Munster Road, SW6 4EX
		FTC	All Saints Parish Hall, 70A Fulham High Street, SW6 3LG
Grove	2	GRA	Brackenbury Primary School, Brackenbury Road, W6 0BA
		GRB	West London Free School Primary, Cambridge Grove, W6 0LB

Summary of proposals (continued)

Ward	Council seats	Polling District Letters	Proposed polling place
Hammersmith Broadway	2	HBA	Macbeth Centre, Macbeth Street, W6 9JJ
		HBB	St Paul's CE Primary School, Worlidge Street, W6 9BP
		HBC	*St Augustine's Parish Hall, Fulham Palace Road, W6 8AU
Lillie	2	LEA	Community Hall, Len Freeman Place, Clem Attlee Estate, SW6 7TN
		LEB	*Vignola Hall, Carmel Lodge, 51 Lillie Road, SW6 1UF
		LEC	Fulham Primary School, Halford Road, SW6 1JU
Munster	3	MSA/MSAH	Fulham Cross School, Munster Road, SW6 6BP
		MSB	Childerley Centre, Childerley Street, SW6 6SQ
		MSC	St Peters Church, St Peters Terrace, SW6 7JT
		MSD	St John's CE Primary School, Filmer Road, SW6 6AS
Palace and Hurlingham	3	PHA/PHAH	TBAP Academy, Greswell Street, SW6 6PX
		PHB	*All Saints Parish Hall, 70A Fulham High Street, SW6 3LG
		PHC	Thomas's Academy, New Kings Road, SW6 4LY
		PHD	*Sands End Arts and Community Centre, South Park, Peterborough Road, SW6 3EZ
		PHE	Parsons Green Club, 31 Broomhouse Lane, SW6 3DP
Parsons Green and Sandford	2	PSA	Holy Cross RC Primary School, Basuto Road, SW6 4BL
		PSB	Fulham Broadway Methodist Church, 452 Fulham Road, SW6 1BY
		PSC	Holy Cross Primary School, Basuto Road, SW6 4BL
		Ravenscourt	2
		RAB	Holy Innocents Church Hall, Paddenswick Road, W6 0UB
		RAC	St Peters CE Primary School, 47 St Peters Grove, W6 9AY
		RAD	Linden House, 60 Upper Mall, W6 0TA
Sands End	3	SAA	The Wharf Rooms, Imperial Road, SW6 2PY
		SAB	Langford Primary School, Gilstead Road, SW6 2LG
		SAC	St Matthews Church Hall, Wandsworth Bridge Road, SW6 2TX
Shepherds Bush Green	2	SBA	Miles Coverdale School, Coverdale Road, W12 8JJ
		SBB	Village Hall, 58 Bulwer Street, W12 8AP
		SBC	Edward Woods Community Centre, 60-70 Norland Road, W11 4TX
Walham Green	2	WAA	St John's Church, Walham Green, SW6 1PB
		WAB	Lancaster Court Tenants Hall, Darlan Road, SW6 5TB
		WAC	Fulham Broadway Methodist Church, 452 Fulham Road, SW6 1BY

Summary of proposals (continued)

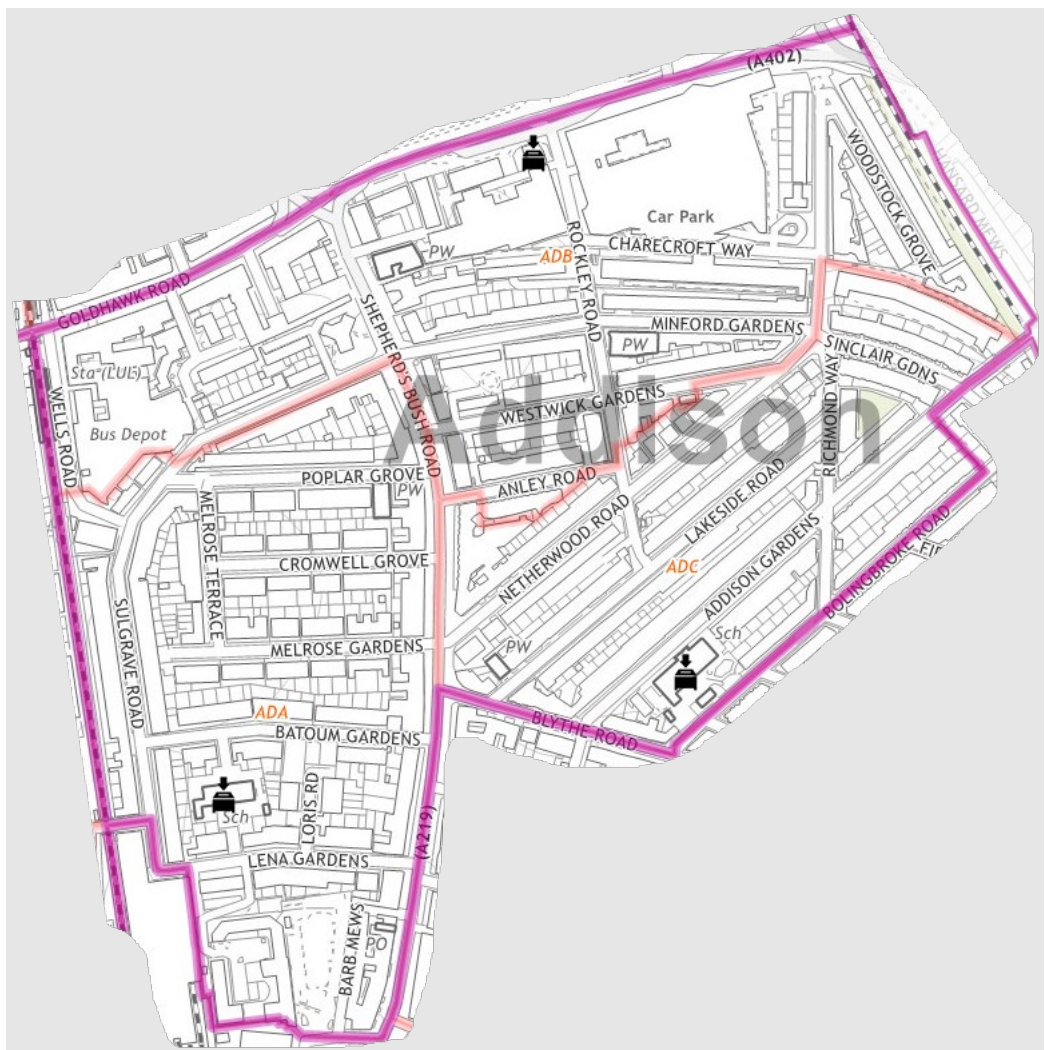
Wendell Park	2	WDA	St Saviour's Church Hall, Cobbold Road, W12 9LN
		WDB	Askew Road Church, 1 Bassein Park Road, London W12 9RN
West Kensington	3	WEA	Bhavan Centre, Challoner Street, W14 9HE
		WEB	West Kensington Estate Tenants Hall, 80 Lillie Road, SW6 1TN
		WEC	St Andrews Church, Greyhound Road, W14 9SA
White City	3	WHA	White City Community Centre, India Way, W12 7QT
		WHB	Church of God, 1A Loftus Road, London, W12 7EH
		WHC	Wood Lane Community Centre, 78 White City Close W12 7DZ
Wormholt	2	WOA	*Ark Conway Primary Academy, 60 Hemlock Road, W12 0QT
		WOB	Wormholt Park Primary School, Bryony Road, W12 0SR
		WOC	St Lukes Church, Uxbridge Road, W12 0NS

1. Addison (AD)

1.1 Addison ward will elect TWO Councillors.

Proposed polling arrangements

Polling district	Electors	Polling Place
ADA	1683	Lena Gardens Primary School, Lena Gardens, W6 7PZ
ADB	2334	Charecroft Estate Community Hall, Rockley Road, W12 8PQ
ADC	1676	Addison Primary School, Addison Gardens, W14 0DT



1.2 Updates that have been made to proposals following consultation – none

Background and reasoning for proposals

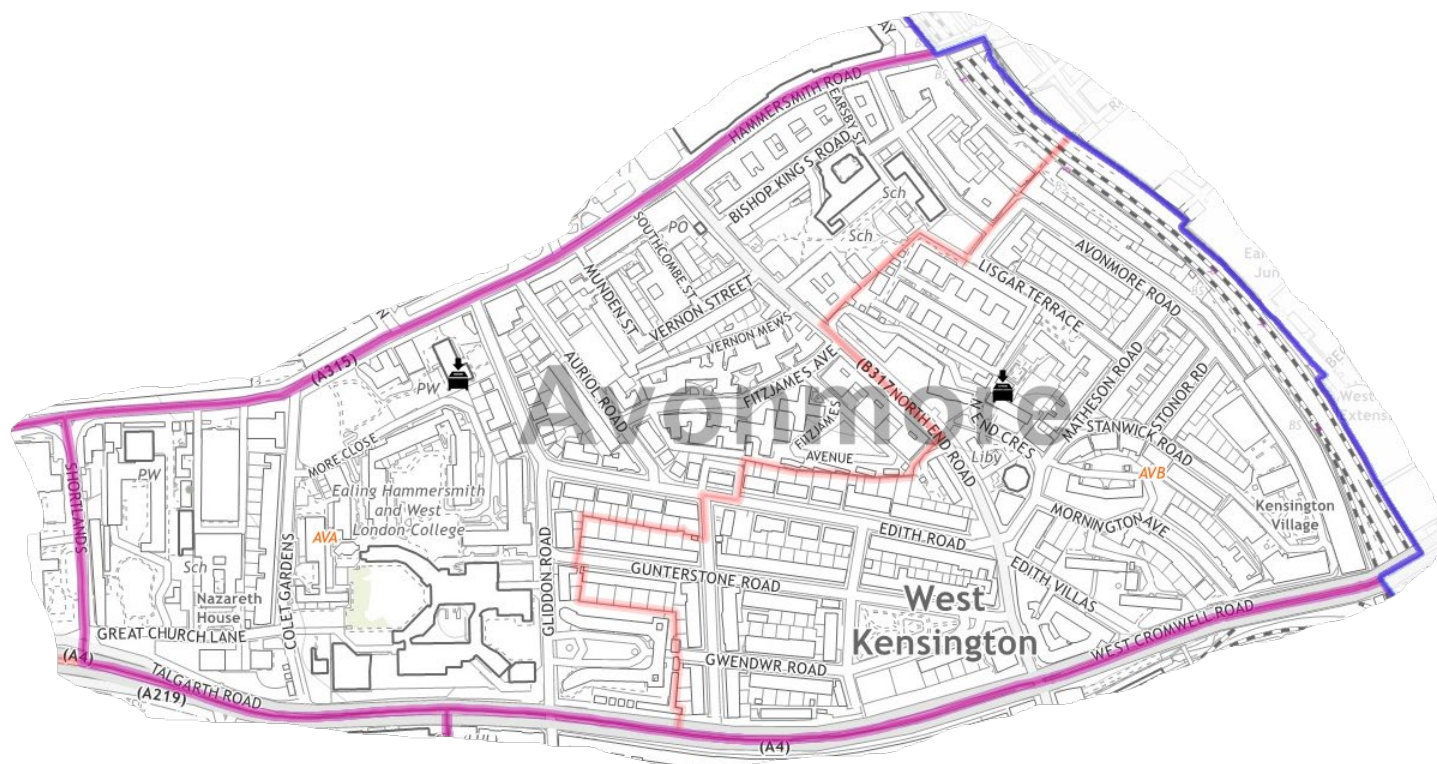
- 1.3 The proposals generally follow the old polling district boundaries, with the new area south of Goldhawk Road and including Woodger Road and Bamborough Gardens being incorporated into ADB polling district.
- 1.3 Existing polling places are of sufficient size and in reasonable locations to serve these new districts.

2. Avonmore (AV)

2.1 Avonmore ward will elect TWO councillors

Proposed polling arrangements

Polling district	Electors	Polling Place
AVA	2337	St Marys Church Hall, 147 Hammersmith Road, W14 0QL
AVB	3063	Lytton Estate Community Hall, North End Crescent, W14 8TE



Updates that have been made to proposals following public consultation

2.3 Update 1 – change to polling station

It is proposed to designate the Lytton Estate Community Hall, North End Crescent, the polling place for AVB polling district. Although the location is slightly set back from the main road, this can be mitigated by provision of extra signage on the North End Road and North End Crescent to guide voters to the hall.

2.4 Designating the community hall as the polling place avoids the use of Avonmore Primary School. One submission was received in the online consultation asking for the polling place to be moved out of the school due to the disruption it caused to children and their parents.

2.5 Additionally, there are plans to redevelop the school, which would cause it to become unavailable while works were carried out.

2.6 **Update 2 – change to polling district boundaries.**

The Labour Party submission posited that a station situated to the south east of the ward is more convenient than St Mary's Church Hall for electors in Edith and Gunterstone Roads and the other more southerly parts of the ward. This proposal agrees with that argument, and the polling district boundaries have been amended in accordance with those arguments and now align with those suggested in the Labour Party's submission.

2.8 Two submissions proposed the Avonmore Library as a polling venue. This would be a better venue than the community centre, as it is likely more well-known locally, and more visible from North End Road. However, the availability of the library has not been confirmed by the Citizens' Advice Bureau (CAB) who control the building.

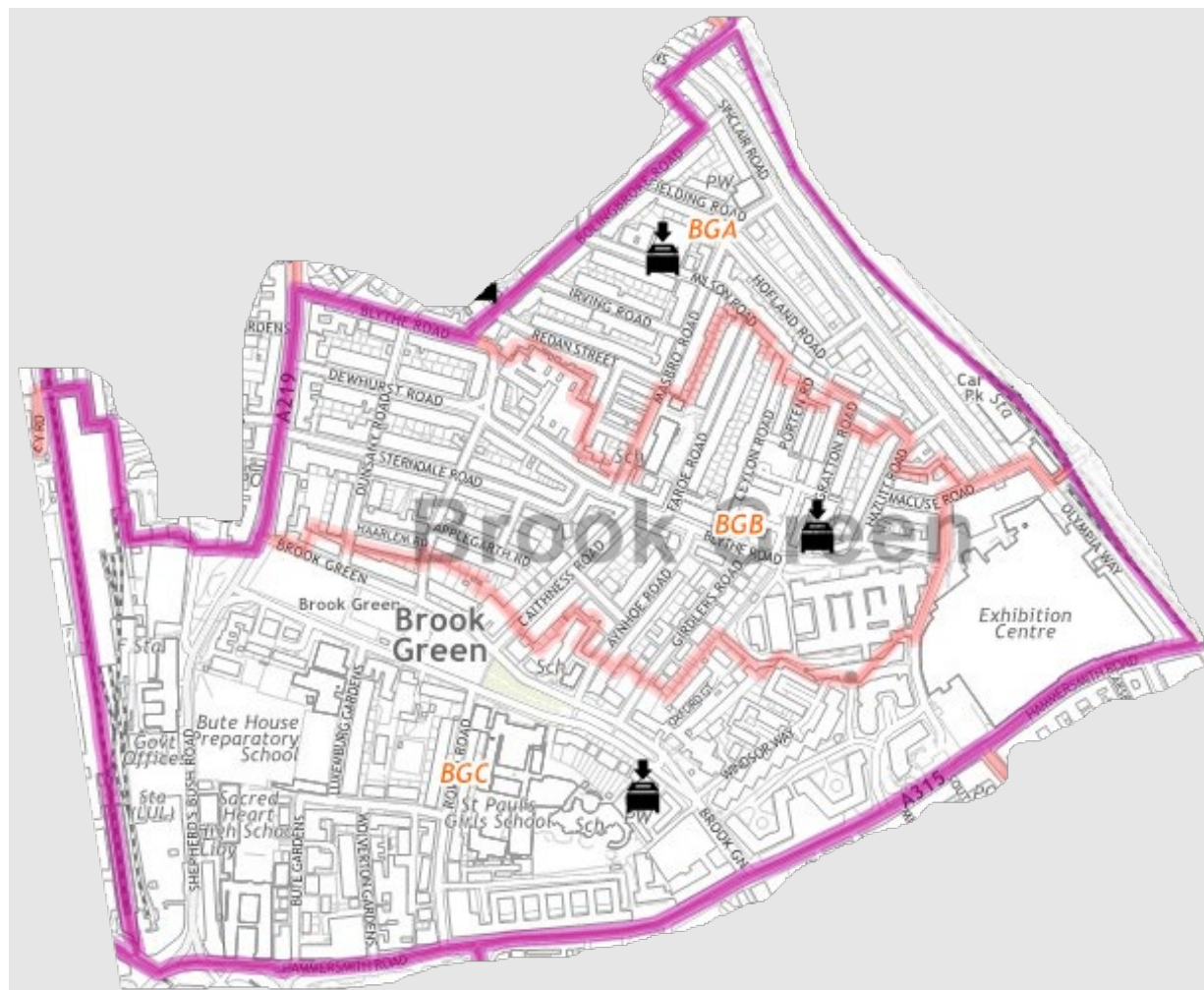
2.6 Electoral Services understand that permission for the Council to use the library as a polling venue is still being discussed internally by the CAB. If the library becomes available for hire as a station then the designation of the polling place for AVB polling district should be reconsidered following the May 2022 elections.

3. Brook Green (BG)

3.1 Brook Green ward will elect TWO councillors.

Proposed polling arrangements

Polling district	Electors	Polling Place
BGA	1827	Masbro Centre, 87 Masbro Road, W14 0LR
BGB	2382	Springvale Tenants Hall, Blythe Road, W14 0PW
BGC	1593	Holy Trinity Parish Centre, Brook Green, W6 7BL



3.2 Updates that have been made to proposals following public consultation – none

3.3 It is proposed to use the Masbro Centre on Masbro Road to replace St Mary’s RC Primary School as a polling venue. The centre has good access and facilities for polling. It is easily located and using it instead of the school will avoid disruption for pupils, parents and staff.

3.4 Polling district boundaries have been drawn so that voters have the shortest/most convenient route to their stations, taking account of this change.

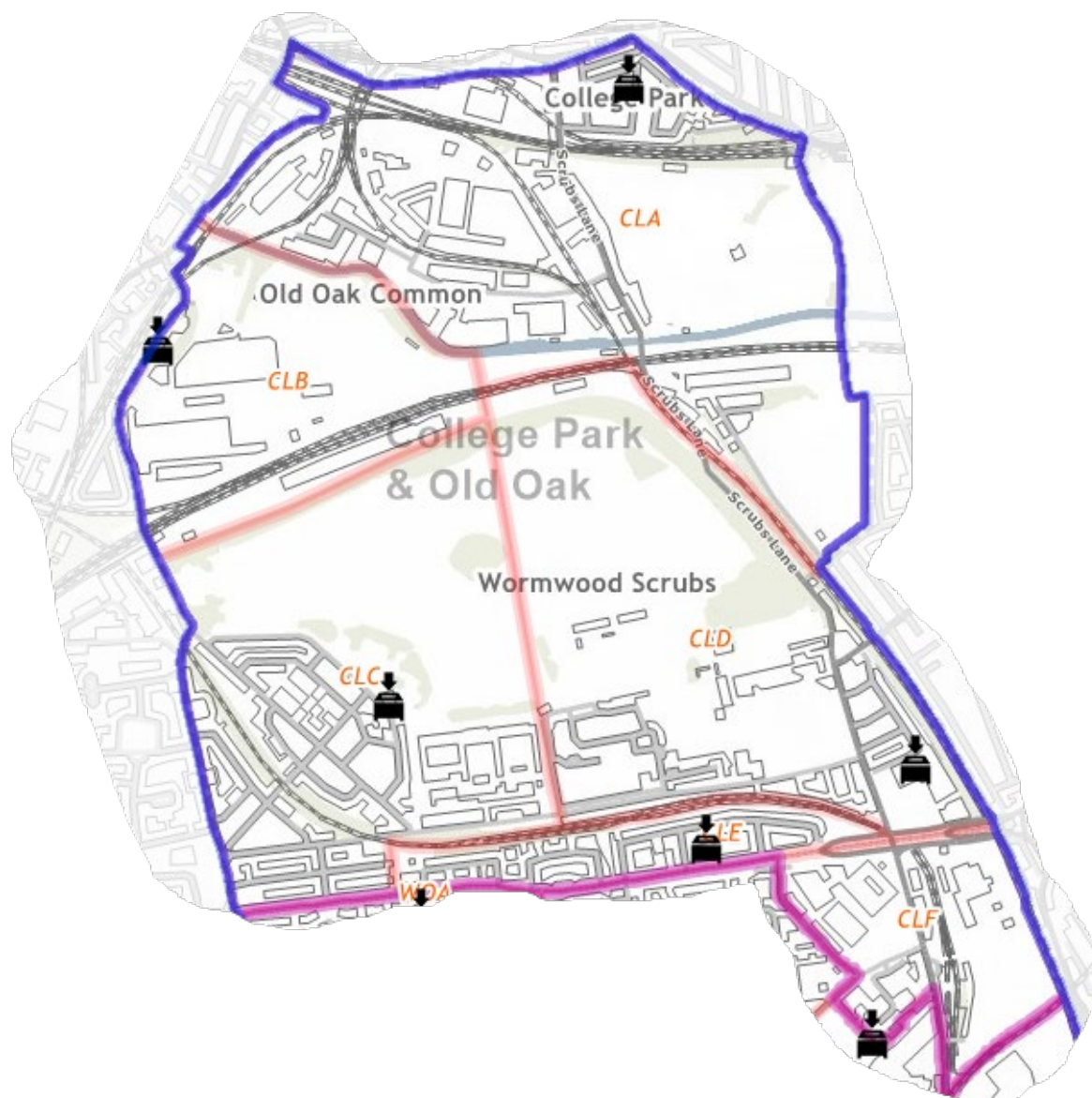
3.5 Springvale Tenants Hall and Holy Trinity Parish Centre are currently used as polling places and are also utilised in the new scheme.

4. College Park and Old Oak (CL)

4.1 College Park and Old Oak ward will elect THREE councillors.

Proposed polling arrangements

Polling district	Electors	Polling Place
CLA	901	Kenmont Primary School, Valliere Road, NW10 6AL
CLB	17	Ark Bentworth Primary Academy, Bentworth Road, W12 7AJ
CLC	2335	Old Oak Community Centre, 76 Braybrook Street, W12 0AP
CLD	1475	Brickfields Hall, Off Shinfield Street, W12 0BZ
CLE	936	Ark Bentworth Primary Academy, Bentworth Road, W12 7AJ
CLF	348	Wood Lane Community Centre, 78 White City Close W12 7DZ



Updates that have been made to proposals following public consultation

4.1 Update 1 – use of polling station

Given the current low numbers of electors in the new CLB polling district, it is proposed that the decision be taken now for them to vote at the Old Oak Community Centre, 76 Braybrook Street, W12 0AP for the May 2022 elections. However, the polling district should still be created to allow for a station to be designated to this area once the number of electors is sufficient to warrant the provision of a separate polling venue.

4.2 Update 2 – amended proposal for polling district boundary

The boundary for CLE is now proposed to run to the west of Primula Street, and for residents in Primula Street to vote at Ark Bentworth School, which avoids voters needing to use the footbridge to travel to their polling station, and for most is a marginally shorter journey.

Background and reasoning for proposals

Oaklands House development area

4.4 Some of this development is already occupied, further increase to the electorate is anticipated as the 605 housing units are completed. The development, while advanced, still has few residents registered to vote at present

4.5 These electors will be at a considerable distance from the existing polling stations in either the north (Kenmont Primary School), or to the south (Ark Bentworth Primary Academy). Because the distance to other polling stations is significant, it is proposed to create a new polling district to accommodate these new households, and, once elector numbers warrant provision of a separate polling station, to use the Nadi Park Royal, at 260 Old Oak Common Lane, NW10 6DX as the polling place.

Wood Lane

4.6 The Wood Lane development is not, at the time of writing, as near completion as that in the Oaklands House area. It falls within the current CPF polling district, served by the Wood Lane Community Centre.

4.7 At present, the electorate in this district makes the polling station uneconomic to run on its own. However, it is proposed that this venue be shared with the voters from the White City ward living in the Television Centre development, which increases the number of voters using this facility. Additionally, given the new development taking place, it is likely that electorate will increase in the coming years, so the station and the boundaries will be kept in place as they are, at least for the short term.

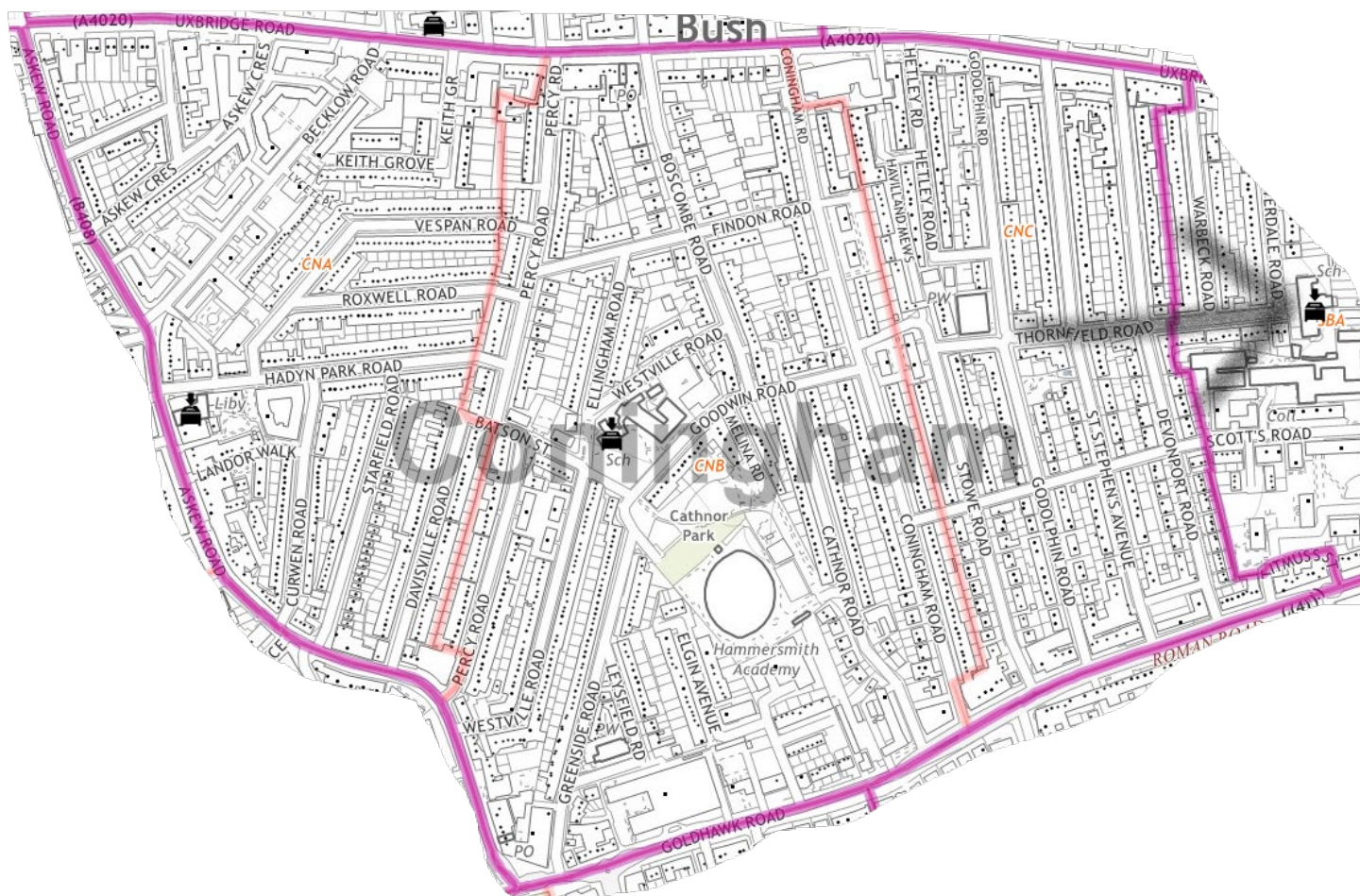
4.8 This area will be kept under review as the development along Wood Lane may necessitate a further district and/or station

5. Coningham (CN)

5.1 Coningham ward will elect THREE councillors.

Proposed polling arrangements

Polling district	Electors	Polling Place
CNA	2559	Askew Road Library, 87-91 Askew Road, London, W12 9AS
CNB	3223	Greenside Primary School, Westville Road, W12 9PT
CNC	2102	Miles Coverdale School, Coverdale Road, W12 8JJ



5.2 Updates that have been made following public consultation – none

Background and reasoning for proposals

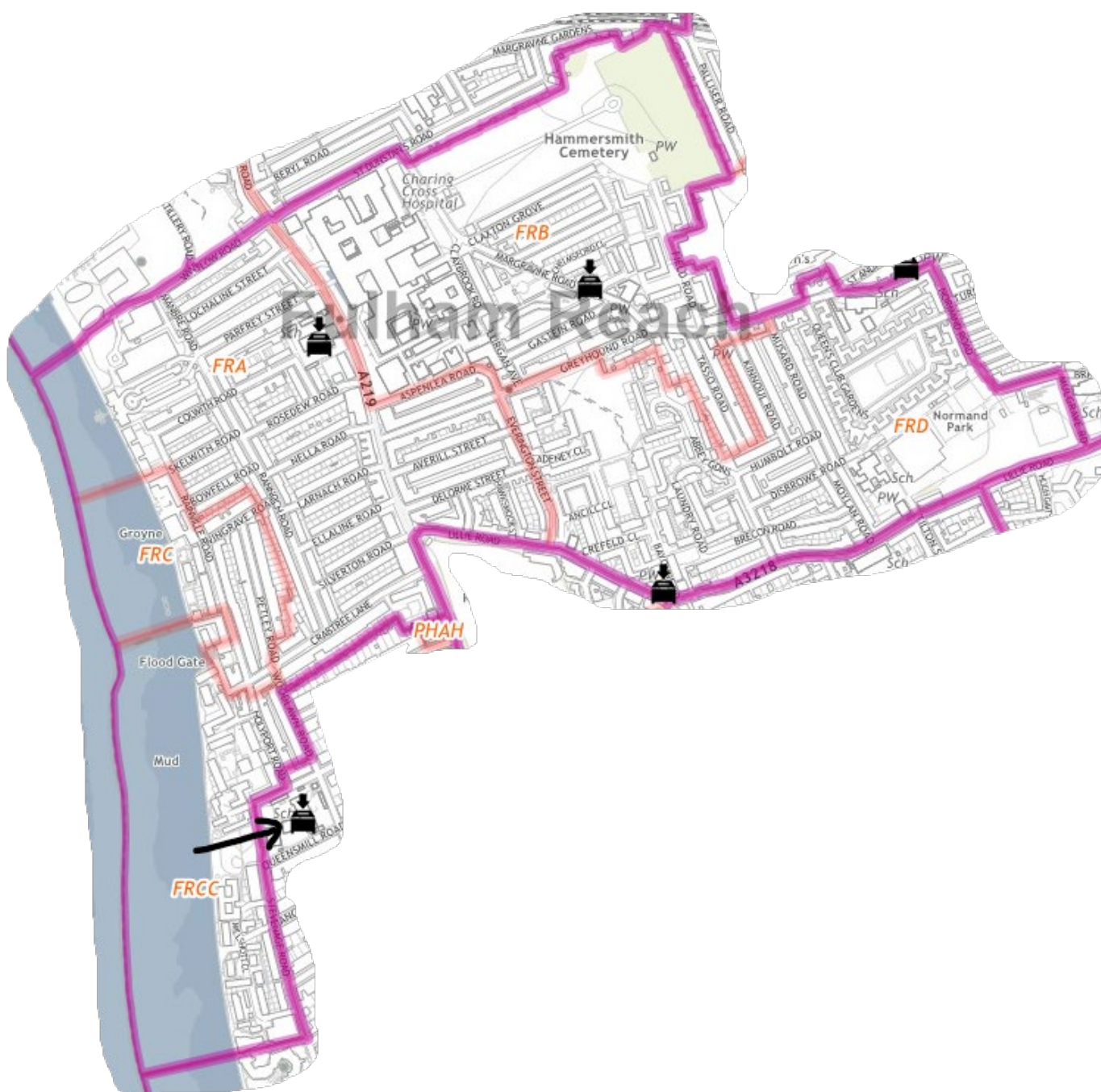
- 5.3 Coningham contains two venues that are already used as polling stations within its borders; Askew Road Library and Greenside Primary School.
- 5.4 Electors in the eastern part of the ward previously voted in Miles Coverdale School. The school is now outside the boundaries of Coningham ward.
- 5.5 Officers have attempted to identify a suitable venue within the ward for voters in the eastern part who previously voted at Miles Coverdale School. St Nicholas Church on Thornfield Road was considered and contacted, but the Church was unable to assist.

- 5.5 Given the lack of suitable alternatives, it is proposed to use Miles Coverdale School as a polling place for the electors in the new CNC polling district, the polling place to be shared with voters from the SBA polling district of Shepherds Bush Green ward.

6. Fulham Reach (FR)

6.1 Fulham Reach will elect THREE councillors.

Polling district	Electors	Polling Place
FRA	2626	Melcombe Primary School, Colwith Road, W6 9ER
FRB	1810	Matthews Community Hall, Margravine Road, W6 8HJ
FRC/ FRCC	638/760 (Total :1398)	Queens Manor Primary School, Lysia Street, SW6 6ND
FRD	2560	Twynholm Baptist Church, Fulham Cross, SW6 7PP



6.2 Updates that have been made to proposals following public consultation - none

Background and reasoning for proposals

Western/South Western area of Fulham Reach

- 6.3 It is proposed that the southern part of this ward will continue to vote at Queens Manor School.
- 6.4 Because the Parliamentary constituency boundary cuts through the ward, it is also proposed to sub-divide the polling district along the parliamentary boundary, in compliance with the guidelines set out at the start of this document.
- 6.5 This will allow the electoral register to reflect the parliamentary constituency boundaries. In the event of a Parliamentary election being called while these Parliamentary boundaries are still in force, separate stations would be set up within the polling venue for each of the constituencies.

7. Fulham Town (FT)

7.1 Fulham Town will elect TWO councillors

Proposed polling arrangements

Polling district	Electors	Polling Place
FTA	2582	Fulham Library, 598 Fulham Road, SW6 5NX
FTB	1778	Norah Phillips Hall, Munster Road, SW6 4EX
FTC	1044	All Saints Parish Hall, 70A Fulham High Street, SW6 3LG



7.2 Updates that have been made to proposals following public consultation

- 7.3 The Labour Party submission suggested using Norah Phillips Hall on Munster Road as a polling station, and, if that were available and suitable, re-drawing the polling districts in this ward to provide three polling places. Officers have visited the venue, and it is suitable for use as a polling place.

Update 1 – new polling venue

- 7.4 It is proposed to use the Norah Phillips Hall, Munster Road as a polling place, which will help to reduce the pressure on Fulham Library, currently one of the largest polling stations in the borough.

Update 2 – change to polling districts

- 7.5 It is also proposed to redraw the boundaries within this ward to give three polling districts, as shown on the map.
- 7.6 Residents in the new FTA polling district will continue to vote at Fulham Library.
- 7.7 The central district, FTB, will vote in Norah Philipps Hall, and those in the easterly side will vote at All Saints Parish Hall, the station to be shared with the PHB polling district. This is a more convenient location for voters than their previously assigned station at Thomas's Academy on New Kings Road.
- 7.8 Moving voters to All Saints Parish Hall will also mean that Thomas's Academy can accommodate electors from the expanded PHC district, also giving those electors an easily located polling station.

8. Grove (GR)

8.1 Grove ward will elect TWO councillors.

Proposed polling arrangements:

Polling district	Electors	Polling Place
GRA	3218	Brackenbury Primary School, Brackenbury Road, W6 0BA
GRB	2106	West London Free School Primary, Cambridge Grove, W6 0LB



8.2 Updates that have been made to proposals following public consultation – none

Background and reasoning for proposals

- 8.3 Grove ward is mainly composed of two polling districts from the old Hammersmith Broadway ward; HBA and HBB, with both districts expanding to the west to the new ward boundaries.
- 8.4 It is proposed to retain the north/south district divide, extending this to meet the ward boundaries on the west.
- 8.5 Both polling stations are big enough to accommodate the larger electorates, and in any case this area does not have readily identifiable alternative venues to deploy.
- 8.6 A submission from the Labour Party proposed dividing the ward into three parts, with two districts in the north. However, the potential polling venues identified were either unavailable or unsuitable.

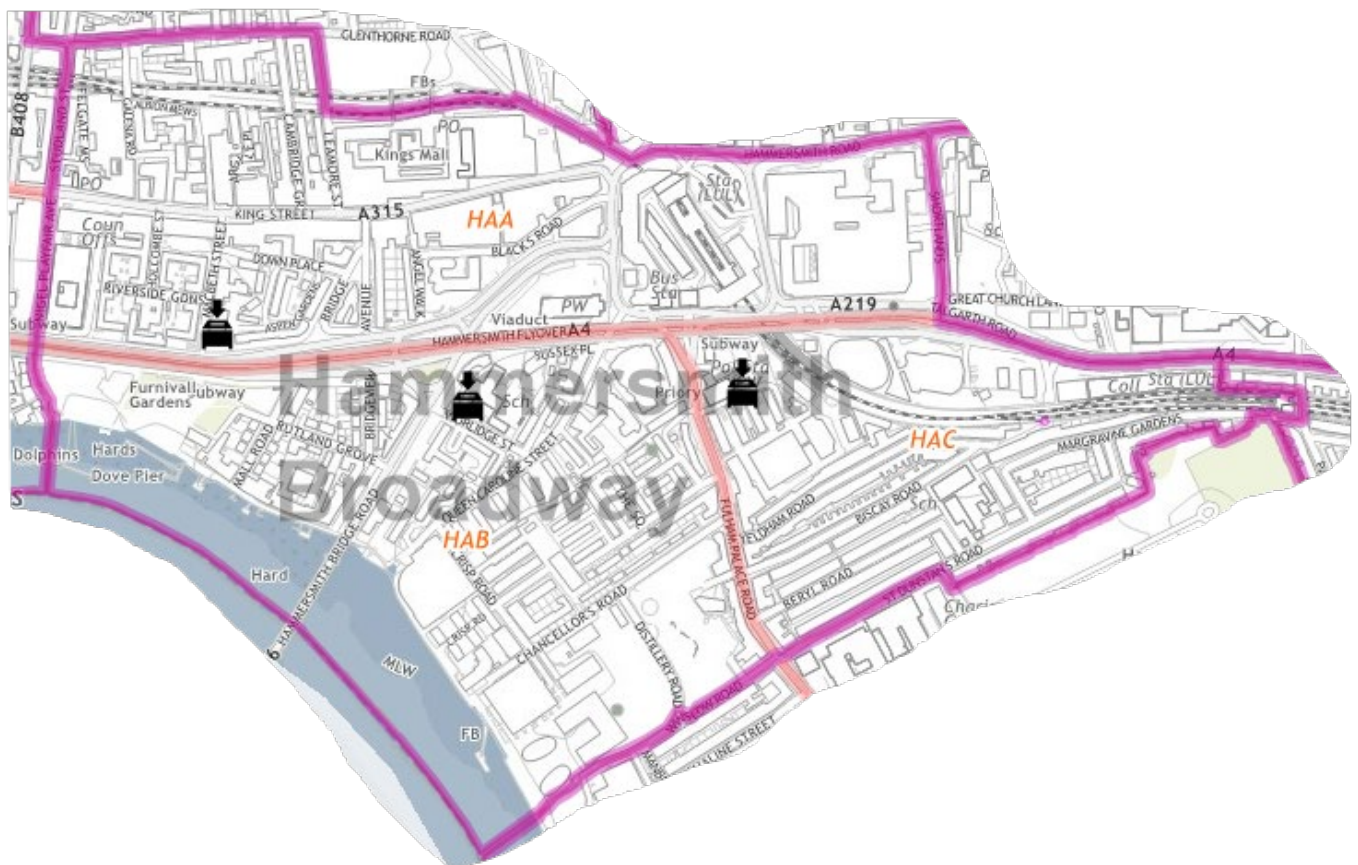
8.7 While it may possible to find a space to utilise a temporary cabin, these are far from ideal for polling – and although the station at Brackenbury School will be large, it has far better facilities than can be provided by a temporary station, so, reluctantly, the proposals remain as before, providing two polling places within the ward.

9 Hammersmith Broadway (HA)

9.1 Hammersmith Broadway will elect TWO Councillors

Proposed polling arrangements

Polling district	Electors	Polling Place
HAA	1707	Macbeth Centre, Macbeth Street, W6 9JJ
HAB	2131	St Paul's CE Primary School, Worlidge Street, W6 9BP
HAC	1405	St Augustine's Parish Hall, Fulham Palace Road, W6 8AU



9.2 Updates made to proposals following public consultation – none

Background and reasoning for proposals

- 9.3 Hammersmith Broadway ward contains two of the current polling scheme polling places; St Paul's Primary School and the Macbeth Centre.
- 9.4 While St Paul's is a fairly large polling venue, an electorate of 3,536 is significantly over the target size for a polling venue and is a moderately long walk for electors on the easternmost part of the ward.
- 9.5 The proposal is to retain the boundary of the current polling district in the north part of the ward, north of the A4, and voters to continue to vote at the Macbeth Centre.

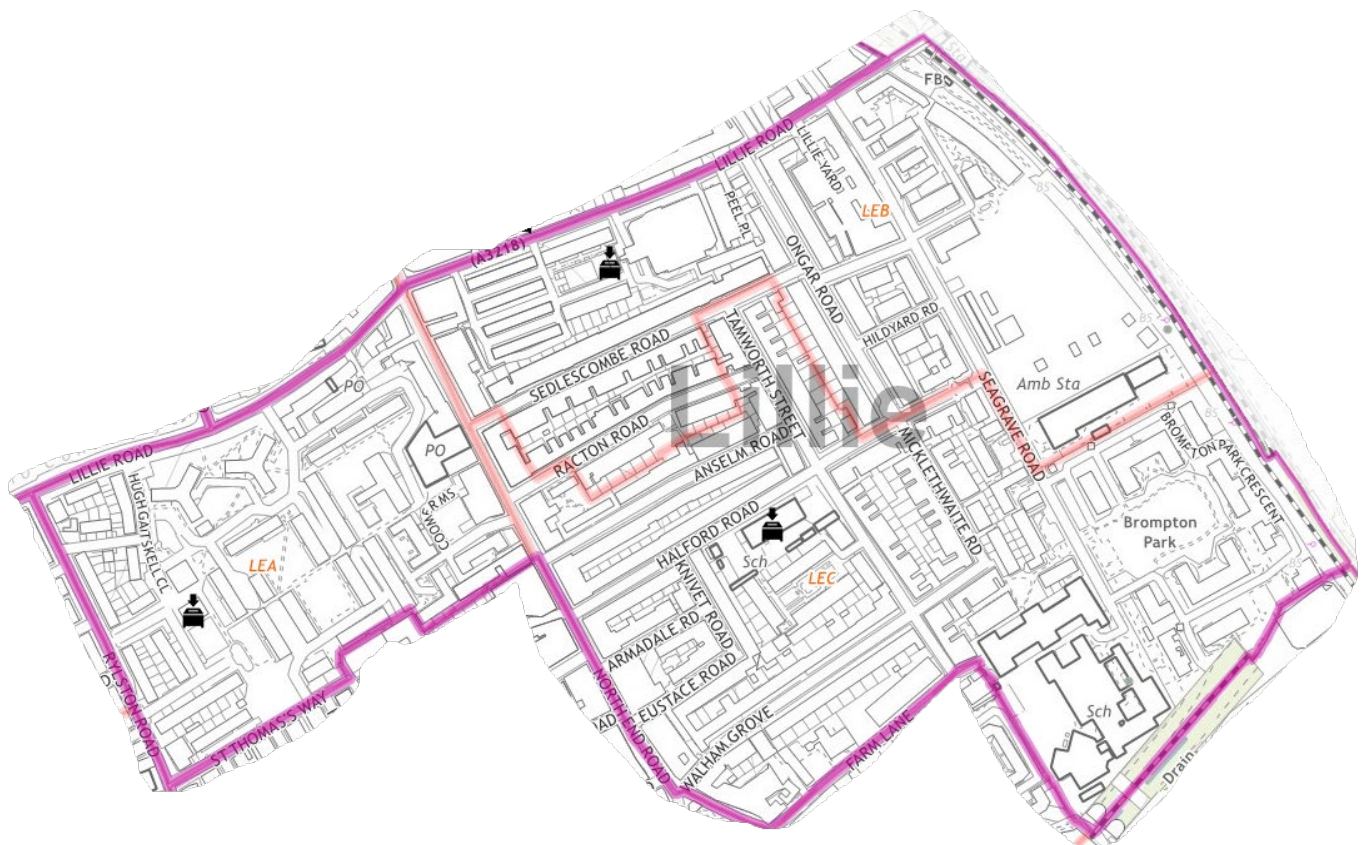
- 9.6 In the part of the ward that falls south of the A4 along the Fulham Palace Road, with voters to the west voting in St Paul's School, and voters in the east voting at St Augustine's Parish Hall.
- 9.7 Electoral services staff have visited this new venue. Although access is currently via a short flight of steps, a lift is currently being installed as an alternative access, which will be suitable for wheelchair users (works are due to be completed in February 2022).
- 9.8 The Labour Party proposal suggested a slightly different pattern of districts, and the utilisation of two different polling stations, namely William Morris Sixth Form and the Peabody Estate Tenants Hall. However, St Augustine's provides convenient access for the residents of the Guinness Trust buildings and avoids disrupting students at William Morris.
- 9.9 The Peabody Estate tenants hall is still being investigated as a potential venue, but to date it has not been possible to visit and assess the facilities. This will be reviewed again once a visit has been arranged, but at present the proposal to continue using St Paul's Primary School stands.

10 Lillie (LE)

10.1 Lillie ward will elect TWO councillors

Proposed polling arrangements

Polling district	Electors	Polling Place
LEA	1375	Community Hall, Len Freeman Place, Clem Attlee Estate, SW6 7TN
LEB	1468	Vignola Hall, Carmel Lodge, 51 Lillie Road, SW6 1UF
LEC	1946	Fulham Primary School, Halford Road, SW6 1JU



10.2 Updates made to proposals following public consultation – none

Background and reasoning for proposals

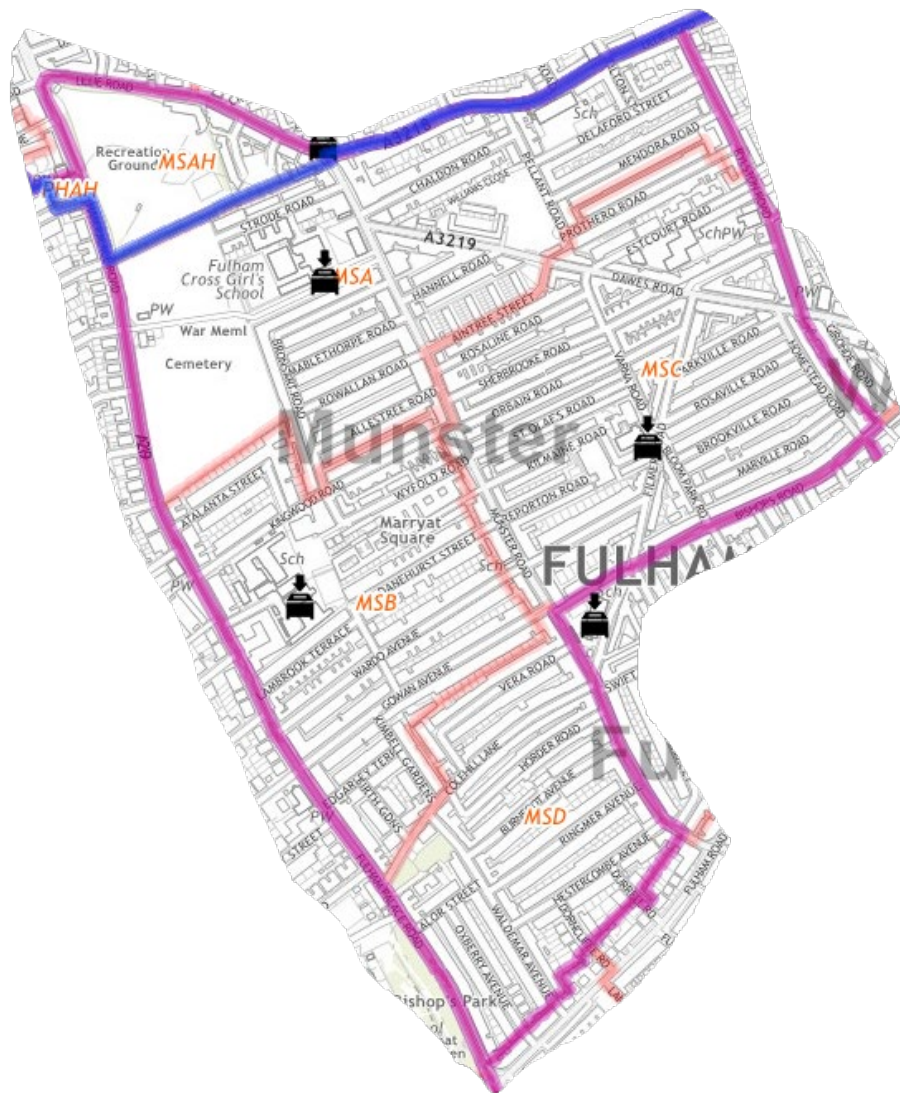
- 10.3 Lillie ward contains two of the current polling venues within its borders; the community hall on Len Freeman place, and Fulham Primary School.
- 10.4 An additional suitable venue has been identified available at Vignola Hall, Carmel Lodge off Lillie Road. This hall is currently being refurbished and will be available for use in May 2022. It has good access, is of a good size and is reasonably easily to locate from the main thoroughfare, however extra signage will be provided from Lillie Road to direct residents to this new polling place.

11 Munster (MS)

11.1 Munster ward will elect THREE councillors.

Proposed polling arrangements

Polling district	Electors	Polling Place
MSA/MSAH	1826 / 134 (Total 1960)	Fulham Cross School, Munster Road, SW6 6BP
MSB	1965	Childerley Centre, Childerley Street, SW6 6SQ
MSC	2971	St Peters Church, St Peters Terrace, SW6 7JT
MSD	1858	St John's CE Primary School, Filmer Road, SW6 6AS



11.2 Updates made to proposals following public consultation

11.3 Update - Amendment to polling station letters

11.4 The polling station letters for this ward will be prefixed with MS, and not MU as in the original proposals. This avoids a polling district being called “MUD”.

11.3 A submission was received from the Labour Party suggesting either the school building on Kingwood Road, that used to be called the Kingwood Resource Centre, or the main Henry Compton School be used instead of the Childerley Centre, or, if that were not possible, to allow access to the Childerley Centre from Kingwood Road.

11.4 There is no way to access the Childerley Centre from Kingwood Road.

11.5 The Kingwood Centre, being a sixth form, would be extremely disruptive for children approaching their A-levels, and the block itself isn't very suitable for a polling station – the room that might be used, on the ground floor, is next to a room with woodworking/metalworking equipment, which would be very noisy if the school were to remain open during the day. The room itself is full of art equipment and furniture that would need to be moved in and out before and after polling day, causing further disruption.

11.5 The main building, Henry Compton School, itself, used to be used as a polling station many years ago, but was discontinued due to the cost of supplying fencing and security for the rest of the building, and the disruption and inconvenience it caused to a significant number of the children and staff.

11.6 Given the above, the proposal for this district is to continue to use the Childerley Centre, with the Childerley Street entrance. However, electoral services staff will investigate the possibility of additional signage on Kingwood Road to direct voters approaching from that direction to the polling station.

Background and reasoning for proposals

11.7 The new Munster ward encompasses the whole of the previous Munster ward and takes in a small part of the old Fulham Reach and Fulham Broadway wards.

11.8 This new ward crosses the Parliamentary constituency boundary. To accommodate voting at a Parliamentary election, the electoral register for the polling district concerned (MSA) will be split into two parts to reflect this – the smallest part to be called MSAH, the H denoting it is in the Hammersmith constituency.

11.9 If a Parliamentary election is held on the existing boundaries, a separate station can be set up for these voters, but at local council elections these districts will be combined, and electors will vote at the same polling station in Fulham Cross School.

11.10 John Lillie Primary School is a potential option as a polling venue for this ward (for the MSA district) and a site visit will be made in the coming term to assess suitability should the Fulham Cross School become unavailable at future elections.

12 Palace and Hurlingham (PH)

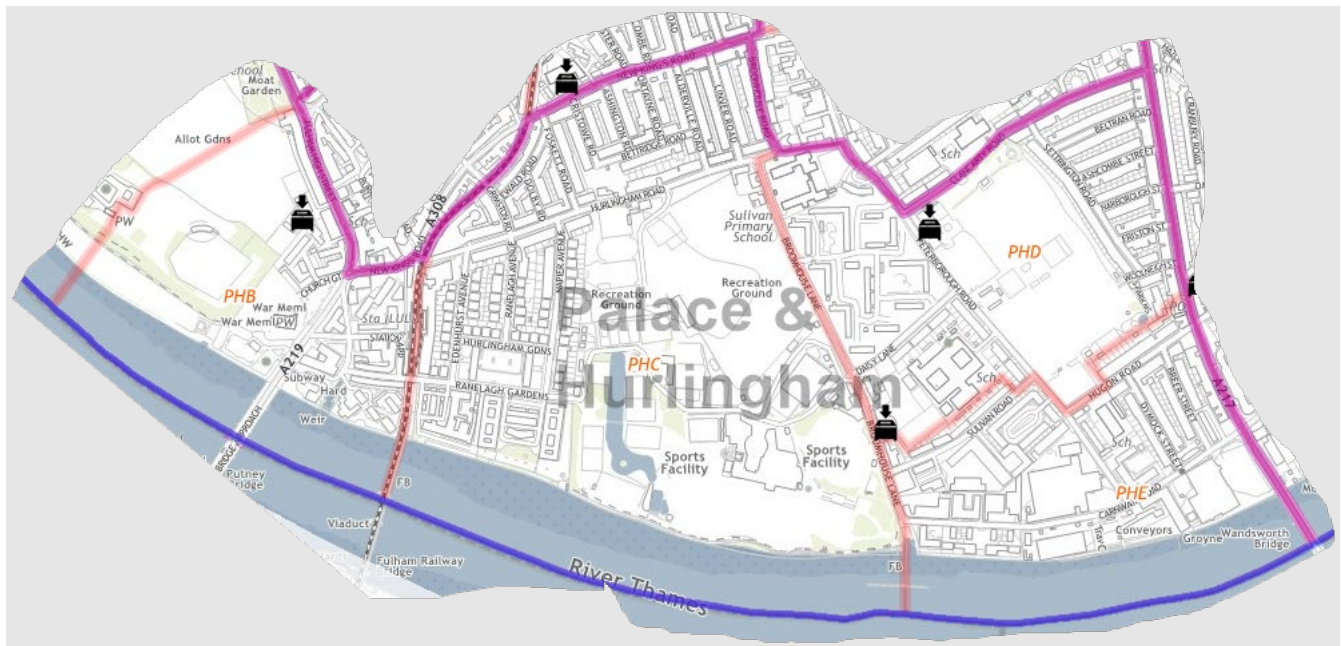
12.1 Palace and Hurlingham ward will elect THREE councillors.

Proposed polling arrangements

Polling district	Electors	Polling Place
PHA/PHAH	3422/10 – Total 3452	TBAP Academy, Greswell Street, SW6 6PX
PHB	1451	All Saints Parish Hall, 70A Fulham High Street, SW6 3LG
PHC	992	Thomas's Academy, New Kings Road, SW6 4LY
PHD	1360	Sands End Arts and Community Centre, South Park, Peterborough Road, SW6 3EZ
PHE	1191	Parsons Green Club, 31 Broomhouse Lane, SW6 3DP



Palace and Hurlingham (eastern side)



12.2 Updates that have been made to proposals following public consultation

12.3 Update 1 - amendment to district boundaries

The PHA/PHB boundary is proposed to change so that it follows the railway, and the boundary along Hurlingham Road removed, creating a larger PHB district, to vote at Thomas's Academy in New King's Road

12.4 Update 2 – amendment to proposed polling station

Sands End Community Centre is proposed for PHD polling district. Electoral Services Officers have visited the site and confirmed that it is a suitable venue, with excellent facilities for a polling station.

12.5 Update 3 – minor amendment to proposed district boundaries

A small change to the proposed boundary between PHE and PHD has been made so that it runs behind the residential properties on Sullivan Road, then to the southern side of the Parsons Green Club – this doesn't change proposals for voting arrangements for any voters, but is a more natural boundary line.

12.6 It is still proposed to combine what remains of the polling district previously served by Queens Manor School with the district served by the TBAP Academy in Greswell Street, the Greswell Street venue being more central to the district.

12.7 It is still proposed to split the eastern side of the ward into two districts, PHD and PHE.

12.8 A very small number of voters in this ward are in the Hammersmith constituency and, as elsewhere, the electoral register will be split to notify this accordingly. The districts will be combined for local elections, and at a Parliamentary election a separate station will be set up in the polling venue to accommodate them.

13 Parsons Green and Sandford (PS)

13.1 Parsons Green and Sandford ward will elect TWO councillors

Proposed polling arrangements:

Polling district	Electors	Polling Place
PSA	965	Holy Cross RC Primary School, Basuto Road, SW6 4BL
PSB	1966	Fulham Broadway Methodist Church, 452 Fulham Road, SW6 1BY
PSC	2681	Holy Cross Primary School, Basuto Road, SW6 4BL



13.2 **Updates made to proposals following public consultation - none**

13.3 It was hoped that a polling venue would be identified for the new PSC polling district, potentially at either Christ Church on Studdridge Street, or at the Ecole Marie d'Orliac, the school next door to it. Unfortunately, both venues have declined our requests to use their venues as polling stations.

Background and reasoning for proposals

13.4 Manor Court, which is now outside the ward, is not large enough to hold two distinct polling stations. If it were to continue to be used as a station it would not be reasonable to exclude the residents of Manor Court from voting in it, and that would necessitate a second station within the polling place.

13.5 It is still proposed to split this ward into three districts.

13.6 The north western district (PSA) will continue to vote in Holy Cross Primary School.

13.7 The northern district (PSB) to vote at Fulham Broadway Methodist Church, which, although outside the ward, is a reasonably sized and prominent building.

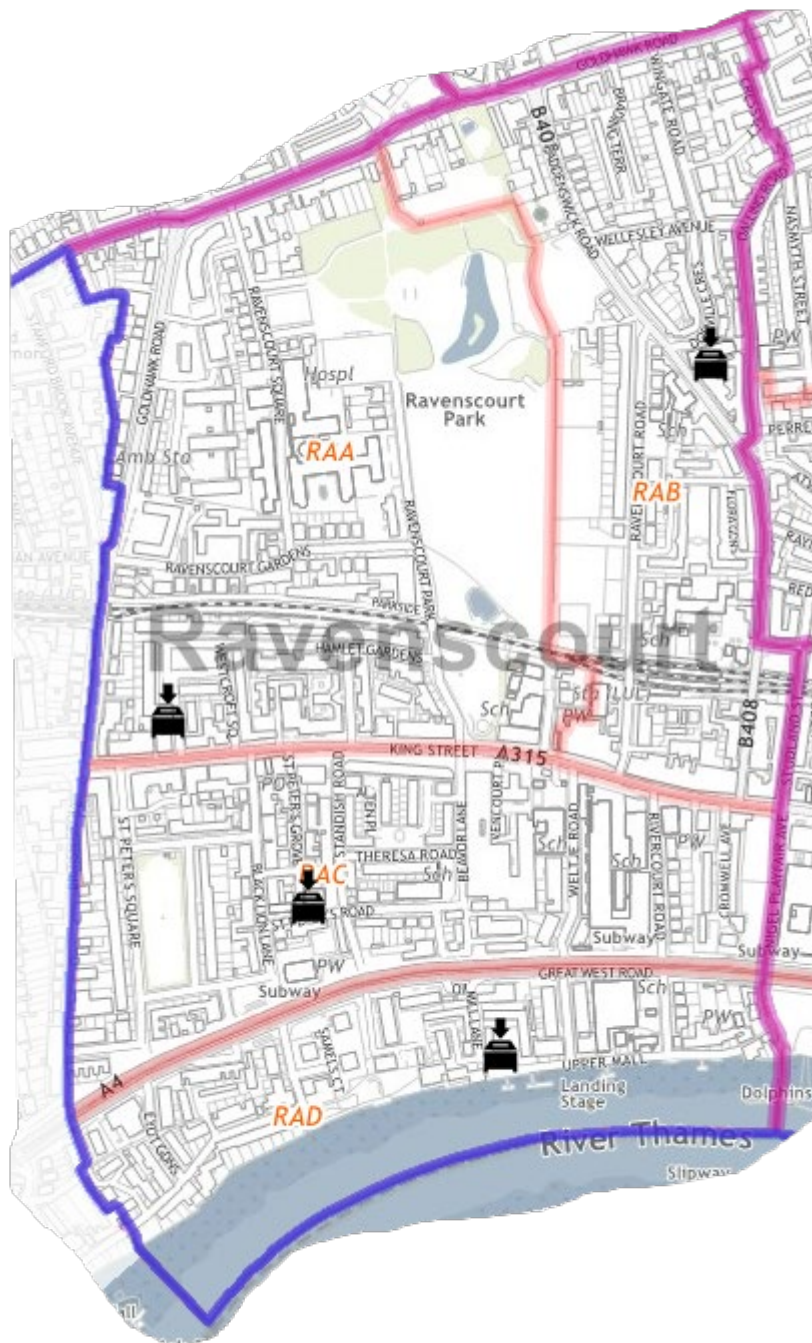
13.8 It is proposed that voters for the southern district (PSC) will vote at Holy Cross Primary School. Splitting the electoral register will allow for these voters to be easily allocated to their own station if a suitable venue is found in future. Christ Church have said they may be willing to revisit the request at some point in the future.

14 Ravenscourt (RA)

14.1 Ravenscourt ward will elect TWO councillors

Proposed polling arrangements

Polling district	Electors	Polling Place
RAA	1813	65 Westcroft Square, London, W6 0TA
RAB	1376	Holy Innocents Church Hall, Paddenswick Road, W6 0UB
RAC	1201	St Peters CE Primary School, 47 St Peters Grove, W6 9AY
RAD	632	Linden House, 60 Upper Mall, W6 0TA



Ravenscourt (RA)

14.2 Updates to proposals following public consultation – none

Background and reasoning for proposals

14.3 The new Ravenscourt ward follows the old boundaries to a large extent, other than in the north, where voters from the old RPA polling district now fall into Wendell Park Ward.

John Betts House

14.4 John Betts House was unavailable as a polling station during the GLA elections, due to COVID safety concerns. Additionally, the venue is no longer in Ravenscourt Park ward. These proposals seek to avoid using this venue in the near future due to its likely unavailability in 2022.

14.5 Initially, it was hoped that an alternative venue might be found within the northern part of the borough but approaches to the Ladybird nursery proved unsuccessful.

14.6 It is proposed to use 65 Westcroft Square as a venue for voters to the west of Ravenscourt Park, and to bring the polling district boundary down to King Street to accommodate this.

14.7 Voters to the North east of Ravenscourt Park will be asked to vote at Holy Innocents Church Hall, which is closer to them than 65 Westcroft Square.

14.8 Voters who previously voted at John Betts will now have to cross under the railway by either Ravenscourt Park or Goldhawk Road, which is not entirely satisfactory, and alternative solutions would be warmly received.

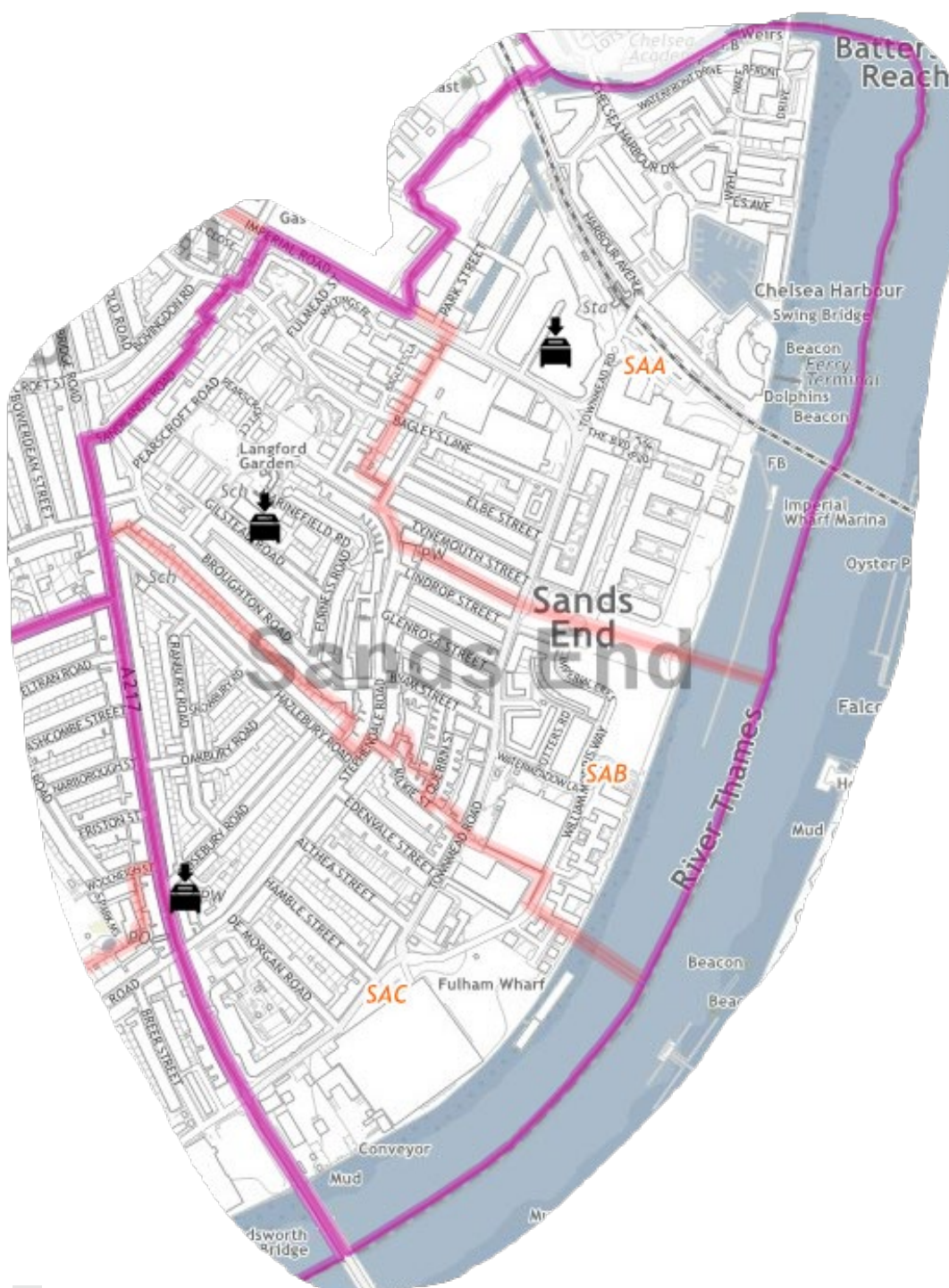
14.9 Otherwise, the boundaries and venues remain the same – although merging RAD and RAC was considered, the A4 remains a considerable geographical barrier for voters to the south of it, so it is proposed to maintain the current polling station at Linden House.

15 Sands End (SA)

15.1 Sands End ward will elect THREE councillors

Proposed polling arrangements

Polling district	Electors	Polling Place
SAA	2876	The Wharf Rooms, Imperial Road, SW6 2PY
SAB	2150	Langford Primary School, Gilstead Road, SW6 2LG
SAC	2404	St Matthews Church Hall, Wandsworth Bridge Road, SW6 2TX



Sands End (SA)

15.2 Updates made to proposals following public consultation – none

Background and reasoning for proposals

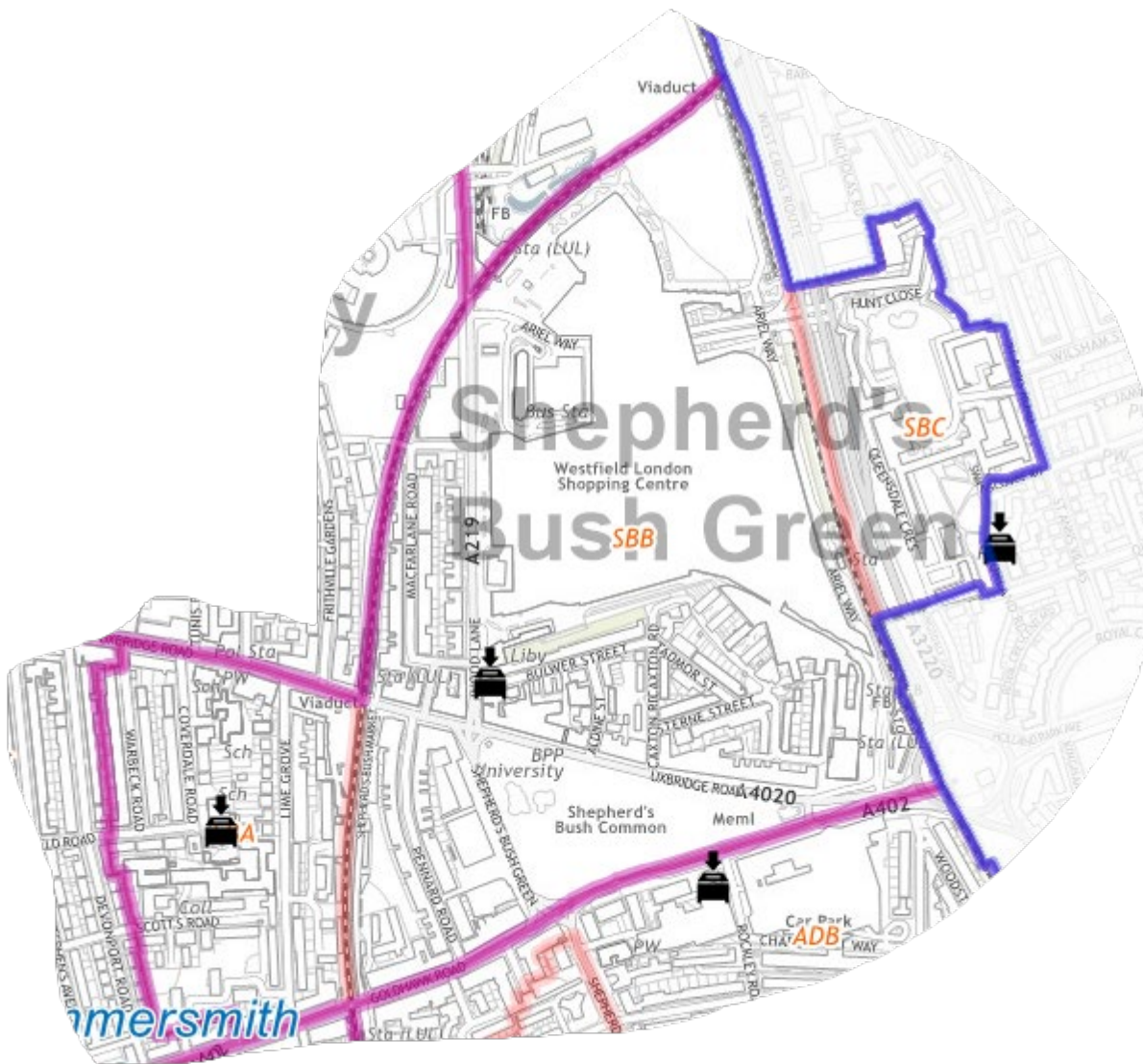
- 15.3 The new Sands End ward contains four existing polling stations – Manor Court, St Matthews Church Hall, Langford Primary School and The Wharf Rooms.
- 15.4 It is not proposed to use Manor Court as a polling venue for this ward, given the proximity to Langford Primary School, and the ongoing concerns about COVID safety (Manor Court was unavailable during the GLA elections for this reason).
- 15.5 It is proposed to retain the other two venues as polling places, with the boundaries to the districts as shown on the map.
- 15.6 It may be useful at a future review to consider using the jetty at Fulham Wharf as a polling venue to serve the voters of the new developments along the river, but at the time of writing this would be uneconomic – the number of new electors in this part of the ward is still low and can be served by the existing stations.

16 Shepherds Bush Green (SB)

16.1 Shepherds Bush Green ward will elect TWO councillors.

Proposed polling arrangements

Polling district	Electors	Polling Place
SBA	1091	Miles Coverdale School, Coverdale Road, W12 8JJ
SBB	1565	Village Hall, 58 Bulwer Street, W12 8AP
SBC	1198	Edward Woods Community Centre, 60-70 Norland Road, W11 4TX



16.2 Updates made to proposals following public consultation – none

Background and reasoning for proposals

16.3 The new Shepherds Bush Green ward contains three existing polling venues. It is proposed to maintain the current polling district boundaries of this ward, and to deploy the same polling stations.

- 16.4 This has the advantage of disrupting very few voters, who are familiar with their existing stations.
- 16.5 Miles Coverdale school will become a true “double” station serving both this ward and voters in Coningham ward (who are also familiar with this station as it is where they currently vote).

17 Walham Green (WA)

17.1 Walham Green will elect TWO councillors

Proposed polling arrangements

Polling district	Electors	Polling Place
WAA	2341	St John's Church, Walham Green, SW6 1PB
WAB	2034	Lancaster Court Tenants Hall, Darlan Road, SW6 5TB
WAC	1032	Fulham Broadway Methodist Church, 452 Fulham Road, SW6 1BY



17.2 Updates made to proposals following public consultation – none

Background and reasoning for proposals

17.3 Walham Green ward contains three existing polling venues, and it is proposed to use these venues in the new polling scheme, as shown on the map below.

17.3 This moderately amends internal borders – the new part of the ward in the Harbledown Road/Elmstone Road area will vote in Lancaster Court Tenants Hall, while those in Barclay Road, Effie Road will vote in Fulham Broadway Methodist Church, and those in Jerdan Place will vote in St John’s Church, these venues being closer to home than their previous designated stations.

18 Wendell Park (WD)

18.1 Wendell Park ward will elect TWO councillors

Polling district	Electors	Polling Place
WDA	2929	St Saviour's Church Hall, Cobbold Road, W12 9LN
WDB	2478	Askew Road Church, 1 Bassein Park Road, London W12 9RN



18.2 Updates made to proposals following public consultation - none

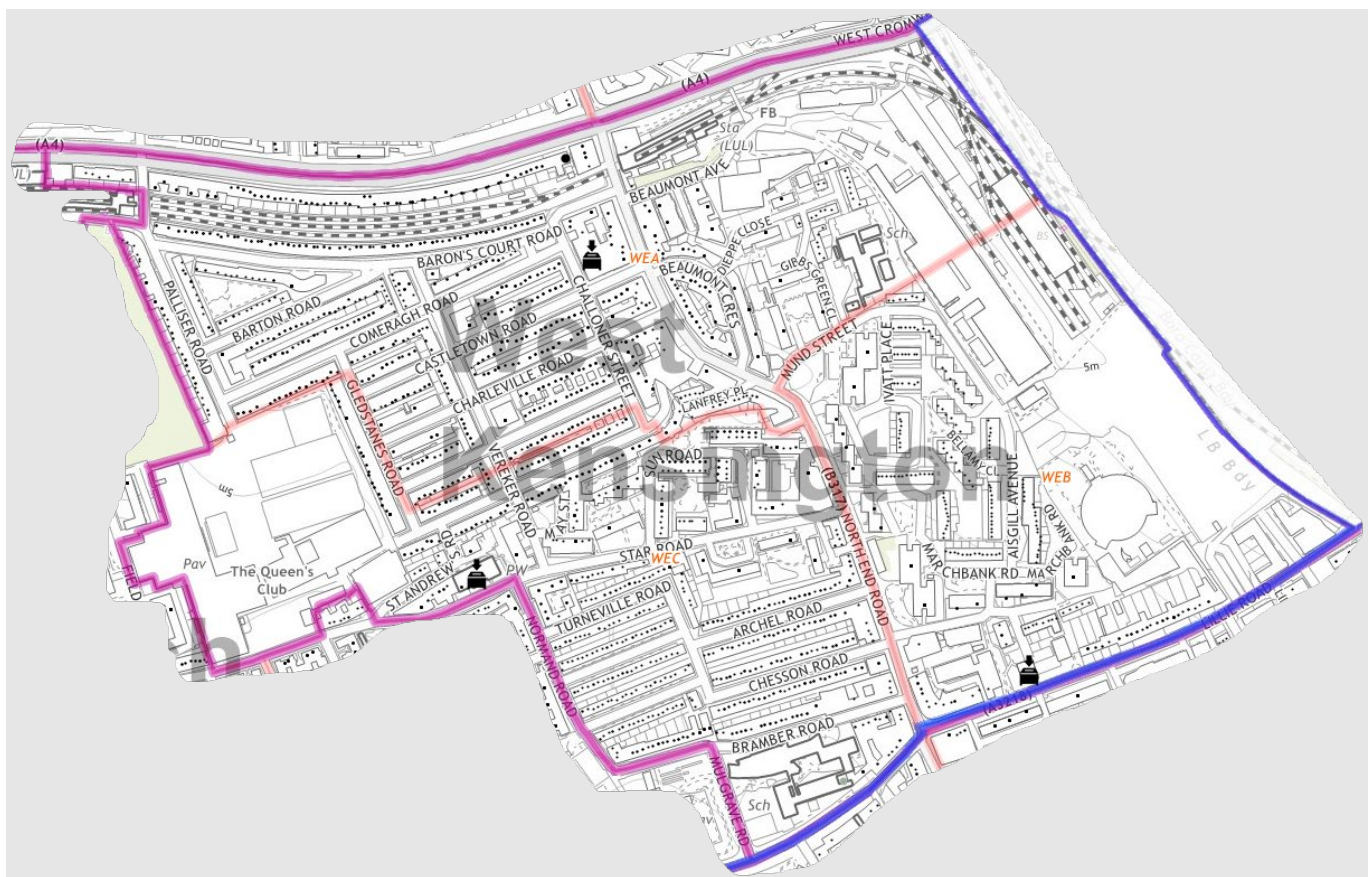
Background and reasoning for proposals

- 18.3 Wendell Park ward comprises the old ASA polling district, served by St Saviours Church Hall for polling, and most of the old RPA polling district previously served by John Betts House.
- 18.4 It is proposed to divide this ward into two, on a north/south axis.
- 18.5 John Betts House, as discussed elsewhere in this document, was unavailable during the GLA elections due to COVID safety concerns. While the pandemic is ongoing, it is therefore proposed to avoid using this venue, and instead use the Askew Road Church, which was successfully used in May 2021.

19 West Kensington (WE)

19.1 West Kensington ward will elect THREE councillors

Polling district	Electors	Polling Place
WEA	3369	Bhavan Centre, Challoner Street, W14 9HE
WEB	1211	West Kensington Estate Tenants Hall, 80 Lillie Road, SW6 1TN
WEC	2298	St Andrews Church, Greyhound Road, W14 9SA



19.2 Update made to proposals following public consultation – none

Background and reasoning for proposals

19.3 West Kensington ward contains three polling stations. It comprises of two full existing polling districts, NEA and NEB, and approximately half of what used to be NEC polling district.

19.2 It is proposed to keep to the existing internal ward boundaries, and to continue to use the existing polling stations, as these are familiar to voters and there are no obvious, better, arrangements for this district.

20 White City (WH)

20.1 White City ward will elect THREE councillors

Polling district	Electors	Polling Place
WHA	3880	White City Community Centre, India Way, W12 7QT
WHB	2848	Church of God, 1A Loftus Road, London, W12 7EH
WHC	282	Wood Lane Community Centre, 78 White City Close W12 7DZ



20.2 Updates to proposals following public consultation - none

Background and reasoning for proposals

20.3 White City ward is composed of what used to be WWB and SBA polling districts, with some additional electors to the west from Bloemfontein Road and Joslings Close.

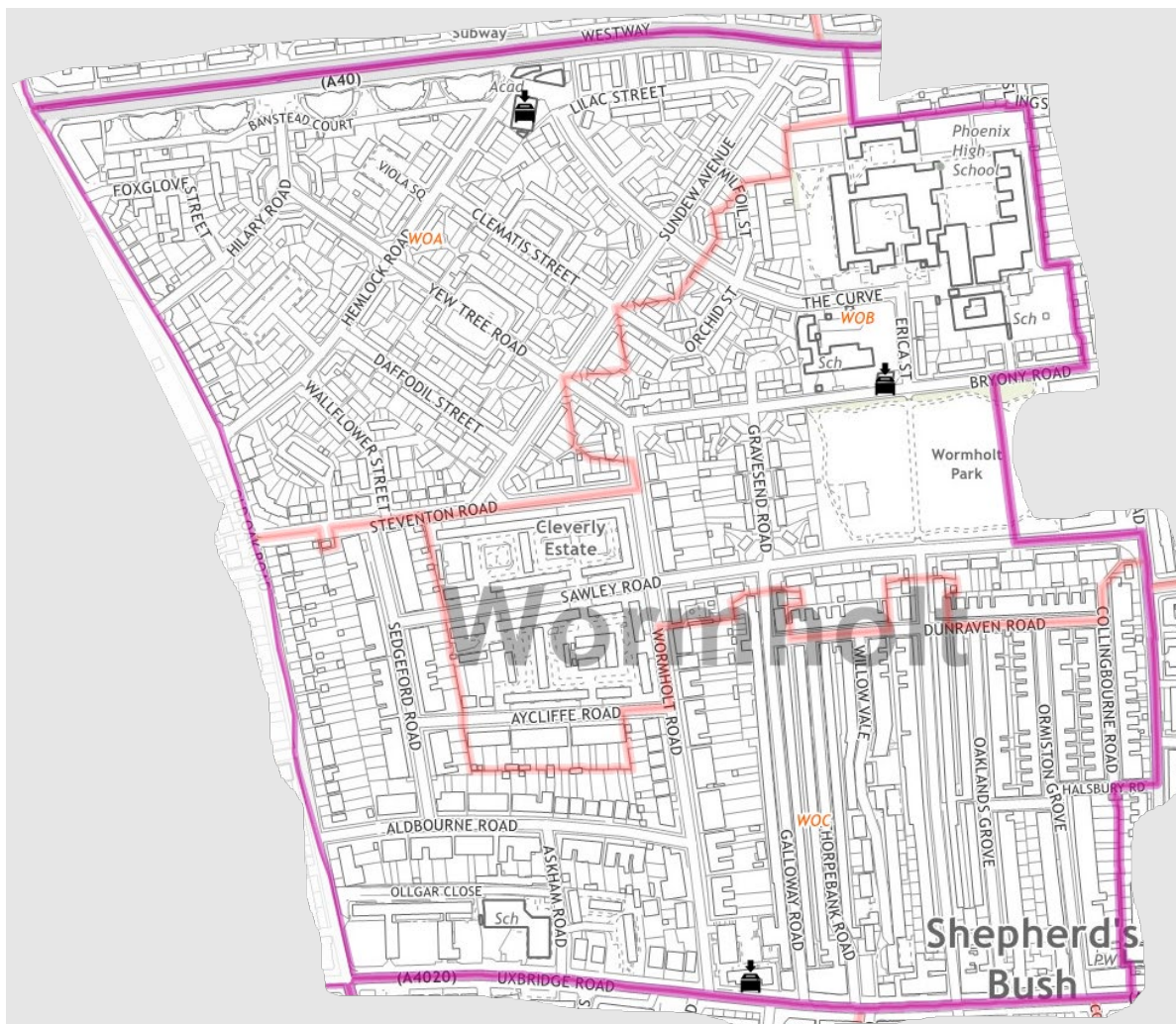
20.4 There are currently two designated polling stations within the boundaries of this ward; White City Community Centre and Church of God on Loftus Road.

- 20.5 It is proposed to create a new polling district containing the BBC television centre development, and for these voters to vote in the Wood Lane Community Centre, which is far closer to them than their current station on Uxbridge Road. This venue will be shared with voters from the College Park ward's CLF district.
- 20.6 As with the Wood Lane Road area as a whole, this will be kept under review, as a further adjustment to polling districts and venues may be required here as development of the area continues and larger electorates need to be accommodated.

21 Wormholt (WO)

21.1 Wormholt ward will elect TWO councillors

Polling district	Electors	Polling Place
WOA	1345	Ark Conway Primary Academy, 60 Hemlock Road, W12 0QT
WOB	1232	Wormholt Park Primary School, Bryony Road, W12 0SR
WOC	2701	St Lukes Church, Uxbridge Road, W12 0NS



21.2 Updates to proposals following public consultation - none

Background and reasoning for proposals

21.3 Wormholt ward is composed of what used to be WWA and WWC polling districts, both slightly reduced as their eastern sides now fall within White City ward.

21.2 The ward contains two existing polling places; Wormholt Park Primary School on Bryony Road and St Lukes Church on Uxbridge Road.

21.3 It is proposed to introduce a third station at Ark Conway Primary Academy, to provide more convenient accommodation for voters in the north western part of this ward.

Detailed maps of proposed polling arrangements

Page

1. Full Borough
2. Addison
3. Avonmore
4. Brook Green
5. Coningham
6. College Park and Old Oak
7. Fulham Reach
8. Fulham Town
9. Grove
10. Hammersmith Broadway
11. Lillie
12. Munster
13. Palace and Hurlingham
14. Parsons Green and Sandford
15. Ravenscourt Park
16. Sands End
17. Shepherds Bush Green
18. Walham Green
19. Wendell Park
20. West Kensington
21. White City
22. Wormholt

London Borough of Hammersmith & Fulham

PROPOSED POLLING ARRANGEMENTS 2022



LEGEND

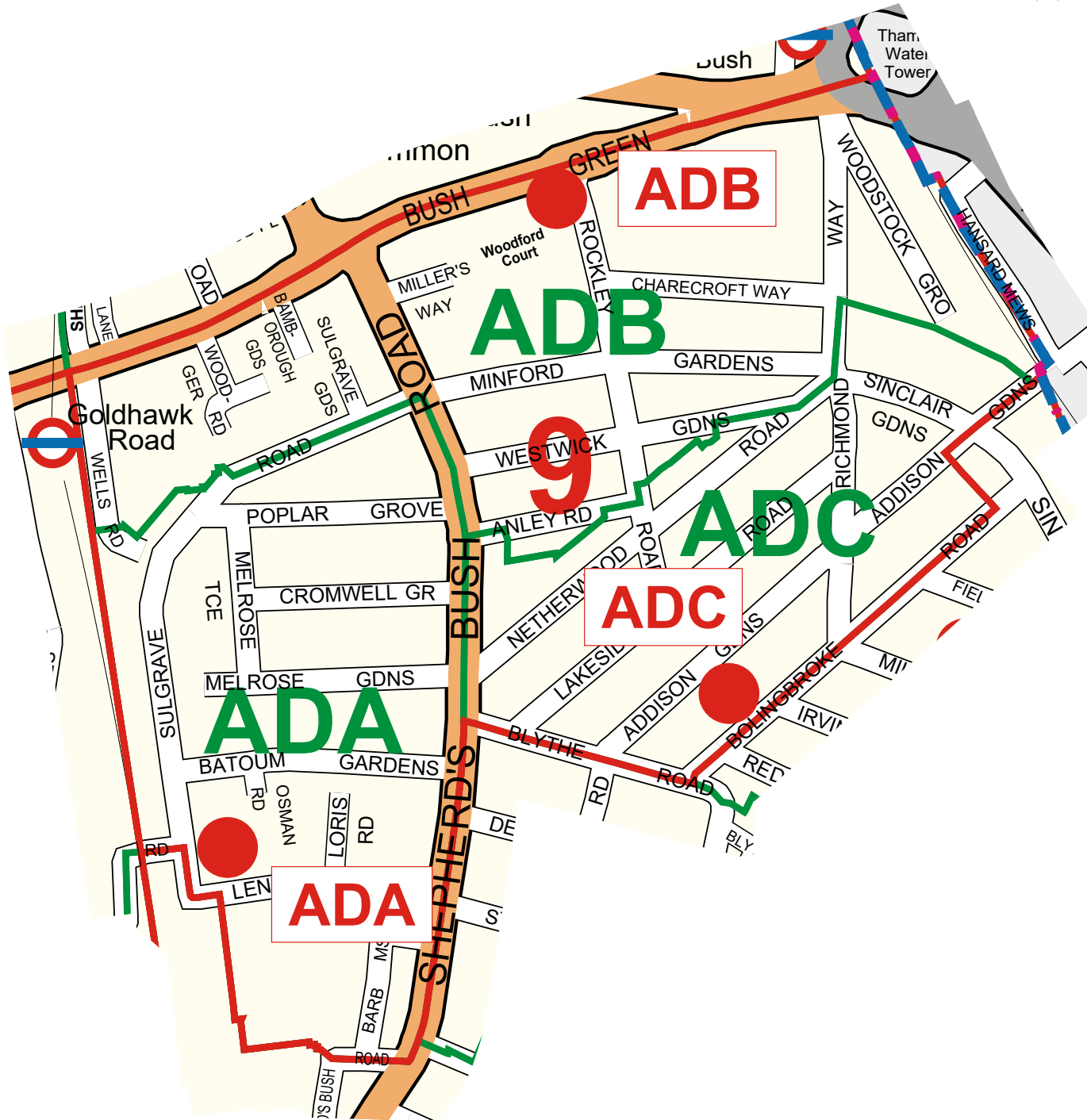
- Hospital
- Town Hall
- Police Station
- Underground Station
- National Rail Station
- Fire Station
- Library
- School

LEGEND

- Proposed Polling Station
- Proposed Polling District Boundary
- New 2022 Ward Boundary
- Borough Boundary
- Parliamentary Constituency Boundary

KEY WARD BOUNDARIES

- 1 COLLEGE PARK & OLD OAK
- 2 WORMHOLT
- 3 WHITE CITY
- 4 WENDELL PARK
- 5 CONINGHAM
- 6 SHEPHERD'S BUSH GREEN
- 7 RAVENSCOURT
- 8 GROVE
- 9 ADDISON
- 10 BROOK GREEN
- 11 HAMMERSMITH BROADWAY
- 12 AVONMORE
- 13 FULHAM REACH
- 14 WEST KENSINGTON
- 15 MUNSTER
- 16 LILLIE
- 17 FULHAM TOWN
- 18 WALHAM GREEN
- 19 PARSONS GREEN & SANDFORD
- 20 PALACE & HURLINGHAM
- 21 SANDS END



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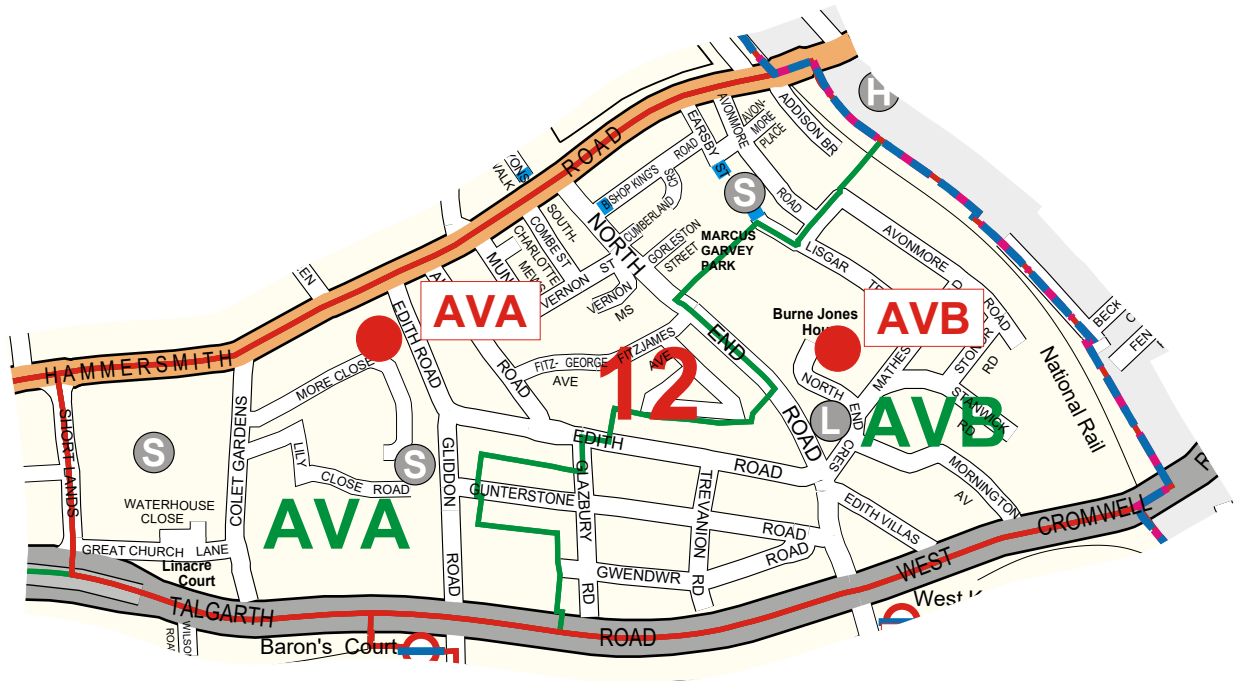
ADDISON WARD

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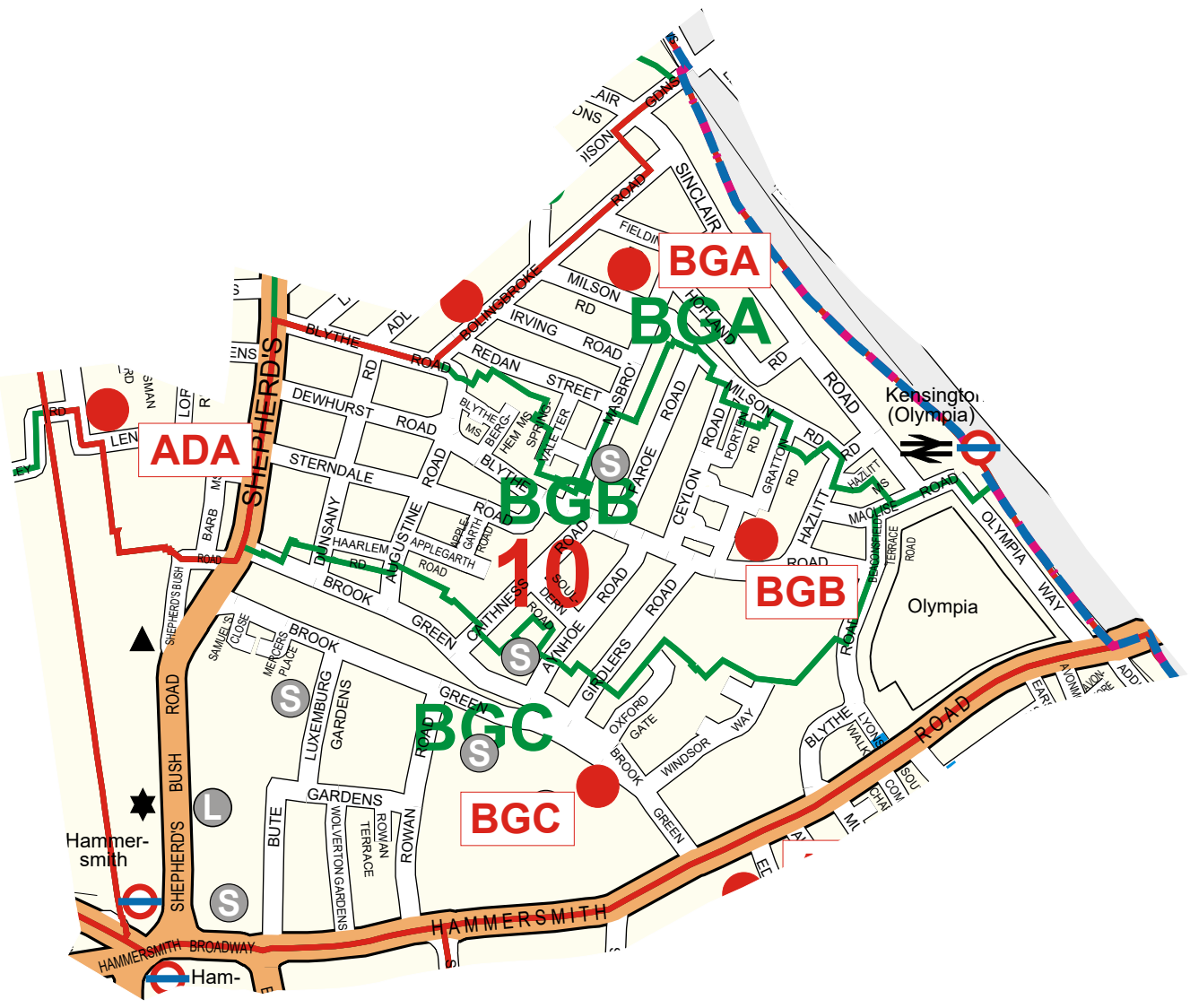
AVONMORE WARD

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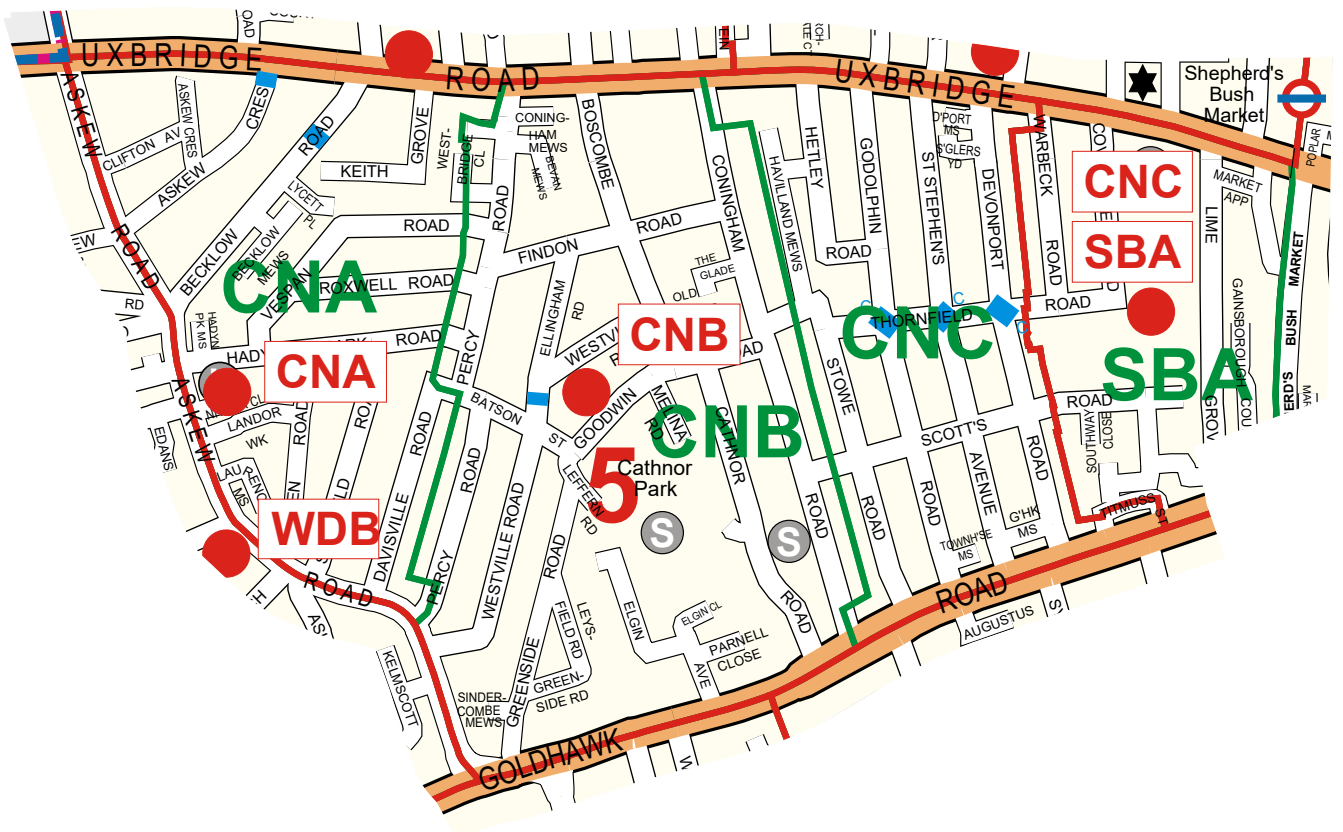
BROOK GREEN WARD

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CONINGHAM WARD

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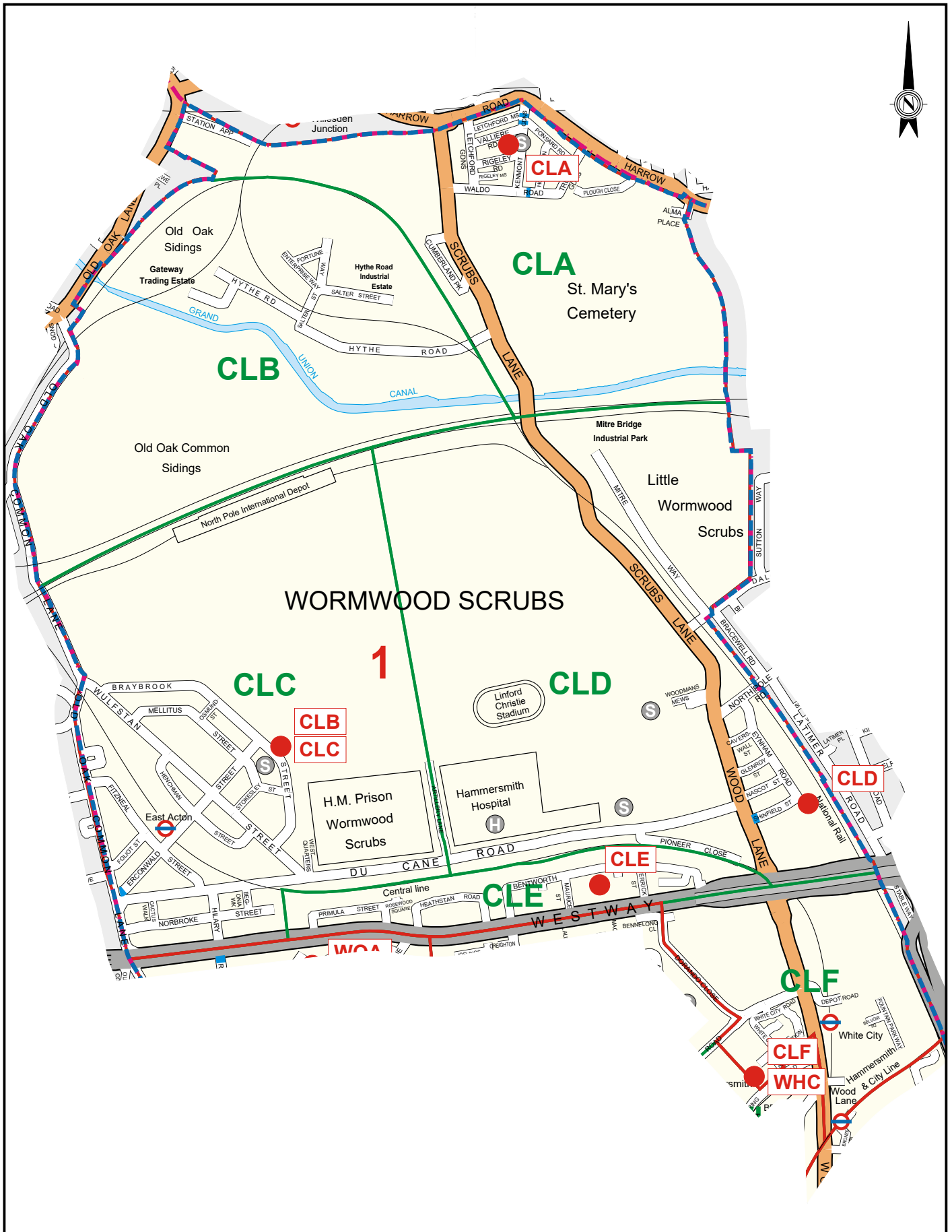
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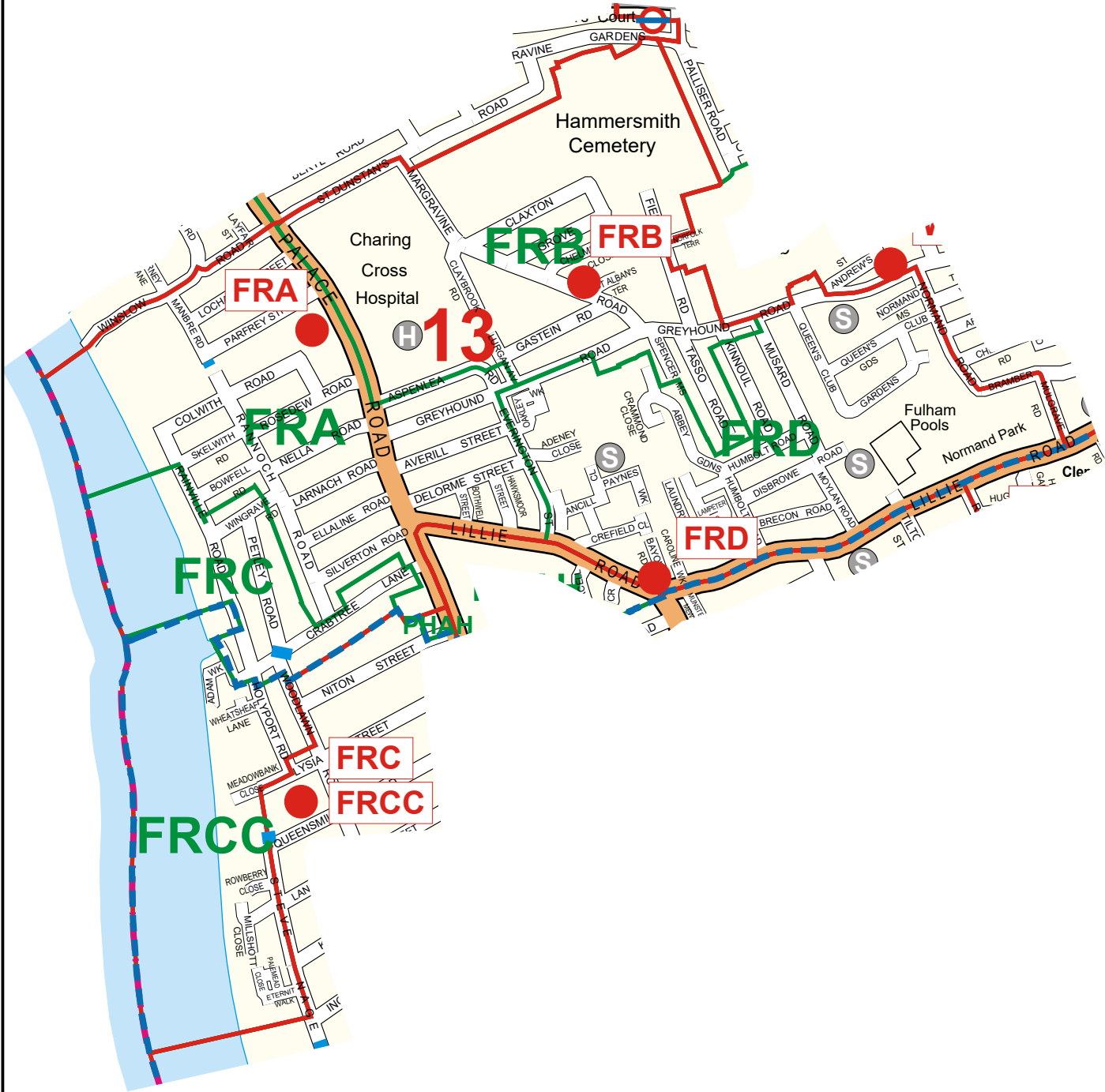
COLLEGE PARK & OLD OAK WARD

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FULHAM REACH WARD

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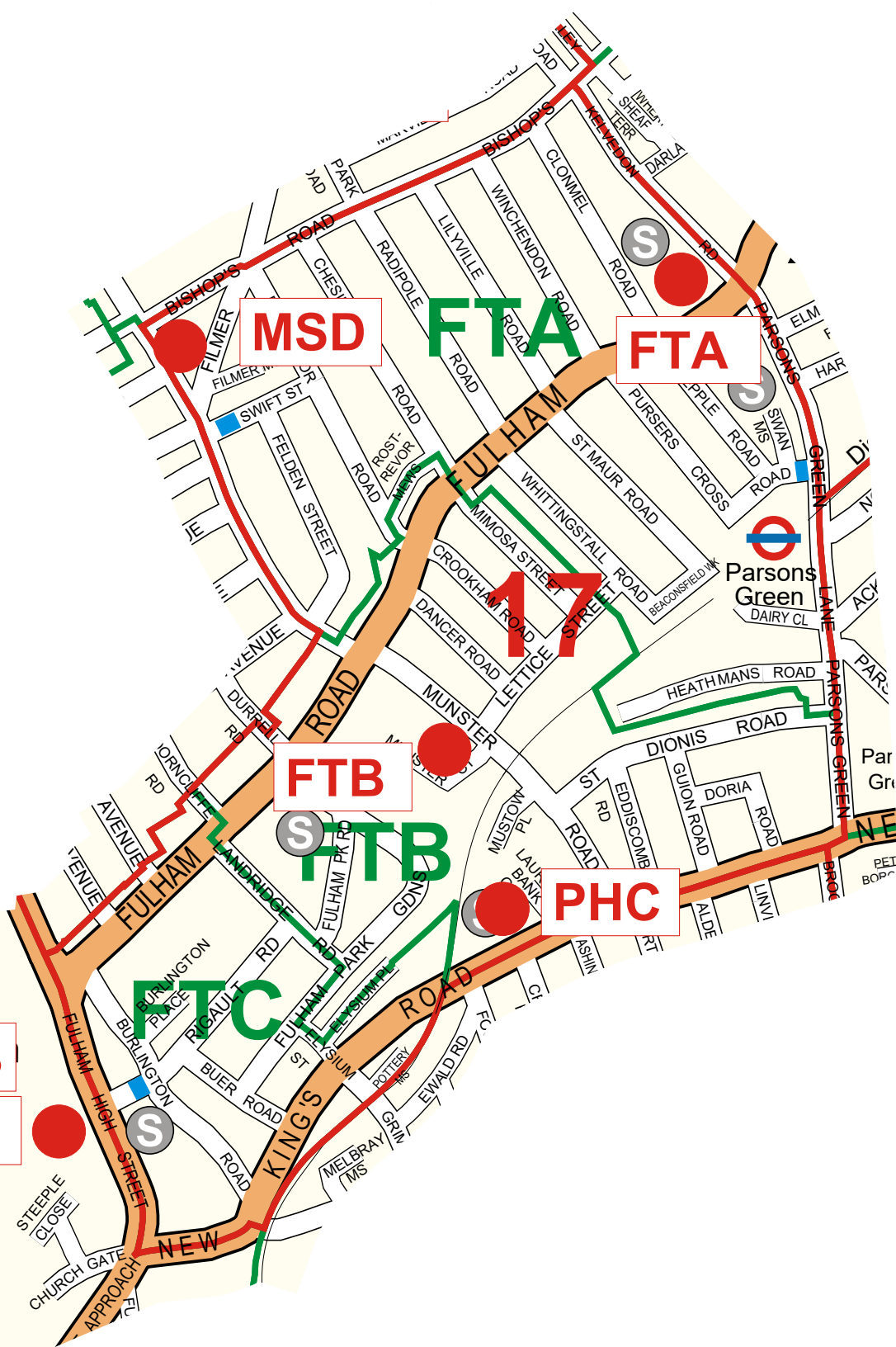
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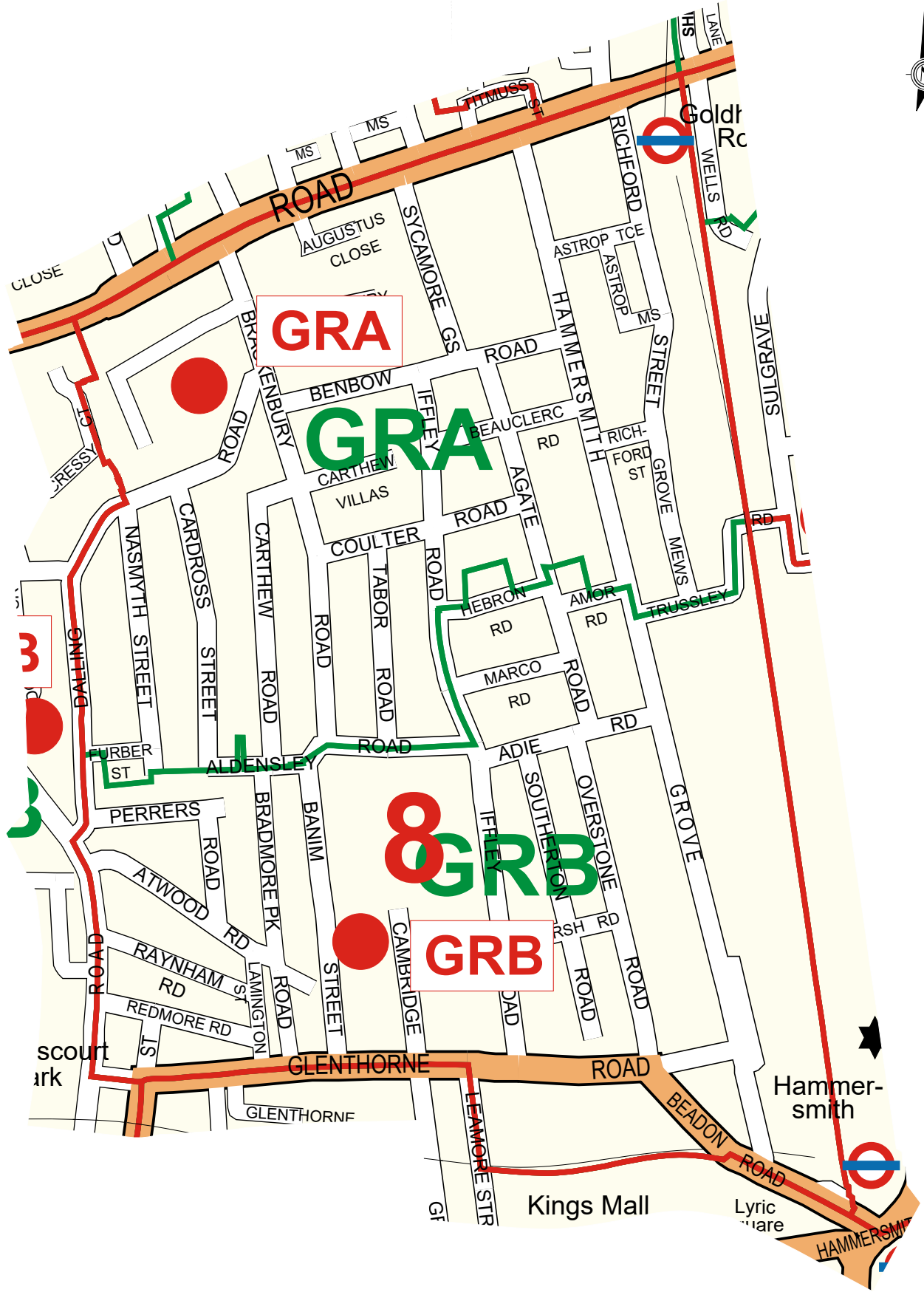
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GROVE WARD

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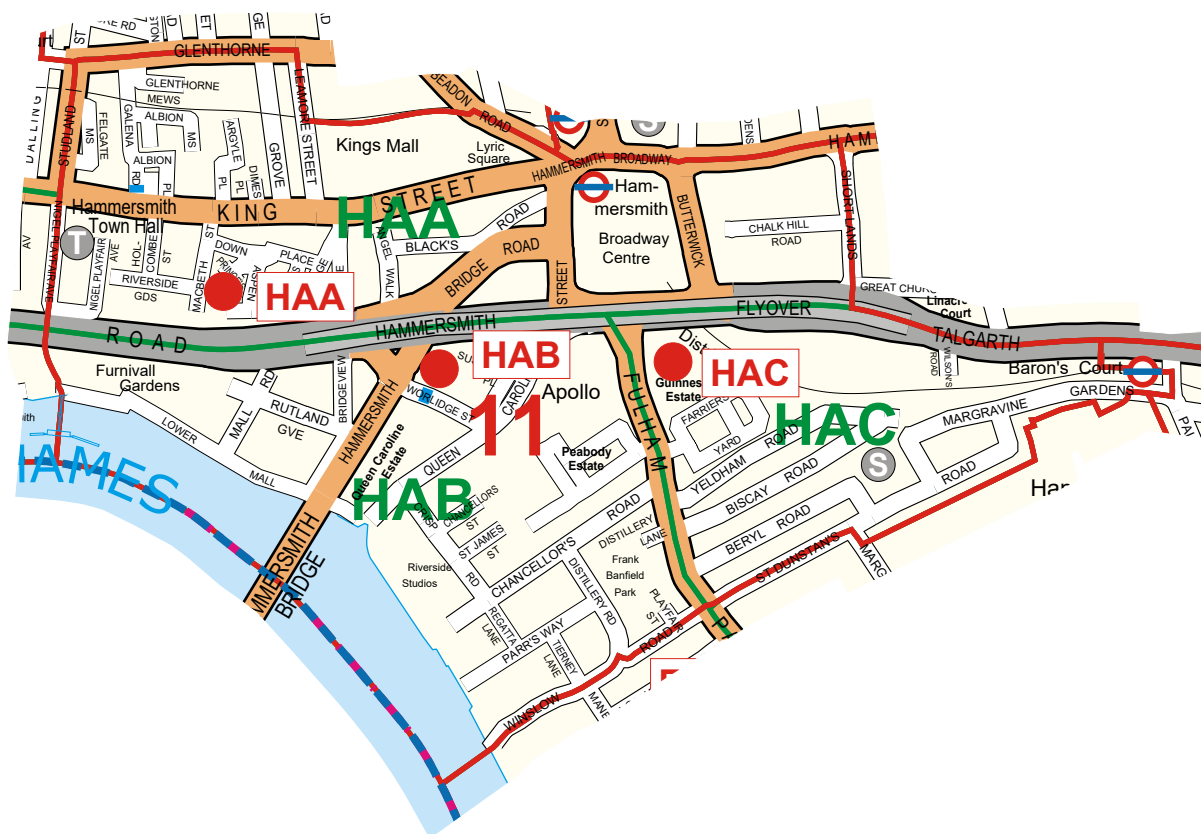
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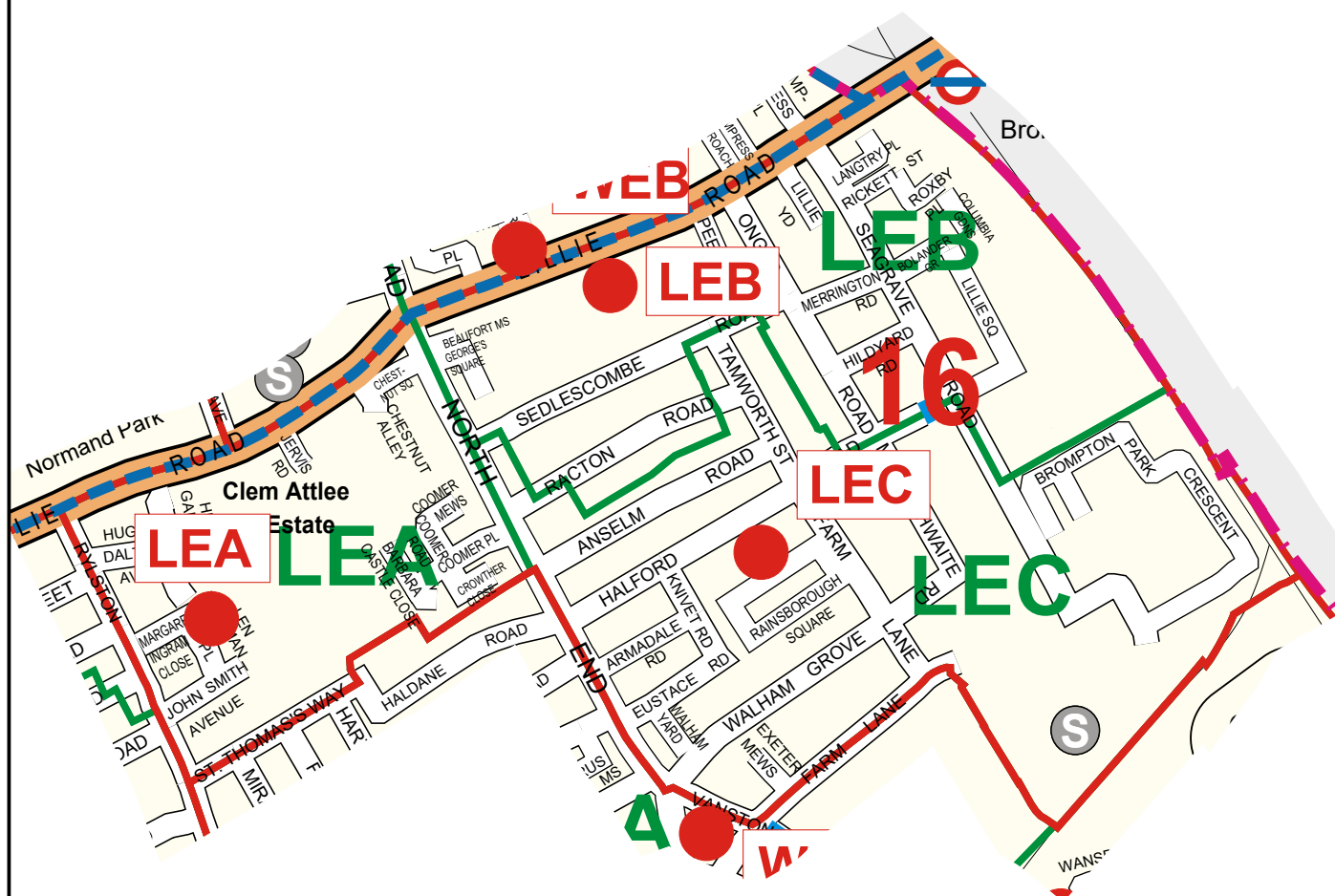
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LILLIE WARD

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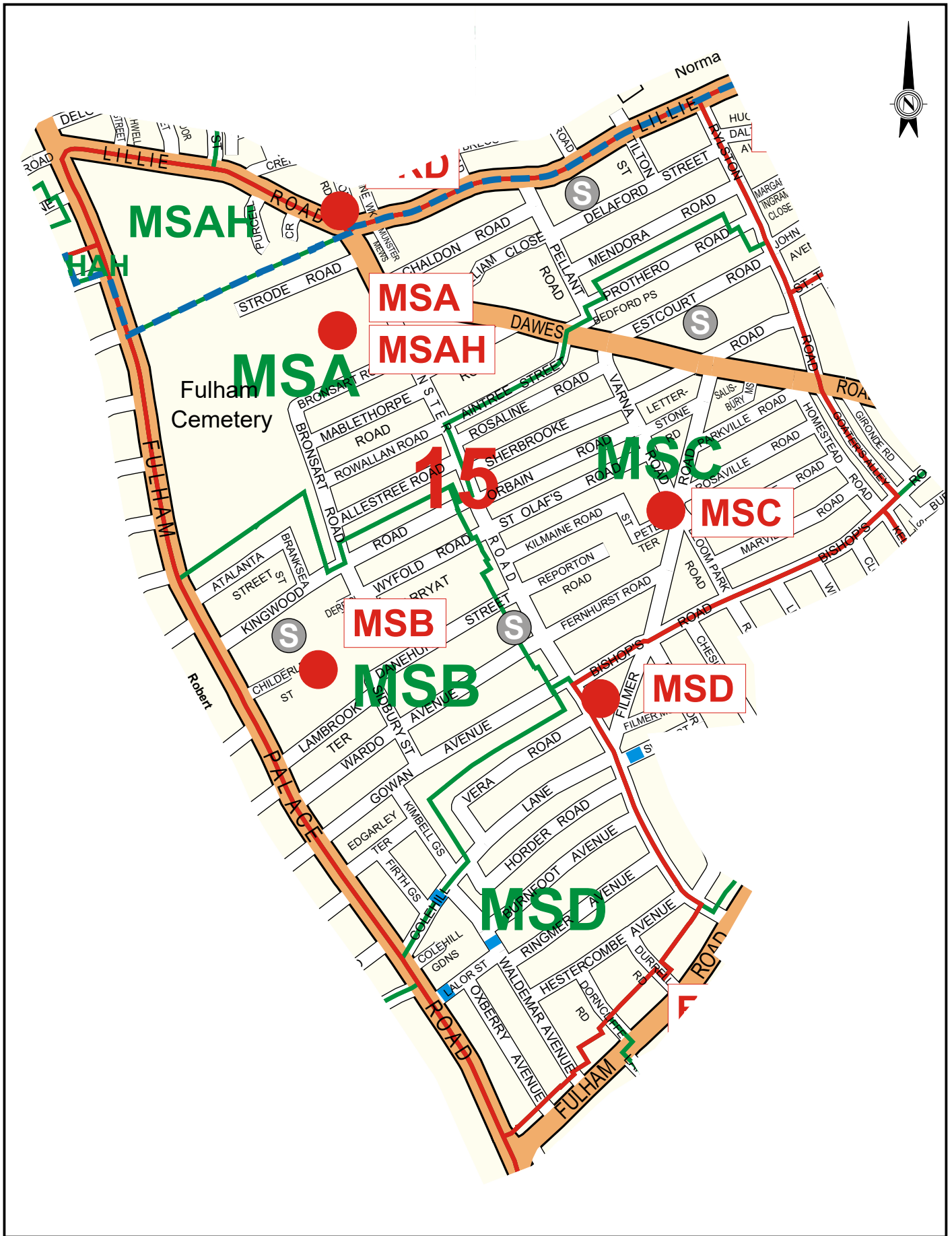
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MUNSTER WARD

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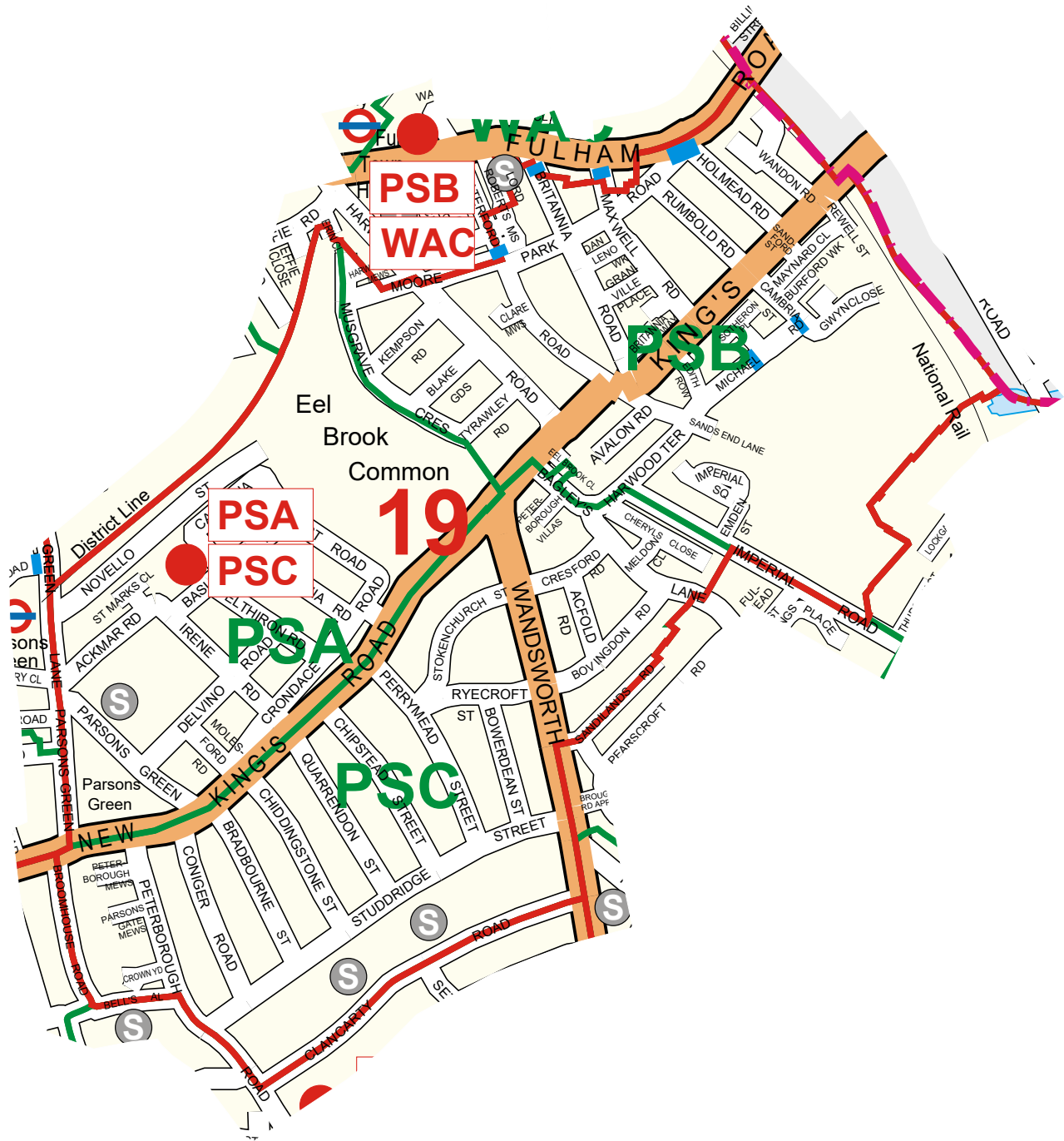
PALACE & HURLINGHAM WARD

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PARSONS GREEN & SANDFORD WARD

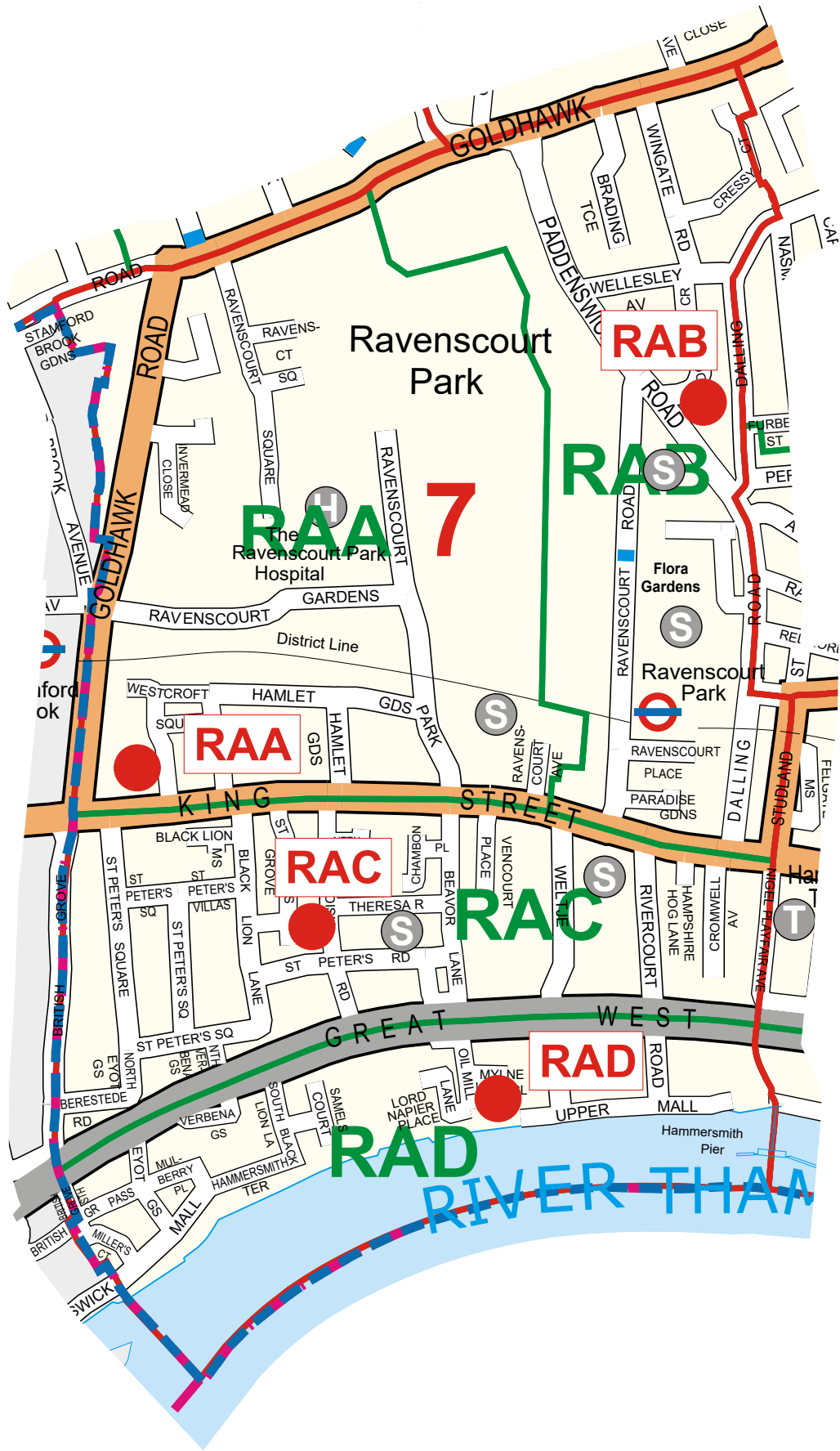
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RAVENS COURT WARD

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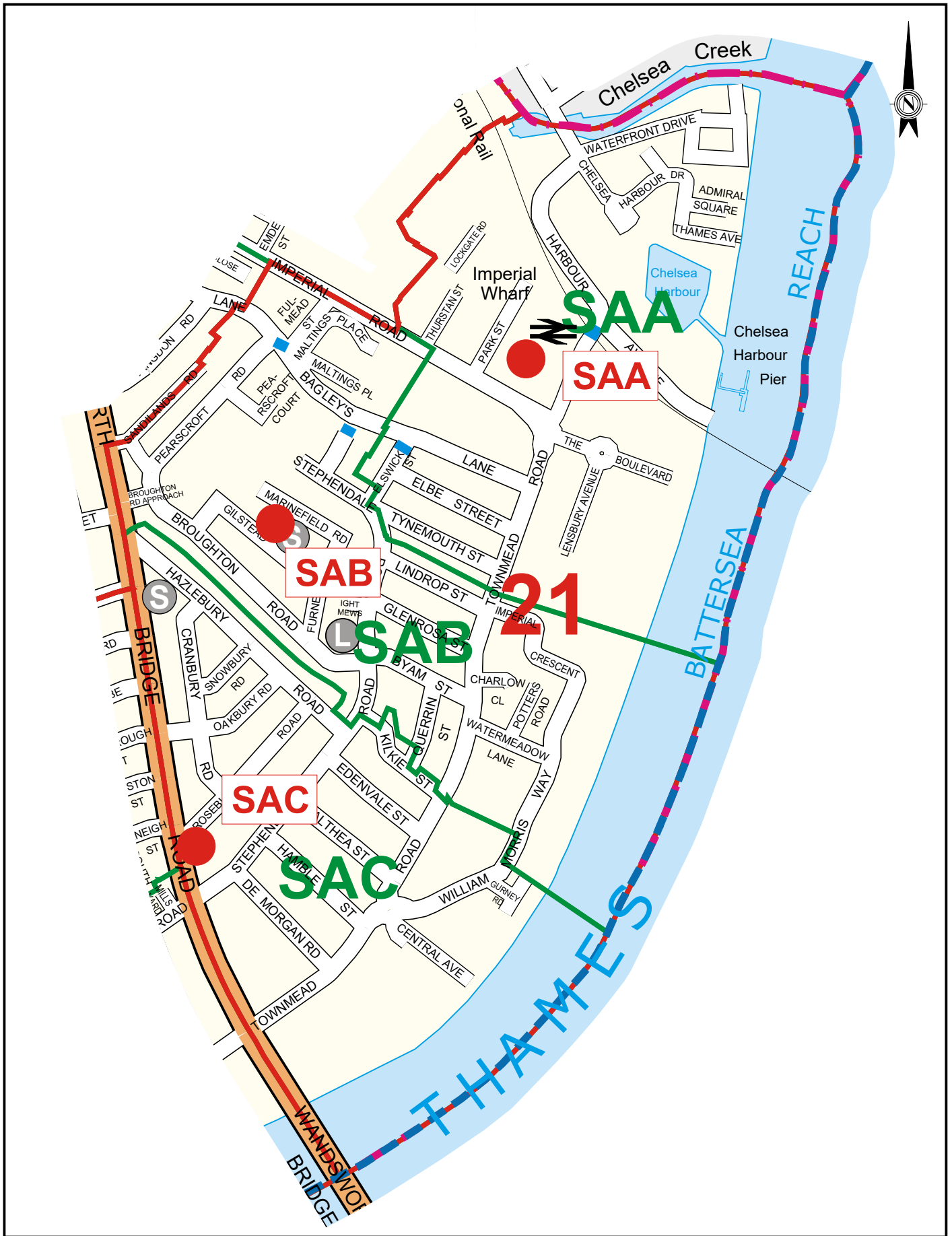
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SANDS END WARD

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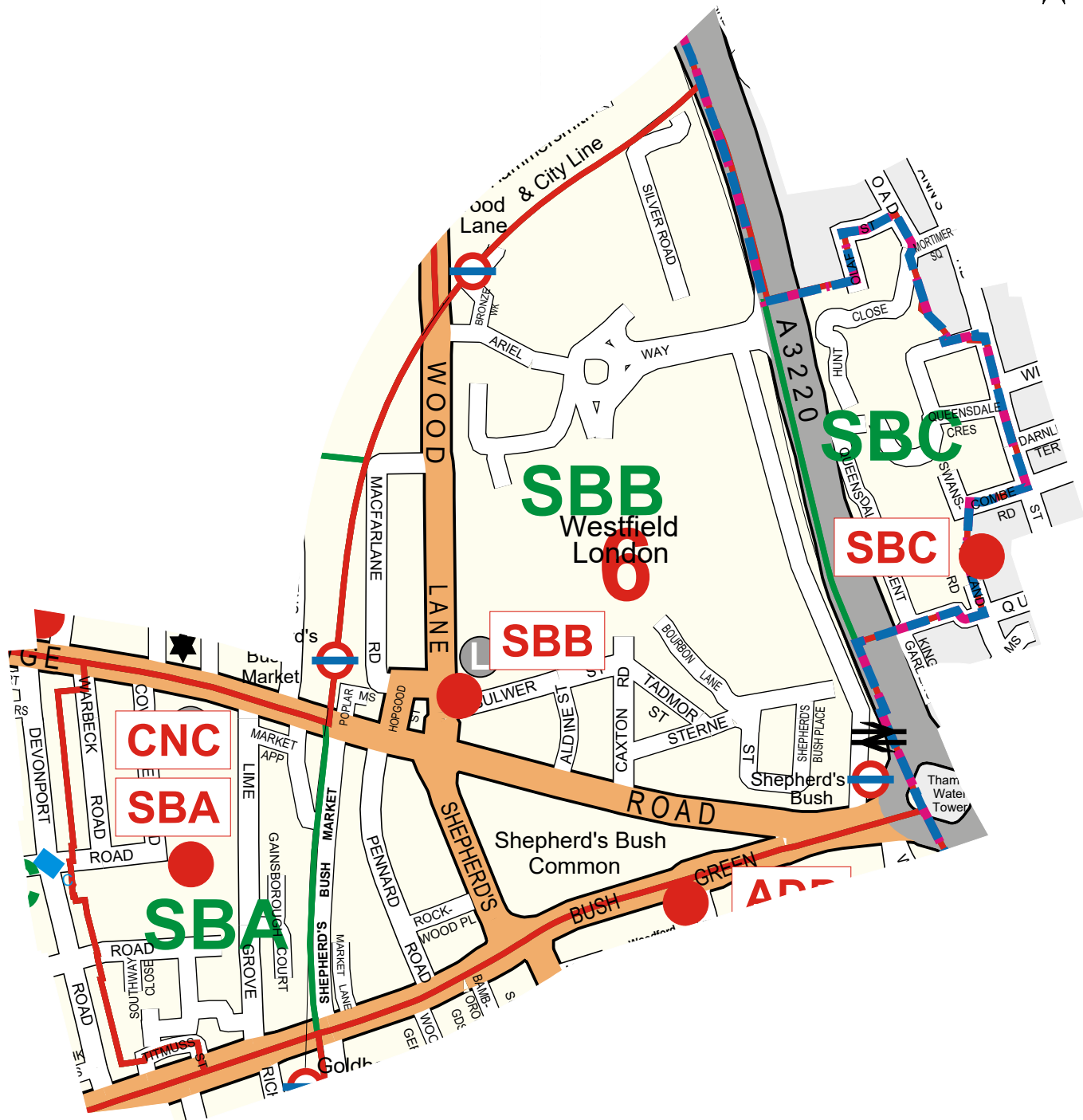
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SHEPHERD'S BUSH GREEN WARD

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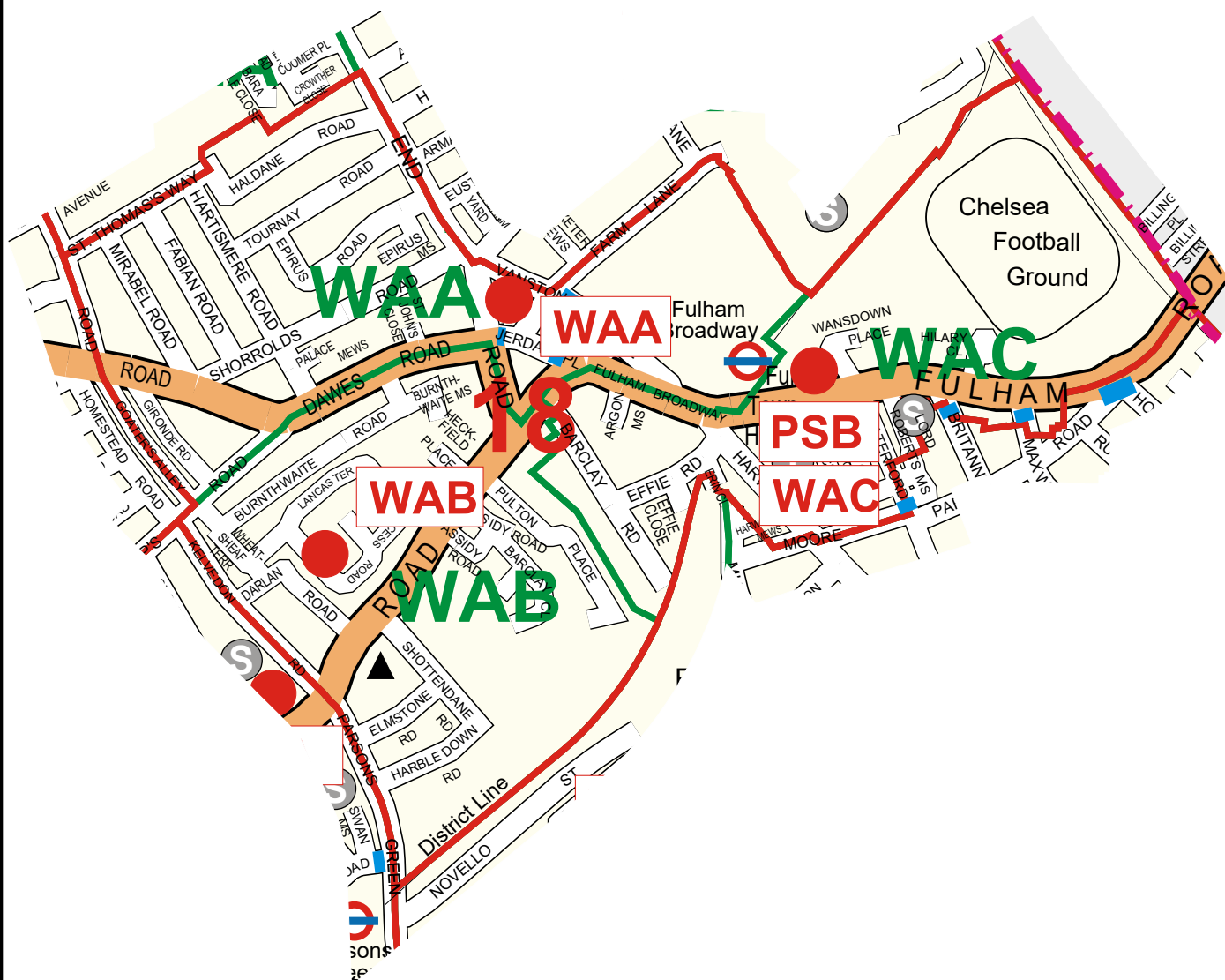
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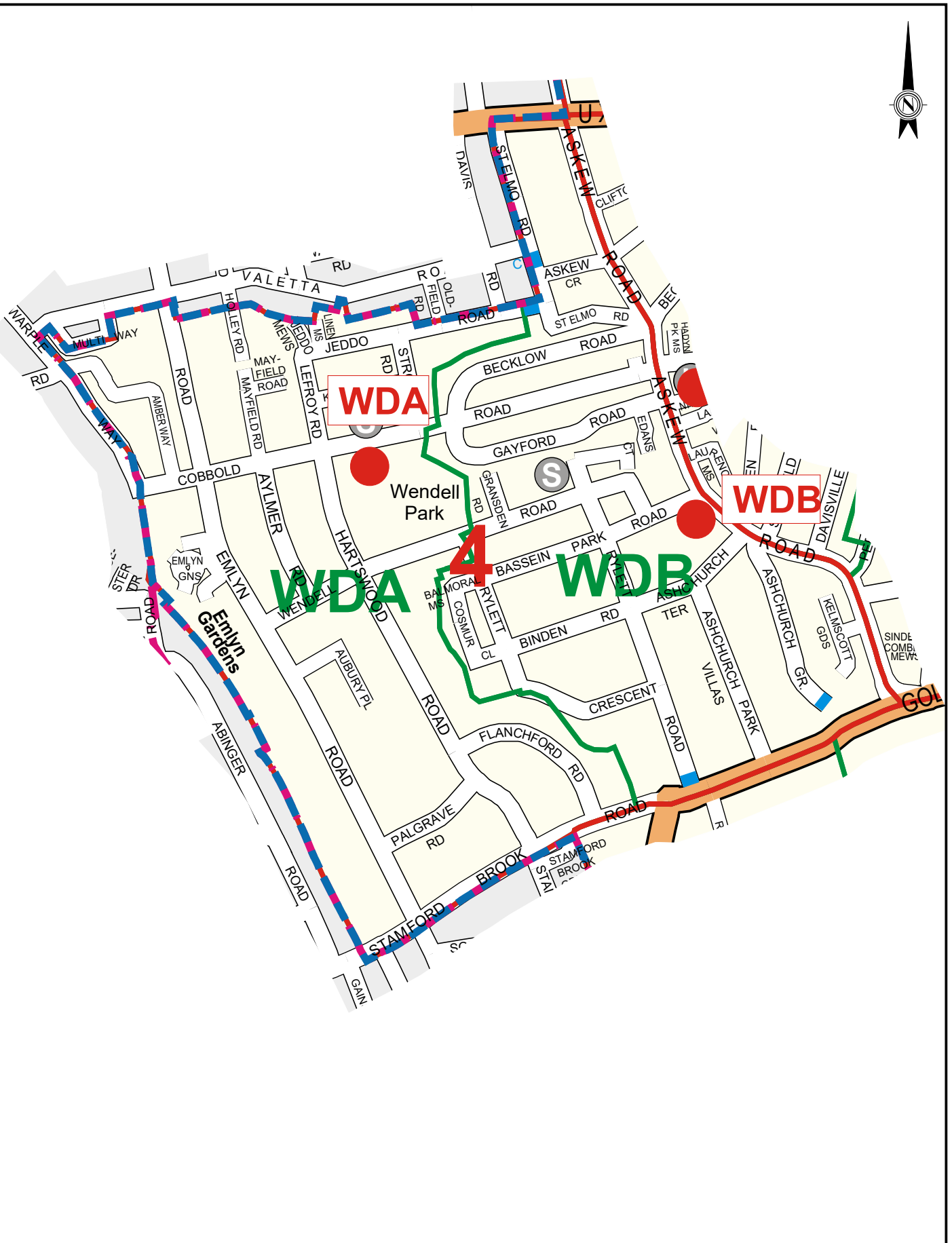
WALHAM GREEN WARD

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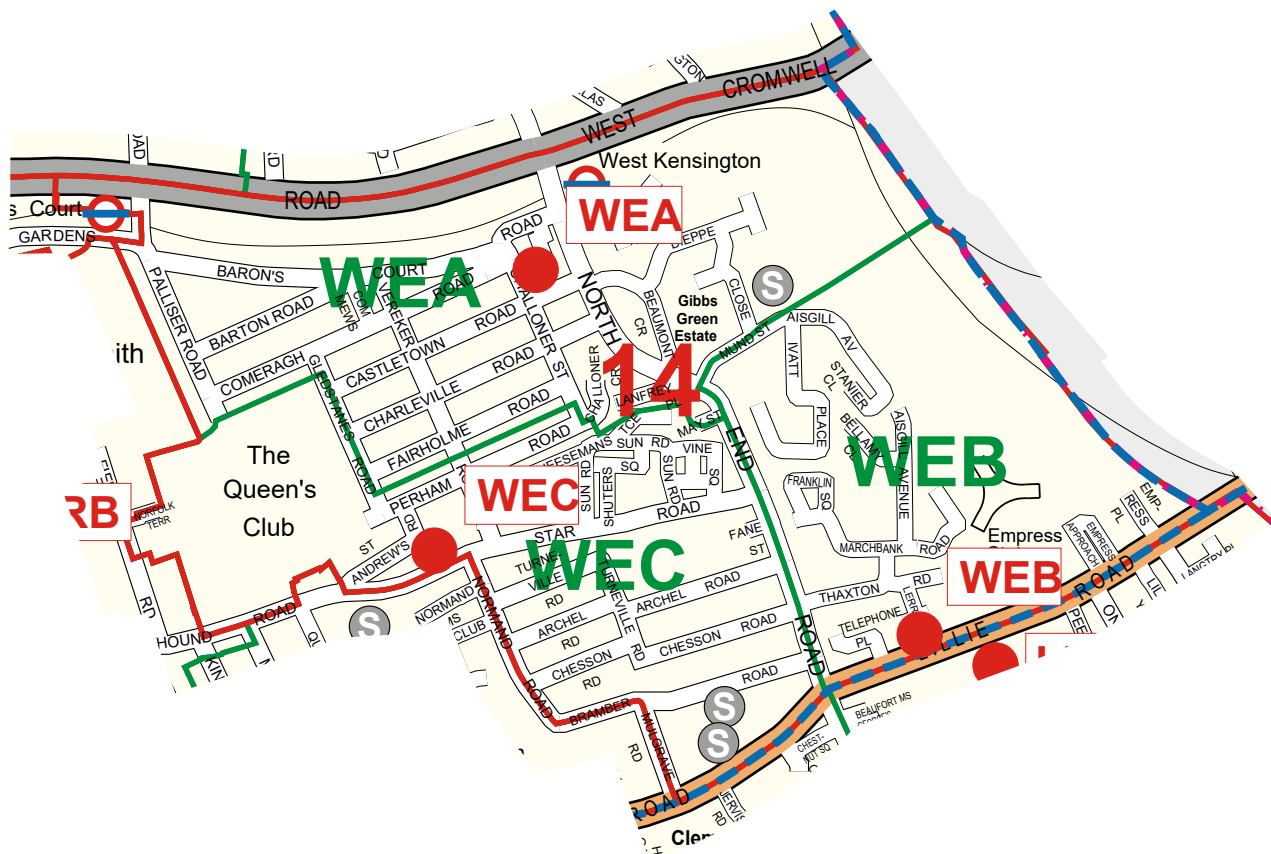
WENDELL PARK WARD

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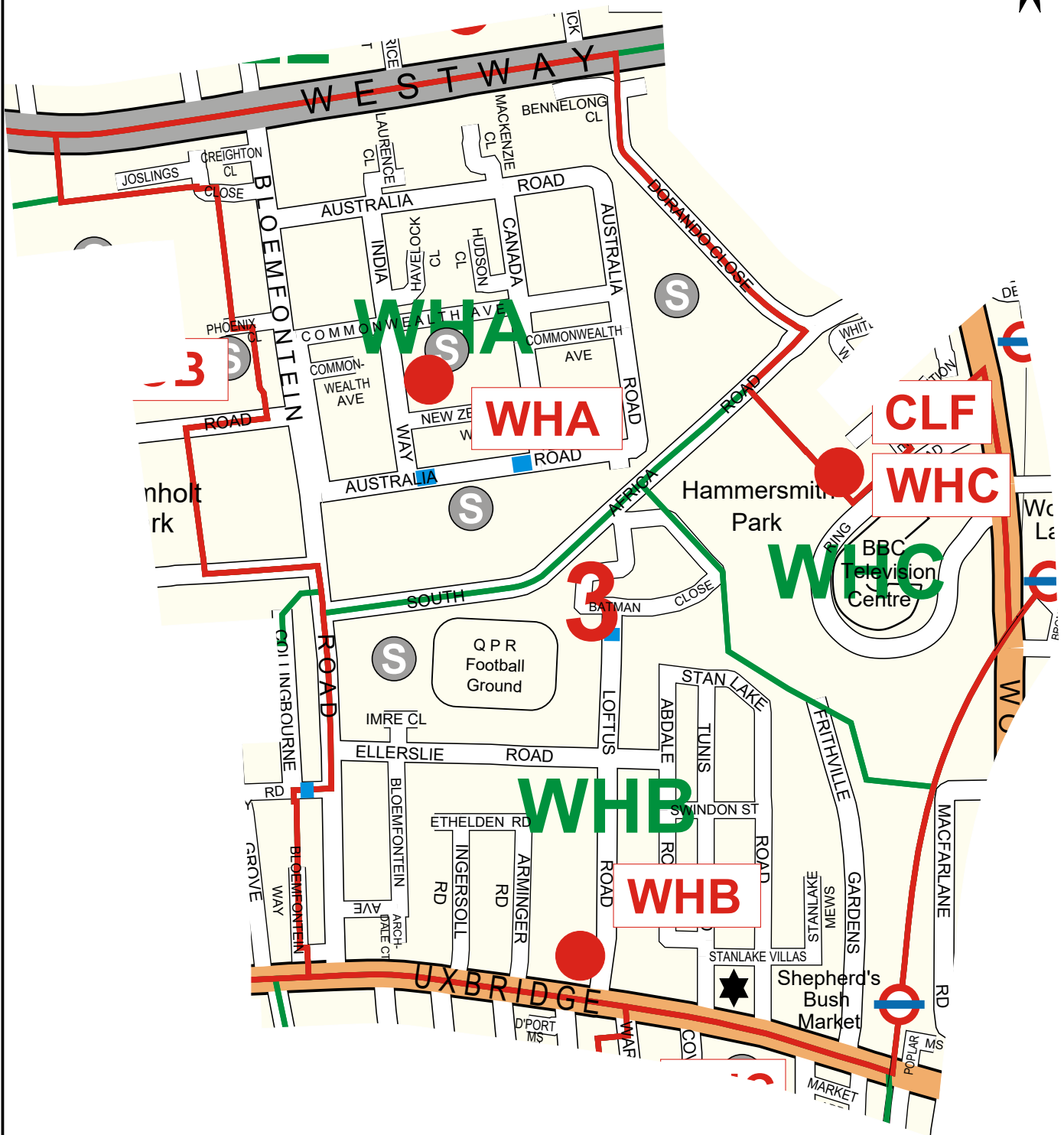
WEST KENSINGTON WARD

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WHITE CITY WARD

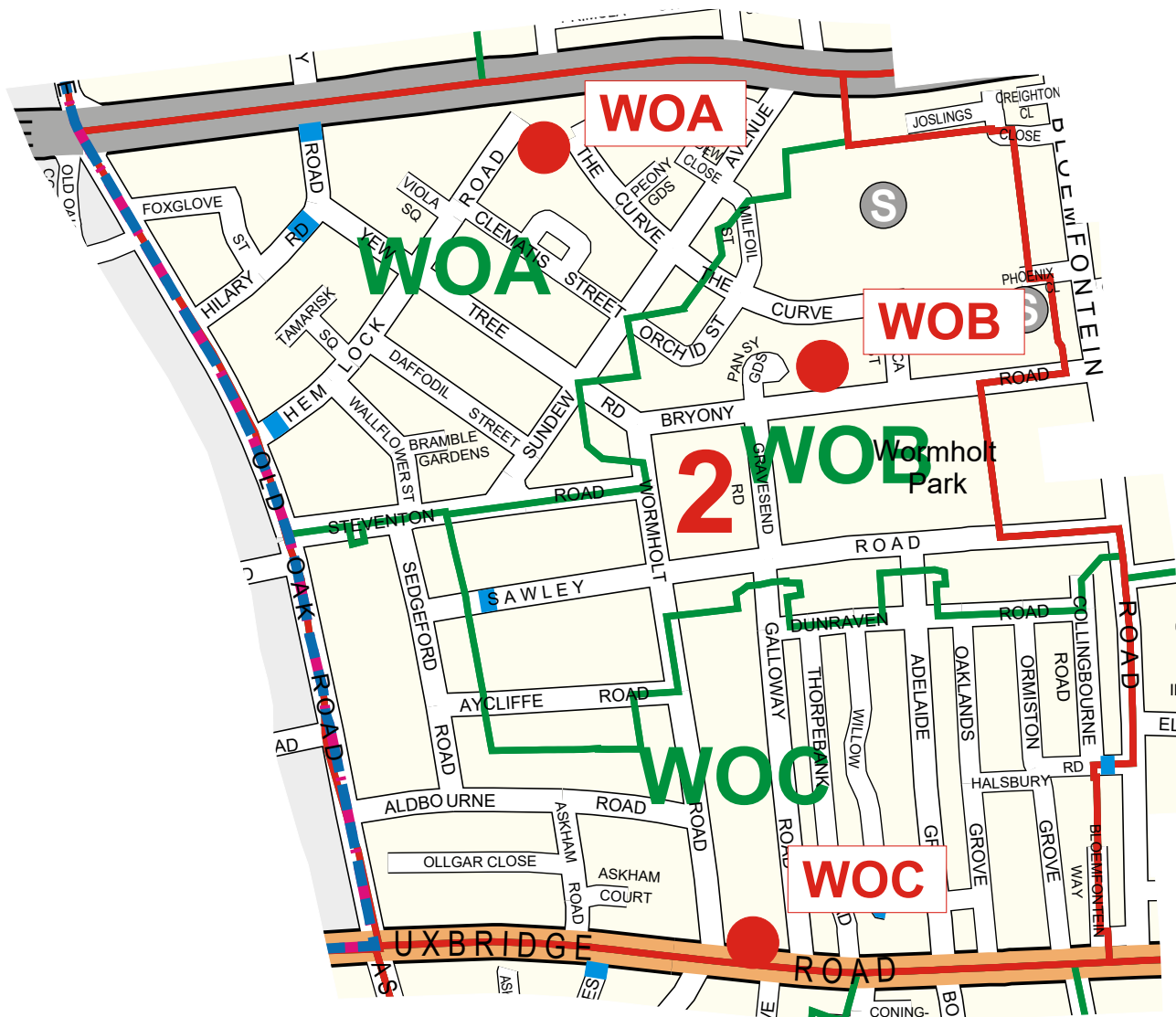
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WORMHOLT WARD

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Equalities Impact Assessment Polling District and Places Review 2021

A. Background

This assessment is informed by the council's Equality Impact Analysis Tool. It reflects the public sector equality duty that came into force in April 2011.

The duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have a due regard to the need to:

1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

In order to comply with the general duty local authorities must assess the impact on equality of decisions, policies and practices. Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

B. Summary

This assessment reviews voting at polling station and assesses the impact on residents, and specifically those with protected characteristics. It will identify particular issues that may impact on people with each particular characteristic and will list the mitigations we can take in order to meet the three requirements made of the council as listed in Section A.

All new polling places are subject to a site assessment where electoral officers visit the premises and conduct a thorough assessment of the facilities, access and location.

Existing polling venues have been reviewed using polling station logbooks, completed questionnaires from Presiding Officers, and the risk assessments drawn up for the recent GLA elections which included floorplans and other access information for each polling station.

Note that no polling place will be recommended unless it can be adapted to allow it to pass the assessment (such as by providing temporary ramps or lighting, for example), or, in very exceptional circumstances, where there is simply no more suitable venues or other alternative available within the polling district or within a reasonable distance of it.

The assessment includes access, size of venue, width of entrance and internal doors, space for tellers, lighting, ventilation, kitchen and restroom facilities, etc. In particular, the officer must conduct checks for the accessibility of the site in order to determine suitability as a polling place with regards to disabled voters, such as level access, good lighting, handrails, non-slip flooring and so on.

Protected Characteristic	Impacts	Mitigations / Actions
<p>Age</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 267</p>	<p>Older voters may generally have more disabilities and have more mobility issues and sight difficulties than younger voters.</p> <p>They may need somewhere to rest and may take more time to complete their ballot papers.</p> <p>Polling stations situated in more inaccessible locations, such as the top of steep hills, may be more difficult to access for people with this protected characteristic</p> <p>Younger voters may be more anxious about voting for the first time, and/or be uncertain what the rules are.</p> <p>Location of polling venues may negatively impact if they cannot be sufficiently signposted, or if a venue does not feel welcoming.</p>	<p>(Bold indicates that this is in relation to the review of polling arrangements directly. Ordinary font indicates that the mitigation needs to be carried out regardless of the specific location of a polling place)</p> <p>Where possible the polling place should be situated in a convenient location for most residents in the polling district to be able to walk to it comfortably</p> <p>Polling stations should have level or at least step-free access, good lighting, space for additional seating, equipment and signage. There should be sufficient room for wheelchair and mobility scooters, and door widths should be sufficient to allow easy ingress/exit for voters using them.</p> <p>Ideally, stations will also have parking nearby and parking for disabled people specifically, toilets for public use and all other features listed in the polling station access checklist if possible.</p> <p>Access for voters with disabilities is separately covered in this document, but those mitigations will also be of assistance to older voters with disabilities and/or difficulties with sight, mobility and hearing.</p> <p>Provision of chairs for voters to rest before or after voting.</p> <p>Signage to be clearly displayed, in plain English and in pictorial form where possible/ allowed under legislation so that all voters are aware of what they need to do. Additional signage to assist voters to locate their polling station where needed.</p>

	<p>Children</p> <p>Children may be negatively impacted if their school or nursery or after school club or activity is closed down for the day to be used as a polling venue.</p> <p>This may affect their education, and in some cases can add to family pressures where alternative childcare is not readily available.</p> <p>Children could potentially be made to feel unwelcome in polling stations.</p>	<p>Calm and welcoming atmosphere created by the polling staff so that new voters are confident and able to ask questions, with additional information leaflets or guidance on display</p> <p>All voters, regardless of any protected characteristics to be greeted warmly, and asked if they need any assistance – the “Spartacus” effect – no one is made to feel singled out, but everyone is asked if they need any help.</p> <p>Schools should be avoided if good, convenient, alternative locations are available in the polling district.</p> <p>Where this is not possible, every effort should be made to support the school to stay open and to minimise disruption. This may mean siting the polling station in an outbuilding such as a gymnasium or nursery room. Additional security or fencing may need to be provided to allow schooling to continue at the same time as polling.</p> <p>In other cases, schools may timetable staff training days or school trips to coincide with polling day, avoiding children missing days.</p> <p>However, the number of buildings that are suitable to use as polling stations is limited, and it is not currently possible to avoid using schools altogether. Schools have good accessibility, are usually well known to local voters and considered safe places for most voters who might be more worried using some other venues, and for that reason in many situations they may still represent the best venue for a polling place in their community.</p>
<p>Disability</p>	<p>The Equality Act 2010 defines a person as having a disability if they have a physical or mental impairment that has a substantial and long-term</p>	<p>All new polling venues to be assessed for accessibility.</p> <p>Polling stations should have level or at least step-free access, good lighting, space for additional seating, equipment and signage. There</p>

	<p>adverse impact on their ability to carry out normal day-to-day activities.</p> <p>Disabled Voters may not be aware of the assistance available to them in polling stations and assume that absent voting is the only available method open to them.</p> <p>Ability to access polling venues due to lack of wheelchair/mobility entrance, parking, light and space.</p> <p>Insufficient light inside polling venue.</p> <p>Signage and official notices – at wrong height or too small.</p> <p>Inability to hear instructions of polling staff.</p> <p>Difficulty in understanding the polling process.</p> <p>Inability to read ballot papers or make a mark on ballot papers.</p> <p>Voters with these characteristics may have experienced, or fear experiencing discrimination from polling station staff or other venue users.</p>	<p>should be sufficient room for wheelchair and mobility scooters, and door widths should be sufficient to allow easy ingress/exit for voters using them.</p> <p>Ideally, stations will also have parking nearby and parking for disabled people specifically, toilets for public use and all other features listed in the polling station access checklist if possible.</p> <p>All polling places to be DDA compliant</p> <p>Polling places to be in venues without intrusive noise where possible. (A certain amount of noise is inevitable in polling venues in London, but some mitigation can still take place, such as siting a temporary cabin in a quiet side road rather than on a main thoroughfare, for example)</p> <p>Inclusive polling publicity materials and campaigns – co-production of posters/online advertising around polling station voting and registration deadlines.</p> <p>A chair available for voters who need a rest before or after voting.</p> <p>Temporary ramps and lighting installed inside and outside polling venues where necessary.</p> <p>Training for all polling staff on how to use equipment such as the tactile voting devices, and awareness of all the other measures that can be used to assist Disabled Voters.</p> <p>Signage at polling stations in large fonts, handheld large print reference ballot papers.</p> <p>Training for all polling staff about what assistance may be offered,</p>
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<p>Page 270</p>		<p>what barriers polling stations may present in terms of physical access.</p> <p>Specific attention paid to Electoral Commission guidance and materials concerning the needs of Disabled Voters.</p> <p>Polling staff to follow standard procedures assisting all electors that do not “other” voters with disabilities – e.g. Asking every elector if any help is needed. Using plain English, listening carefully, being approachable, being comfortable with how to use materials such as tactile voting device or the pictorial voting guide.</p> <p>Additional training for presiding officers on the official procedures and forms required for them to assist voters with disabilities or for companions to assist voters with disabilities.</p> <p>Equalities training for polling staff.</p>
<p>Gender reassignment</p>	<p>This group may be anxious about being mis-gendered by the polling staff – e.g. referred to by the wrong gender.</p> <p>This group may fear transphobia or other discrimination by polling staff or other venue users</p>	<p>Procedure notes and training for polling staff is gender neutral.</p> <p>Equalities training and awareness is incorporated in training for polling staff.</p> <p>Calm, welcoming atmosphere at polling stations for all voters promoted at training.</p> <p>All polling stations are assessed for lighting – in winter elections additional lighting is provided externally, where street lighting may be inadequate, to promote physical safety from trips and falls, but also to ensure voters feel safer on their approach to and exit from the station.</p>
<p>Marriage and Civil Partnership</p>	<p>No to very little direct impact anticipated in terms of polling scheme itself – however there may be some intersection in terms of impact with</p>	<p>Equalities training and awareness is incorporated in training for polling staff.</p> <p>Calm, welcoming atmosphere at polling stations for all voters</p>

	<p>Sex/Sexual Orientation and and the gender reassignment protected characteristics impacts.</p> <p>Specifically, there may be some apprehension that staff will assume that couples are or are not married or in civil partnerships.</p>	<p>promoted at training.</p>
<p>Pregnancy and maternity</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 271</p>	<p>Pregnant voters may have mobility issues.</p> <p>Pregnant voters may need to rest at the polling station, before or after voting.</p> <p>Parents may need to bring their children to the polling venue and fear that their children may not be welcomed or viewed as a nuisance by polling station staff or other venue users.</p>	<p>Where possible the polling place should be situated in a convenient location for most residents in the polling district to be able to walk to it comfortably.</p> <p>Polling stations are assessed for their accessibility in terms of level access / handrails where required / non-slip surfaces etc, as described above.</p> <p>Polling venues should have enough room for pushchairs/buggies to be easily manoeuvred round the polling station and for extra seating.</p> <p>Ideally, polling stations will have toilets and baby changing rooms available for voters.</p> <p>Children are allowed into polling stations, and staff are careful to ensure that polling places are as safe as possible for them.</p> <p>Polling station staff training incorporates equalities training, and our encouraged to let parents know that children are very welcome in our polling stations.</p>
<p>Race</p>	<p>Voters from this group may not speak English or may not have be fluent English speakers.</p> <p>This can lead to several negative impacts including: difficulty in</p>	<p>Provide maps as part of polling places and stations review, as well as written texts.</p> <p>Emails to local residents to encourage a community response. Use of Twitter and other social media means that translations are somewhat “built in”. The Council’s website also has a translation</p>

	<p>identifying the polling venue address, difficulty in speaking with polling staff, polling staff not understanding the voter, and accessibility of signs and notices.</p> <p>Additionally, voters from this group may have suffered from racism, and may feel that they are not welcome to take part in elections, or feel intimidated or concerned by the formality of polling stations and interactions with “officialdom”.</p> <p>There is some intersection with Religion/belief – voters may not be comfortable using polling venues housed in religious buildings</p>	<p>facility.</p> <p>Maps are provided on poll cards.</p> <p>Polling stations are located in easy to find locations, with good lighting and warm and welcoming staff.</p> <p>Polling staff have a telephone translation service available throughout polling day.</p> <p>Staff in our polling stations reflect the communities we serve – they are often local residents, as well as council staff, and provide a calm, helpful and welcoming atmosphere for voting residents.</p> <p>See Religion/belief below.</p>
<p>Religion/belief (including non-belief)</p>	<p>Some voters may not wish to enter dedicated religious building in order to vote.</p> <p>Voters may not wish to enter premises where alcohol or particular animal products are produced, sold or consumed due to their beliefs and/or religious proscription.</p> <p>Some voters may experience discrimination, or the fear of discrimination, from polling staff or other venue users.</p>	<p>Where possible, places of worship are avoided, but buildings such as church hall, where worship doesn’t typically take place do not generally cause any concern.</p> <p>However, it is not entirely possible to avoid using religious buildings entirely. When using a religious building, overt iconography is covered, with the building owners’ permission.</p> <p>Public houses are avoided wherever possible.</p> <p>As with religious buildings, halls or extensions/games rooms to public houses may be considered, if available. If no other options were to be available, then any alcohol on display would need to be covered or removed, and consideration might be needed to giving deep cleaning to remove the smell of alcohol from the polling station.</p> <p>Equalities training and awareness is incorporated in training for</p>

		<p>polling staff.</p> <p>Calm, welcoming atmosphere at polling stations for all voters promoted at training.</p>
Sex	<p>Women may feel more concerned than men about approaching stations that are not in well-lit areas or that can only be accessed by alleyways or subways (although fear of assault is not limited to women).</p> <p>This may prevent women voting if they are not able to access their polling station during daylight hours, or if their perception of a polling place's environs is one of unsafety.</p>	<p>External areas are assessed for perceived safety – there should be good street lighting, the general area should be open with high visibility of surroundings, and venues that are not easily accessed other than via any dimly lit subways or alleys should be avoided.</p> <p>The polling station should be easily located from main roads, and well signposted. Additional signage can be provided to guide voters to stations if it is not immediately apparent from the major thoroughfare.</p> <p>Maps are provided on poll cards, and the Council also provides an online search tool to find detailed maps to polling stations.</p>
Sexual Orientation	<p>Voters with these characteristics may have experienced, or fear experiencing discrimination from polling station staff or other venue users.</p>	<p>Equalities training and awareness is incorporated in training for polling staff.</p> <p>Calm, welcoming atmosphere at polling stations for all voters promoted at training.</p>

Submissions and responses to consultation

The attached documents are the responses received to the consultation:

Document 1 - Labour party submission, full wards

Document 2 - Responses to Citizenspace (online) consultation

Document 3 - Other responses

Hammersmith and Fulham proposed polling districts and stations

For each ward we have produced a map and a summary of polling districts with polling station options and estimated electorates. Pink shaded districts are those with a significant electorate growth anticipated in the near future.

We are proposing a number of shared polling stations where these suggested stations are close to ward boundaries and where the combined electorate should be small enough for these places to cope with. Shared polling stations also reduce the costs of running election day operations and may also enable schools, for example, to remain open.

Addison

We have used the three current Addison polling district boundaries as the starting point here. Although the chunk of Shepherds Bush Green SBC used to vote in ADA when last in Addison, and although they can cut through Wells Road to reach Sulgrave Road, it is very much more convenient for them to vote at Charecroft Community Hall. This is straight along Goldhawk Road and Shepherds Bush Green for them and probably the way a lot of them go to use shops or get to Shepherds Bush bus station.

The only change we have proposed to the boundary between these ADB and ADC polling districts is to move the small section of Addison Gardens from B to C because it's slightly easier for them to reach this station than Charecroft.

Avonmore

We propose a fairly radical realignment of the two polling districts currently covering Avonmore. Although these have been the boundaries for a long time, we believe that using North End Road as a boundary is arbitrary, and that there is a more convenient place for the AVB polling station, especially as Avonmore School is soon to be redeveloped.

The former Avonmore Library building, now a CAB office but still with the library/open space inside, is located to the south end of this part of North End Road. It is therefore more convenient for ABD residents living to the south of Avonmore; for Mortimer House, opposite, and for residents in Gwendwr Road, most of Edith Road, Trevanion Street and Gunterstone Road.

We leave the bulk of the existing ABC district intact, but now that the ABD polling station is further south we propose that the northern section of ABD vote at St Marys Church, which is a straight walk along Hammersmith Road.

Brook Green

We propose three polling districts for Brook Green, though two would also not cause that many problems for this ward. One: BGA would cover the Sinclair Road area and poll at Masbro Community Centre. BGB would cover the Blythe Road area and vote, as now, at Springvale Tenants Hall. BGC would cover the Brook Green area, including the sections returning to the ward from Hammersmith Broadway HBC and would vote where the current ABB polling station now is.

College Park and Old Oak

We propose a few small changes to the College Park and Old Oak polling districts. With the Oaklands development soon to be completed, we propose creating a sixth polling district, CPB, covering the north western side of the ward.

We propose a change of polling station for CPC: the Peabody Housing Office in Wulfstan Street. This is just south of the East Acton tube station and much more central for this geographically large polling district.

We propose that Primula Street be added to CPE polling district. Although we appreciate there is a cut through under the Central Line, the CPC polling station is still further.

For the time being we propose that the CPF polling station remain at Wood Lane Community Centre, but as development on the eastern side of this district progresses, it may make more sense to move to a station on Wood Lane, more central for what is going to be a 2000+ electorate polling district.

Coningham

We have left the existing Askew ASB and C, and Shepherds Bush Green SBB polling district boundaries intact, with the exception of moving Stowe Road from ASC to SBB; and with unchanged polling stations. We recommend that CNC polling district shares Miles Coverdale School as a station with SBA as there is no available polling station within the CNC area.

Fulham Reach

The boundaries of Fulham Reach are changing and this requires some considerable reworking of the polling districts here. We propose - broadly - keeping FRA, B and D the same as they are now, though with Queens Club Gardens and surrounds moving into FRB, plus Musard Road and Kinnoul Road, which more than offset the loss of the streets north of the cemetery and Hospital in terms of numbers of electors.

We propose abolishing the current FRC polling district, with most of the electors on the eastern side of Fulham Palace Road moving to vote at Twynholm (FRD) and most of those on the western side voting at Melcombe (FRA). We propose moving the Charing Cross residential blocks, Aspenlea and the western end of Greyhound Road into FRA as well, as Melcombe is more convenient than Twynholm.

We propose a new FRC polling district covering most of the Fulham Reach riverside from Rainville Court south to Ash and Cedar Lodges, Eternit Walk. We add the terraced side of Rainville Road, Petley Road and Wingrave Road to this polling district, which we propose polls at Queens Manor School.

We oppose using Dorset Wharf as the polling station for this new polling district. Dorset Wharf is in the north and considerably far from the southern end of the polling district. There are three large sheltered housing schemes in this district for whom Queens Manor is an established polling station, very convenient for two of them, and also right in the centre of the district. Queens Manor can be seen from Rainville Road; it is easy to reach and, while there's nothing wrong with Dorset Wharf per se, it's just not the optimal choice.

Finally, we are slightly concerned that the FRB polling station, Matthews Hall, is somewhat small for a fairly large polling district, and that there have been queues and a bottleneck to get in to the station at peak times. We propose that an alternative station be considered here, and we propose two options. Our preferred option is Tasso Baptist Church on Greyhound Road, which is more central to this polling district now its centre of gravity has altered. Our secondary option is St Albans Church in Margravine Road, a few metres south of Matthews Hall. A third option may be the Age Concern office in Greyhound Road though we do not favour this option.

Fulham Town

We propose some revisions to the polling arrangements of this ward. We would like to revert to three districts for Town, just as the ward had prior to 2002. The current TWA polling district is not ideal: the polling station is in the far corner and a long way for electors on Fulham Road and the new development by Parsons Green tube station to reach.

We propose, instead, the recently-built William Banfield Estate Community Hall, just behind Munster Road. This is a central, more convenient location for the vast bulk of the southern side of Town ward.

Locating the TWA polling station here would also be more convenient for a section of the current, very large, TWB polling district too, so we propose adding Dancer, Crookham and Mimosa Streets, plus both sides of Fulham Road up to Mimosa Street, to this polling district. This balances the electorates of TWA and B somewhat.

Other than those changes to TWB, and moving the Dairy Place blocks into this polling district because Fulham Library is much more convenient a polling place for these electors, we make no more changes between these two polling districts.

Our new Town polling district, TWC, covers the Fulham High Street end of Town ward. We propose that this district votes at All Saints Church Hall, just across the road from the ward, and that this polling station is shared with Palace and Hurlingham ward PHB polling district, as both districts are quite small.

Grove

The old Grove ward had four polling districts, while the Grove sections of Hammersmith Broadway ward had two. With the additional area coming in from Ravenscourt Park the northern Grove polling district would have over 3,000 electors, so we propose creating two polling districts in the north, essentially divided by Iffley Road.

GRA would vote at Brackenbury School as now and GRC, covering the south of the ward would continue voting at the Free School in Cambridge Grove. There is a problem identifying a polling station in the new GRB district. This area used to vote in a building on the corner of Hammersmith Grove and Goldhawk Road. The building is still there, though boarded up - but it is disabled accessible and, depending on its state of maintenance, usable. But even so, it is right in the upper corner of the district and so is as far from parts of GRB as Brackenbury School is. An alternative may be the Hammersmith United Charities Building in Sycamore House; a temporary polling station in the car park of the Richford Gate development; or a temporary polling station somewhere else in the ward. An ideal venue would be the Missionworks building in Iffley Road, but this may not be available to book exclusively for a polling station.

Hammersmith Broadway

We are proposing three polling districts for Hammersmith Broadway ward. HRA would cover the ward north of the Great West Road. HRB would cover the Caroline, Peabody and Guinness Trust estates and the riverside either side of Hammersmith Bridge. HRC would cover the area north of Charing Cross Hospital and Margravine Cemetery plus the Fulham Reach development and Chancellors Road.

In terms of polling stations, for HRA we propose the Macbeth Centre - the current HRA station. For HRB we would very much prefer to move the station from St Paul's Primary School to the Peabody Estate Tenants Hall, because while this move will not inconvenience the Caroline Estate, it will make it significantly easier for the Guinness Trust to reach: basically just crossing Fulham Palace Road and walking onto the Peabody opposite. It's simply more central for the bulk of this polling district.

For HRC we propose the William Morris Sixth Form Centre in Beryl/St Dunstan's Road. This used to be the polling station for the Margravine MA polling district.

Lillie

Although the Lillie sections of Fulham Broadway ward are currently covered by two polling districts: FRA and B, we propose three for Lillie ward because the northern section along Lillie Road and some of the streets off it are both some distance from the Halford Road polling station and are population heavy. If the Peabody Hall is too small, an alternative would be a joint polling station in the West Ken Residents Hall directly opposite on the other side of Lillie Road. Given the West Kensington ward polling district is small the hall should be able to accommodate two stations.

We propose an LLA polling district covering the Clem Attlee estate with the station, as now, in the estate's community hall. We propose an LLB polling district voting at either the Peabody estate residents' hall just off

Lillie Road, which would cover the area north of, and including Racton Road plus Ongar Road and Seagrave Road down to the ambulance station and Viking Court (but excluding Viking Court) on the other side.

The rest of the ward would vote at Fulham Primary School in Halford Road as now, in an LLC polling district.

Munster

We propose retaining four polling districts in Munster but in a different arrangement - and only requiring three polling stations. We are also proposing to rebrand the Munster polling districts with the prefix MS rather than MU as MUC and MUD aren't great acronyms.

The north of Munster gets some additional electors along Lillie Road and in Purcell Crescent. This reduces the isolation of Strode Road but there is still a gap between this part of the ward and the streets to the south because of Fulham Cross School and the cemetery entrance.

We propose a very small MSA - far smaller than now, comprising this section north of Fulham Cross School plus Chaldon Road, Lillie Road east to Pellant Road and the small Williams Close off Dawes Road. Because this is a small district we would like it to share the Twynholm Baptist Church polling station also used by Fulham Reach FRD. This eliminates one of the four stations in Munster and allows Fulham Cross to continue functioning as a school on election days.

We broadly retain the MSB polling district, though we wish to include all the streets east of Fulham Cemetery (Bronsart, Mablethorpe, Rowallan) in this district. We also believe that for a few streets on the eastern side of Munster Road: Sherbrooke, Orbain, St Olaf's and Kilmaine, this is a convenient polling station.

While we think Henry Compton School should continue to be used as the polling station, we want to use the Kingwood Learning Centre as the polling station, rather than an outbuilding off Childerley Street (alternatively - and reluctantly - we would want an entrance to the building from Kingwood Road and not just Childerley Street). Kingwood Road is very much more central to the polling district and the bulk of the electorate.

We propose a reformed MSC polling district covering the eastern side of the ward, including the section transferred from Fulham Broadway ward. This would vote at St Thomas's Primary School, which was the old RA polling station for Sherbrooke ward.

We propose retaining the MRD polling station at St John's School in Munster Road. This is convenient not just for the existing MRD voters but also those living immediately north of the school: roads like Reporton, Bishops and Fernhurst, as well as the eastern ends of Gowan and Wardo Avenues and Mablethorpe Road.

Palace and Hurlingham

This very much enlarged ward is quite complex geographically and we propose five polling districts to cover it.

We propose that PHA cover the whole of the Bishops Park estate, voting at Greswell Street. This is a large polling district in terms of electorate but Greswell Street is central to it. Dividing the estate into two geographically would mean preventing roads like Harbord and Inglethorpe from voting at a convenient polling

station and making them travel further - it doesn't make sense. In addition, this area has a high level of postal votes so the in-person electorate of the polling district is substantially lower than the total electorate.

We propose a PHB polling district running from Bishops Avenue (or to the south east of Bishops Avenue if there are any electors residing in the tied buildings along there) to the District Line station at Putney Bridge. This is a small district but geographically remote from other parts of the ward. We propose that this area votes at All Saints Church Hall - convenient for the bulk of the area's electorate that lives on Fulham High Street. As discussed in the Fulham Town narrative, we think that All Saints Church Hall is large enough to accommodate both PHB and TWC polling stations.

With Hurlingham reunited in one ward we propose combining the Palace and Parsons Green sections in one polling district: PHC. We aren't entirely happy proposing Thomas's School in New Kings Road as the polling station as it is some distance from the riverside, but there is no alternative other than a temporary polling station somewhere in Hurlingham Road.

We then move to the sections of the ward joining from Sands End ward. We propose a PHD polling district covering Sullivan Court, Clancarty Road and the streets between South Park and Wandsworth Bridge Road, voting at the new Sands End Community Centre in South Park.

We considered just one polling district for this Sullivan section but, given that there is substantial housing development in the pipeline along the riverside, and that the Community Centre is some distance, we decided to propose two, with everything south of Hurlingham Academy and South Park in this PHE district. We propose Thomas's Primary School in Hugon Road as the polling station for this area, which is central to it.

Parsons Green and Sandford

This ward is tricky because of the new ward boundaries and the dearth of potential polling stations south of Kings Road for the current PGD district.

To address this trickiness, we propose splitting the current PGB polling district, which straddles New Kings Road into two, with a relabelled PGA covering the Eel Brook side and remaining voting at Holy Cross Primary School. This is a small district but identical to the old Eel Brook ward UC polling district.

We then propose a new PGB district covering the Peterborough estate, and voting at either Christ Church in Studdridge Street or the school next door, which has the benefit of having access from both the Peterborough estate and Clancarty Road. This PGB district would cross Wandsworth Bridge Road to include the Sands End side of the Peterborough Estate: Acfold, Bovingdon and Cresford plus the top end of Bagleys Lane and Cheryl's Close. This removes all but 400 or so electors from the old PGD district, many of which are on New Kings Road or just behind it.

We propose moving these remaining electors into PGC which covers the same area as the current PGC minus the area transferring to Walham Green ward. There are only two options we can suggest for this area. The Tesco-Esso petrol station on Kings Road has a set of parking bays on the forecourt, which could house a temporary polling station. This would be central and prominent and convenient to the entire polling district.

The alternative is to share the Church Hall where PGC currently votes with the Walham Green C polling district. This has the advantage of being a known polling station for the vast majority of this eastern end of Parsons Green and Sandford, is large enough to accommodate both PGC and WGC stations and, because so much of the electorate south of Kings Road is now voting in Studdridge Street is a minimal level of inconvenience for what's left of the old PGD electorate.

Ravenscourt ward

We are not proposing any changes to the four polling stations for Ravenscourt Park. Although three of the four polling districts here are small the geography of this ward makes it impossible to reduce their number.

Sands End

We propose three polling districts for the revised Sands End, largely based on the current SEB, SEC and SED districts. We have moved some of the SEC riverside into SEB (renamed SEA) to balance the size of the polling districts.

When all the riverside development has been completed there may be a case to have a fourth polling district in Sands End voting at the jetty, but right now the electorate numbers do not support such a district: it could only contain the riverside from Wandsworth Bridge to the park because anything further would have to walk a long way to the jetty polling station; and there are only about 700 voters in this riverside stretch right now.

Shepherds Bush Green

We are not proposing any changes to the three remaining polling stations for Shepherds Bush Green. We propose that SBB (relabelled SBA) continue voting at Miles Coverdale school, sharing that polling station with Coningham C polling district; that - for now - SBC (relabelled SBB) continues voting at Shepherd's Bush Village Hall in Bulwer Street (though this will need reviewing when the housing north of Westfield is fully occupied) and SBD (SBC) remains at the Edward Woods Estate Community Hall in Norland Road.

Walham Green

There are currently three polling districts covering this new ward: Fulham Broadway FBC, covering the streets south of Clem Attlee Court and the Lewis Trust in Fulham Broadway; TWC covering the Fulham Court, Lancaster Court, Barclay Close estates and some surrounding streets; and PGC, covering the area east of Fulham Broadway tube station. We propose retaining these three polling districts broadly as is, though we propose moving everything east of Pulton Place into our relabelled WGC polling district (the old PGC).

Wendell Park

We propose two polling districts for compact Wendell Park ward. We propose an east-west alignment of these districts: WPA covering the western side of the ward, west of the park itself and Rylett Crescent, voting at St Saviour's Church; and WPB covering the Askew Road side of the ward and voting at the Askew Road church.

West Kensington

Similarly, we propose no changes to the three existing polling districts or stations in West Kensington ward. WKA is the same as the old NEA covering the Barons Court and Gibbs Green estates; WKB covers the West Kensington Estate (and the Earls Court redevelopment if ever built) and WKC covers the Maystar and Alice Gilliatt estates, plus the streets south of Star Road.

White City

We propose three polling districts for White City ward. WCA: the White City Estate and most of Bloemfontein Road will continue voting at the Community Centre in India Way. WCB is almost identical to the current SBA polling district, voting at The Church of God in Loftus Road. We propose a new WCC just for the residents of the BBC Television Centre redevelopment. This will be a very small polling district but these residents are isolated from the other two polling districts. We propose that, for now, these residents vote at the College Park and Old Oak CPF polling station in Wood Lane Community Centre in a shared polling station. Even combined these two polling districts have an electorate below a thousand for the time being.

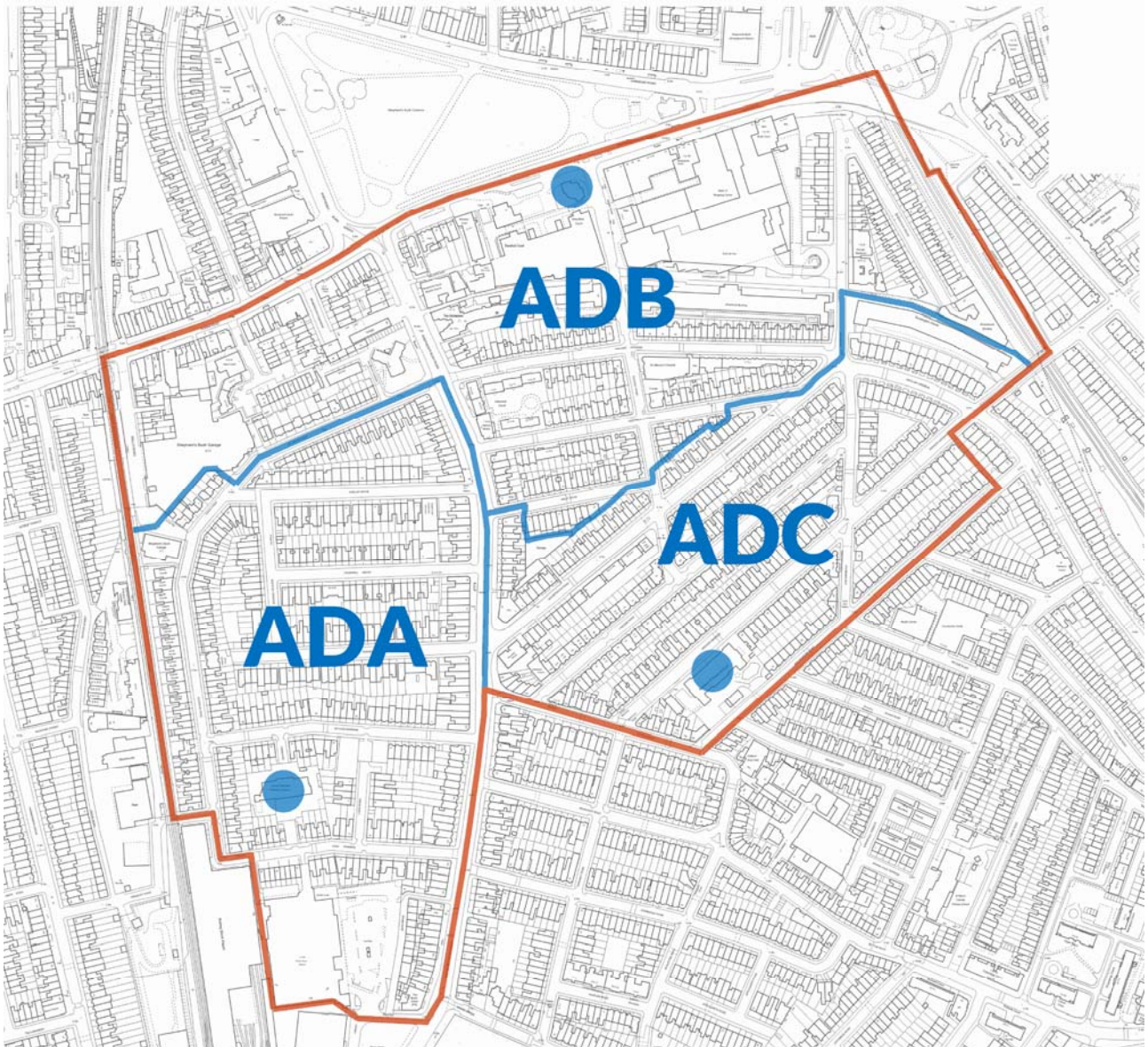
Wormholt

We are proposing three polling districts for Wormholt ward because the Wormholt estate is geographically large and it's a fair distance for residents on the western side to go to Wormholt Park Primary School.

We propose dividing the current WWA polling district along Hemlock Road (though with both sides of Hemlock in our new WHA, which we propose votes at Ark Conway Primary School. WHB covers the eastern side of the Wormholt estate and the Cleverly Estate, and a few residents in the streets immediately around this estate, plus Dunraven Road. This district would vote at Wormholt Park Primary School.

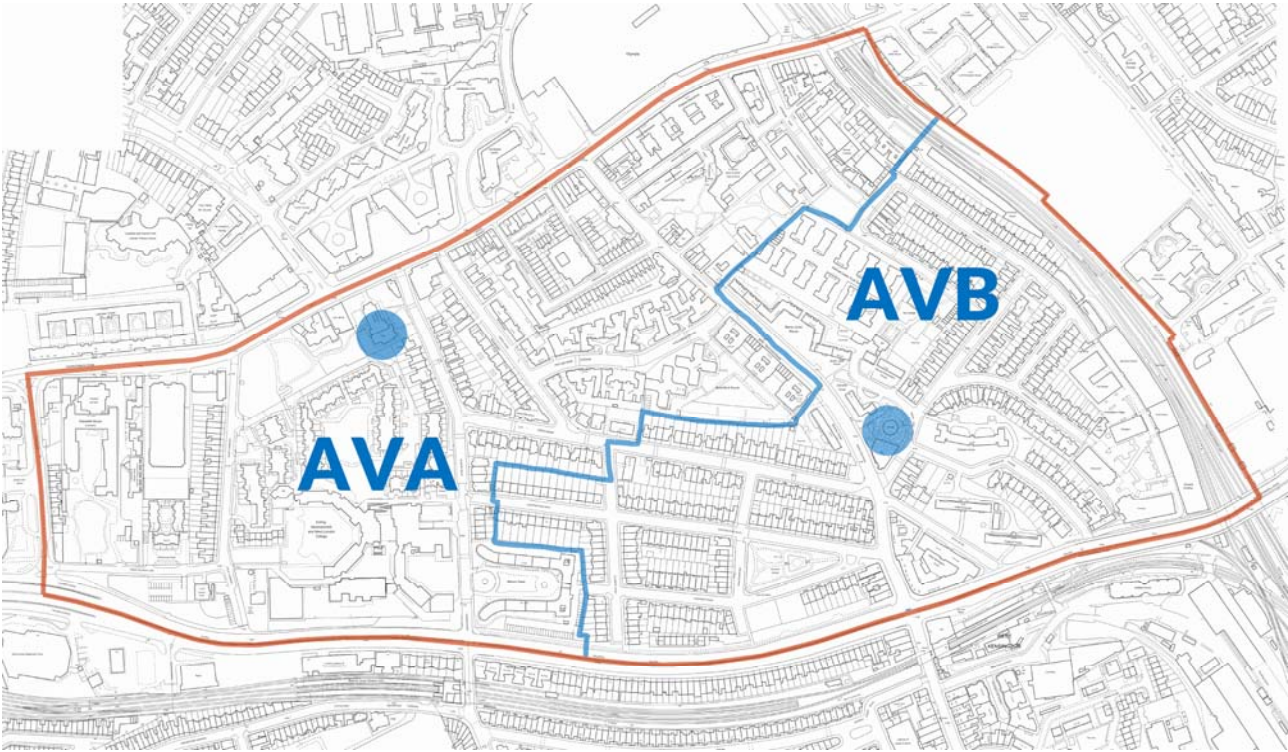
The third district, WHC, would cover the streets running north from Uxbridge Road and continue to vote at St Luke's Church, right in the centre of this district.

Addison



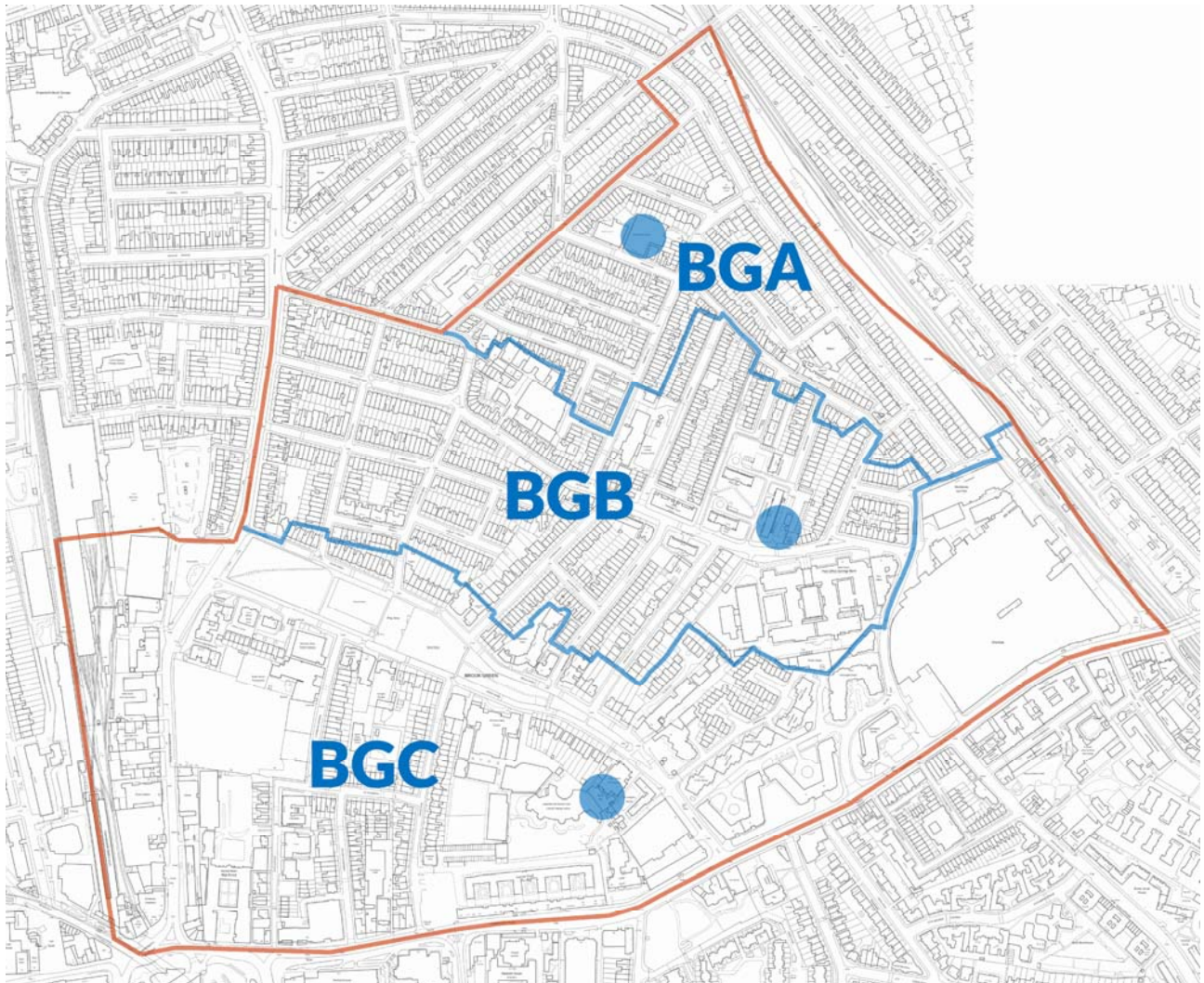
PD	Suggested polling station	Approx elec
ADA	Lena Gardens School, Lena Gardens	1,665
ADB	Charecroft Estate Community Hall, Rockley Road	2,399
ADC	Addison Primary School, Bolingbroke Road	1,586

Avonmore



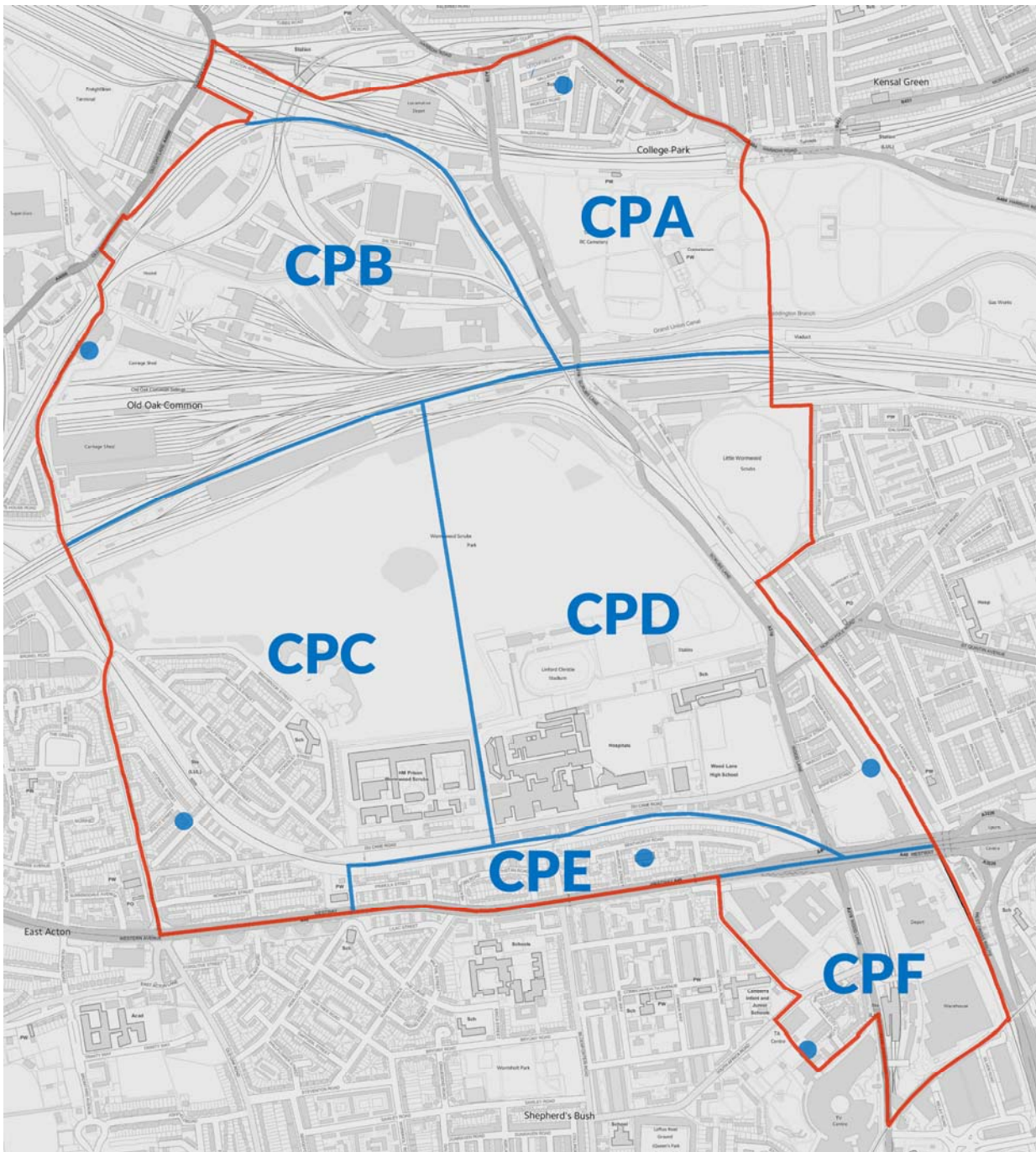
PD	Suggested polling station	Approx elec
AVA	St Mary's Church Hall, Edith Road	2,308
AVB	Avonmore Library/Citizens Advice Bureau, North End Road entrance	3,044

Brook Green



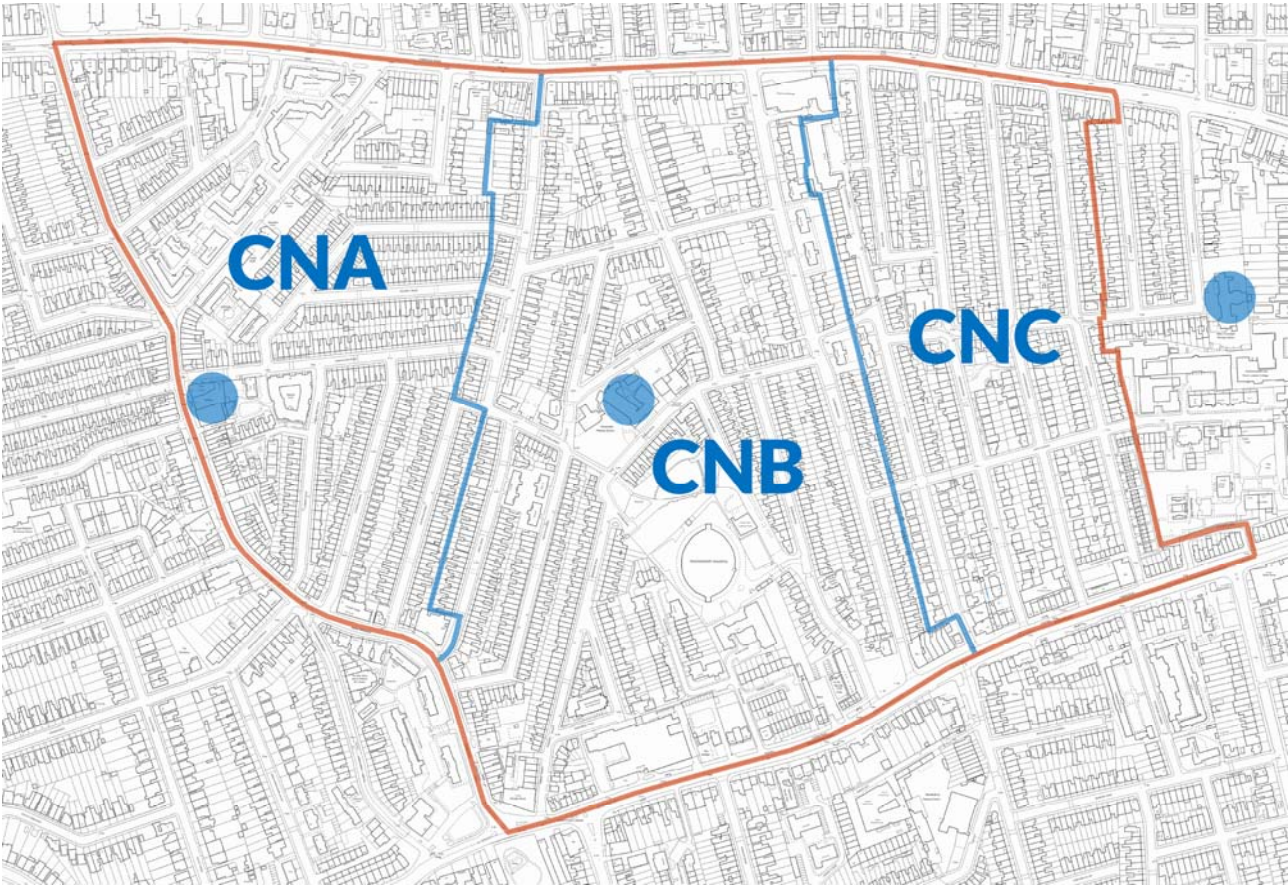
PD	Suggested polling station	Approx elec
BGA	Masbro Community Centre, Milson Road	1,781
BGB	Springvale Tenants Hall, Blythe Road	2,551
BGC	Holy Trinity Parish Centre, Brook Green	1,483

College Park and Old Oak



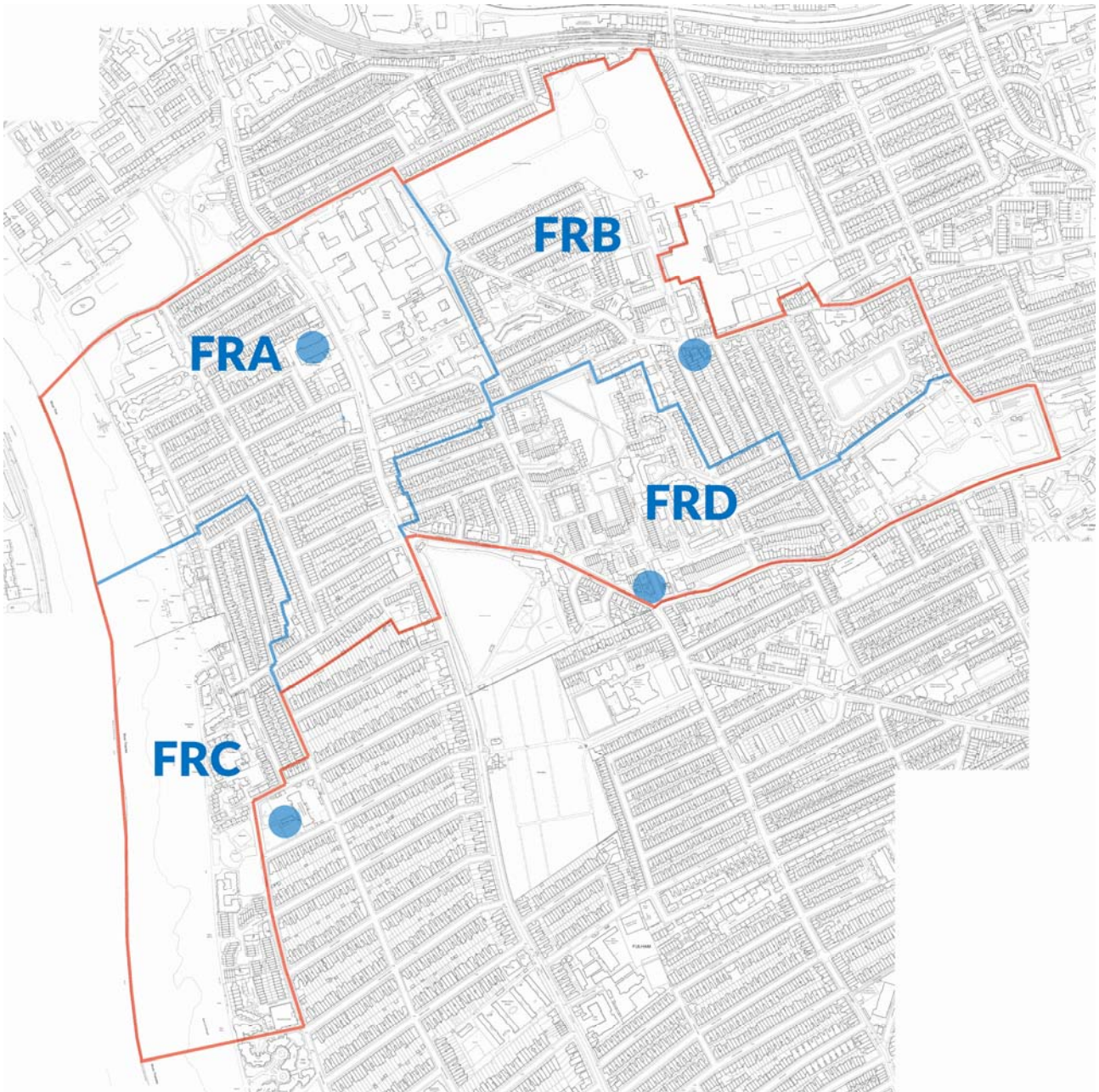
PD	Suggested polling station	Approx elec
CPA	Kenmont Primary School, Vailliere Road	866
CPB	Nadi Park Royal, 260 Old Oak Common Lane	0
CPC	Peabody Housing Association Offices, Erconwald Street	2,323
CPD	Brickfields Hall off Shinfield Street	1,439
CPE	Ark Bentworth Primary Academy, Bentworth Road	932
CPF	Wood Lane Community Centre, 78 White City Close (shared with WCF)	330

Coningham



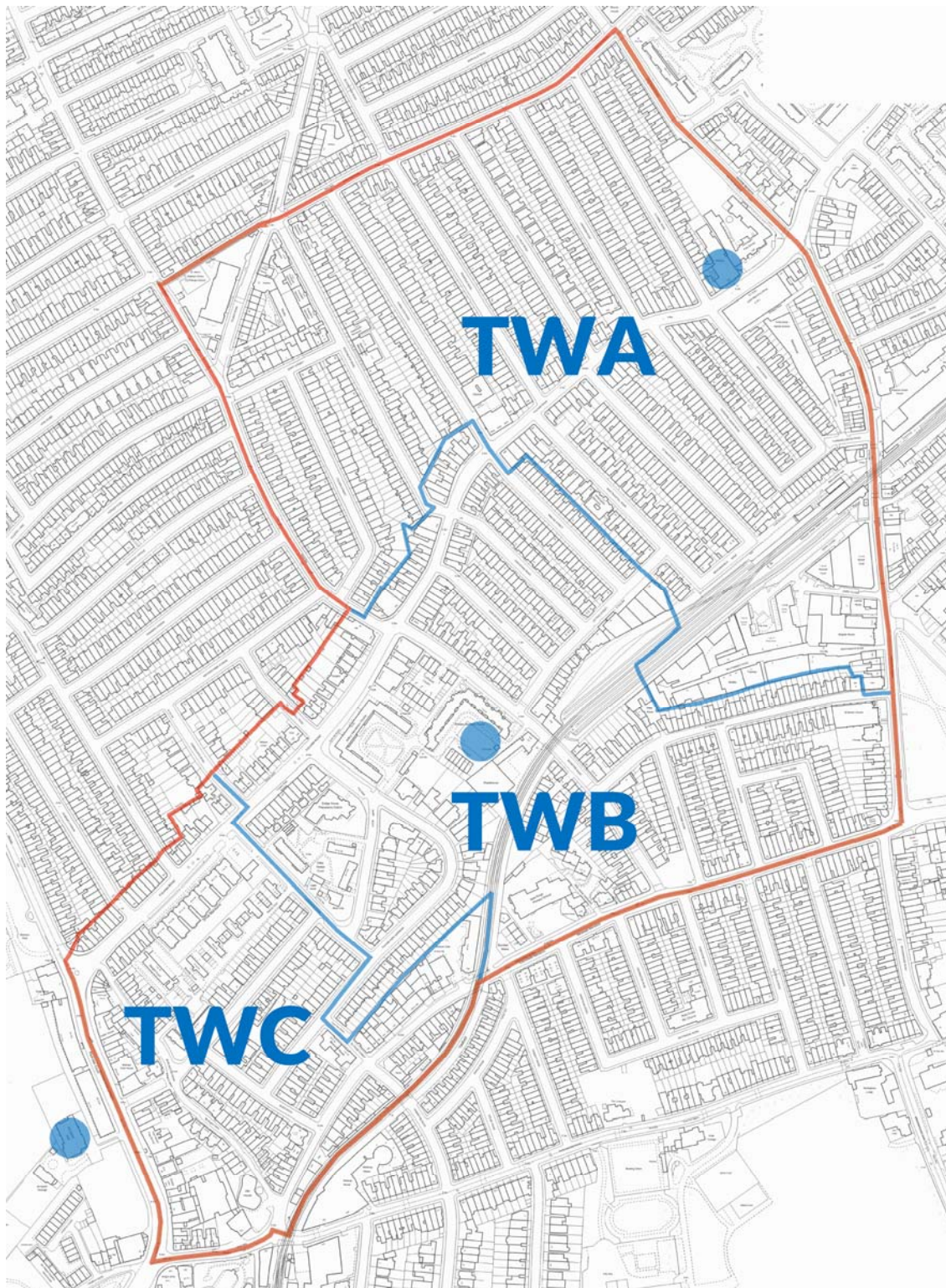
PD	Suggested polling station	Approx elec
CNA	Askew Road Library, Askew Road	2,543
CNB	Greenside Primary School, Westville Road	3,295
CNC	Miles Coverdale School, Coverdale Road (shared with SBA)	2,069

Fulham Reach



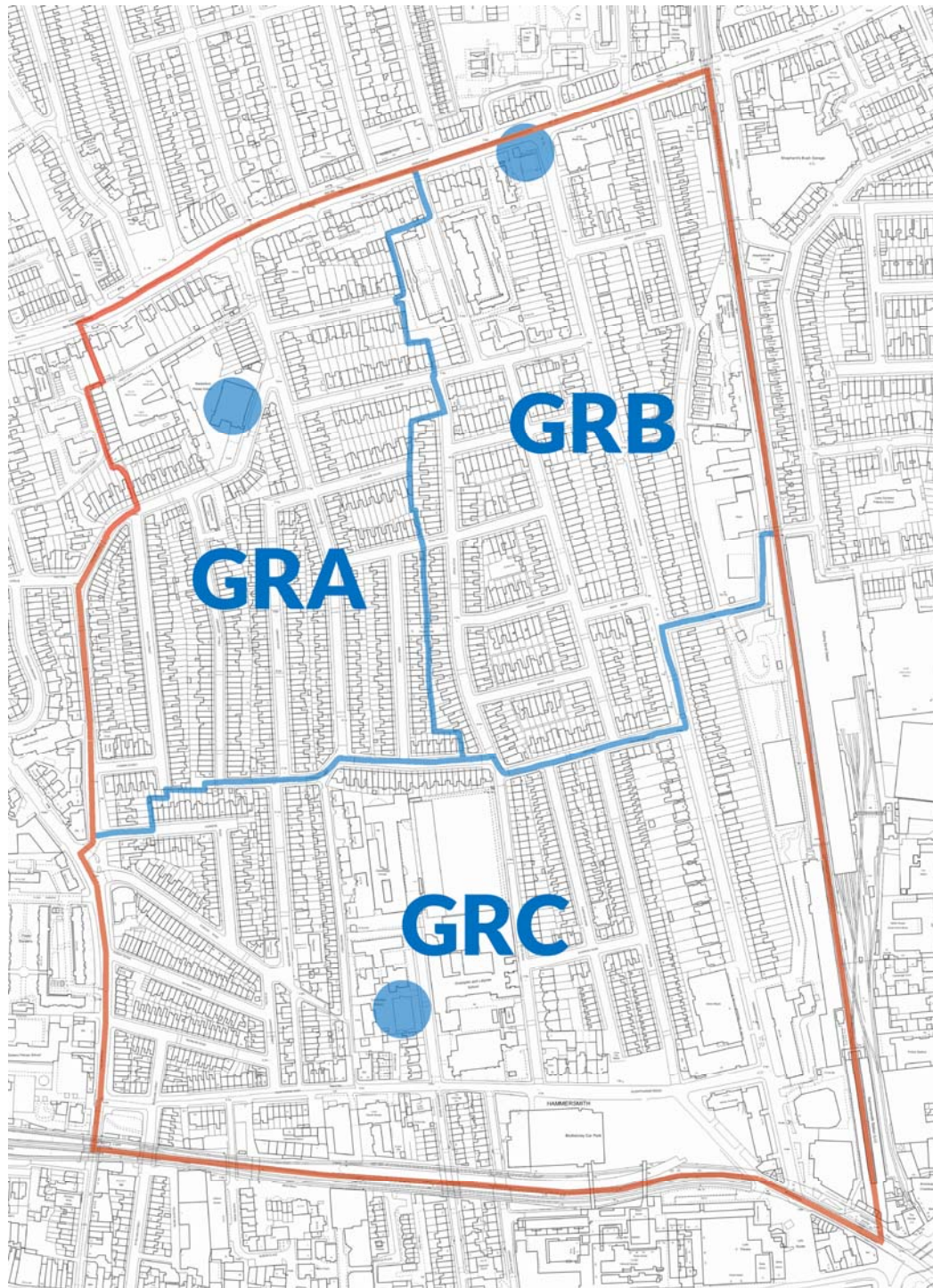
PD	Suggested polling station	Approx elec
FRA	Melcombe Primary School, Fulham Palace Road	2,512
FRB	Tasso Baptist Church Hall, Greyhound Road	2,700
FRC	Queen's Manor Primary School, Lysia Street	1,223
FRD	Twynholm Baptist Church, Lillie Road (shared with MUA)	1,903

Fulham Town



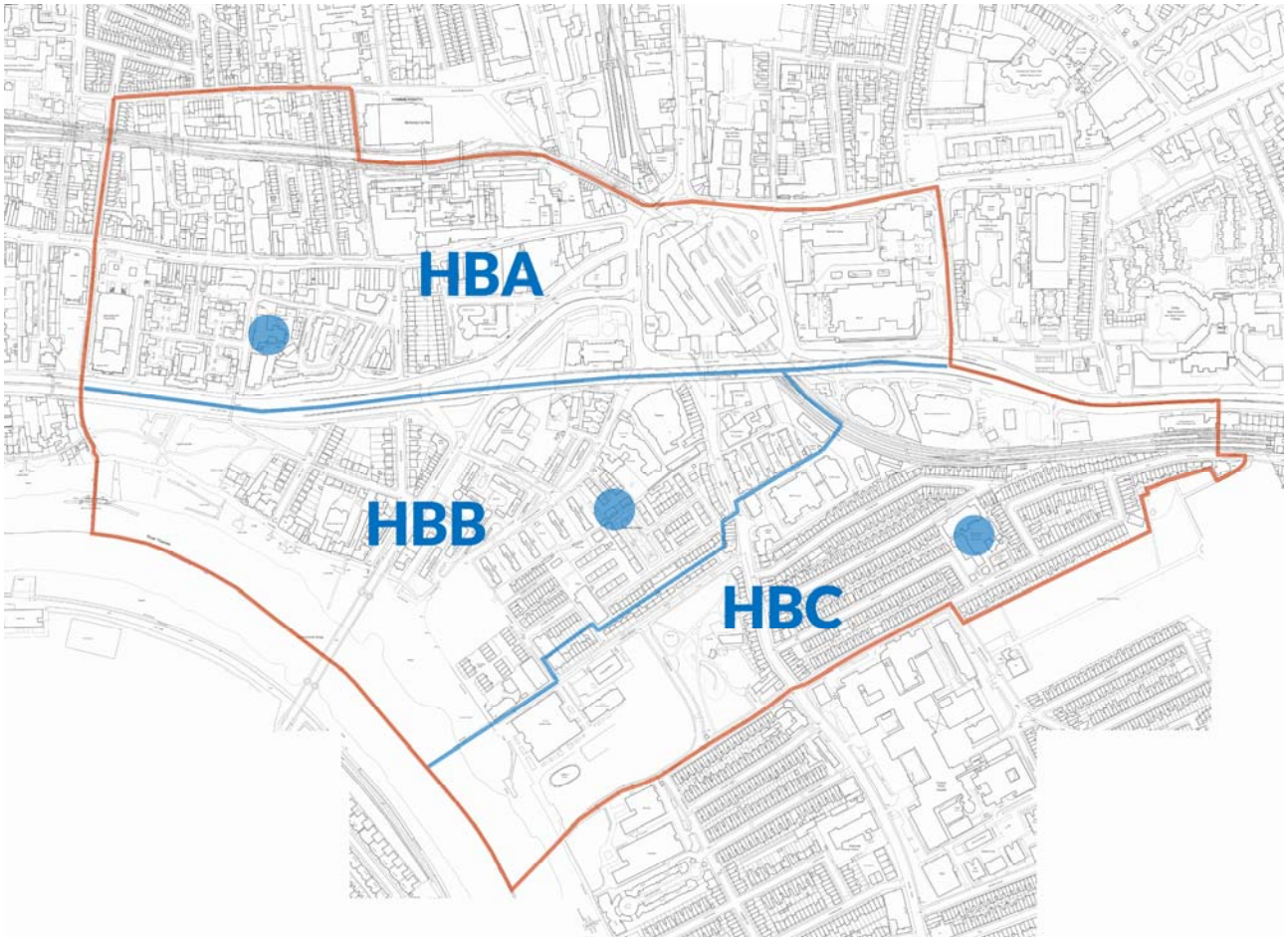
PD	Suggested polling station	Approx elec
TWA	Fulham Library, Fulham Road	2,567
TWB	William Banfield Community Hall, off Munster Road	1,888
TWC	All Saints Church Hall, off Fulham High Street (shared with PRB)	913

Grove



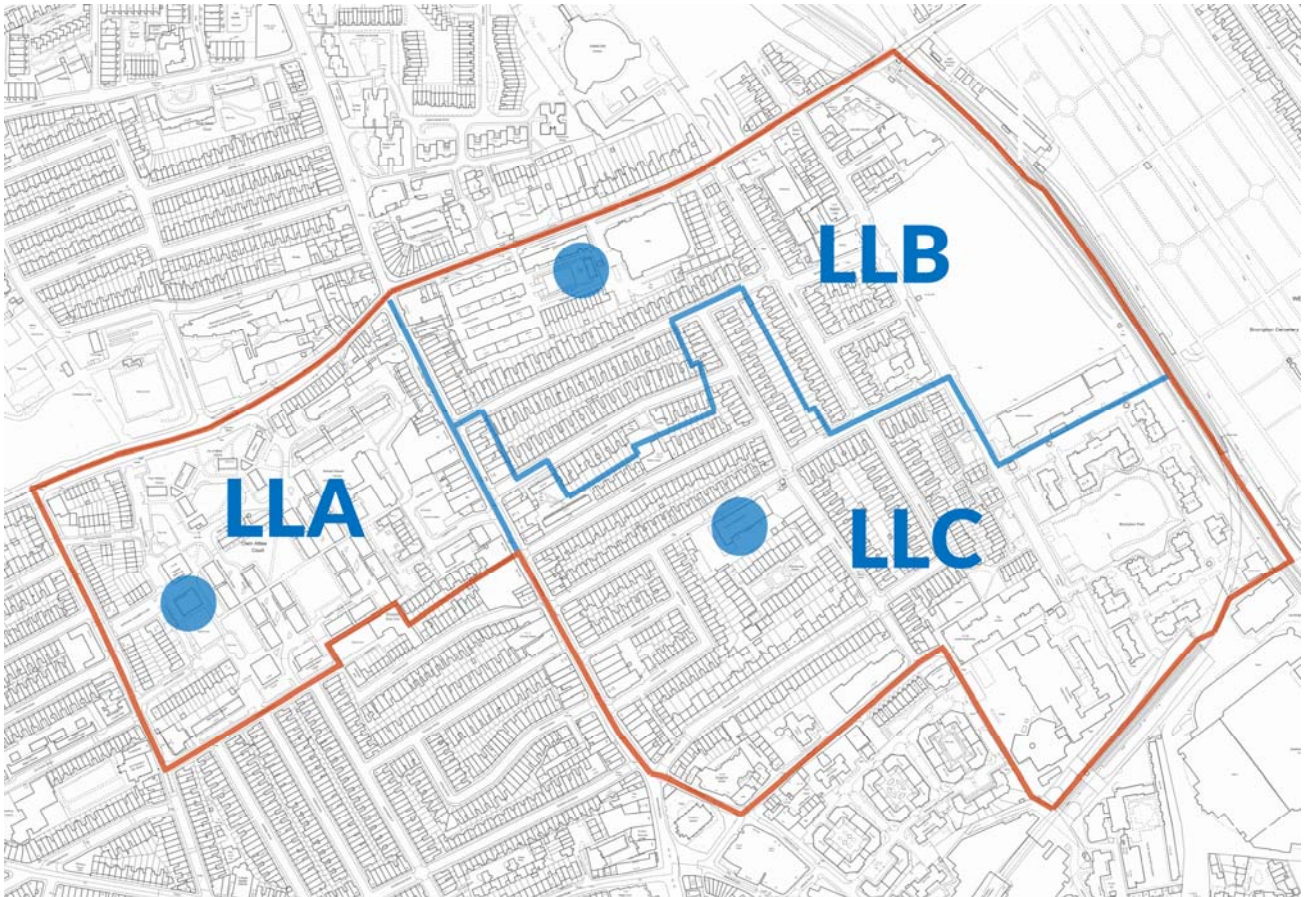
PD	Suggested polling station	Approx elec
GRA	Brackenbury Primary School, Brackenbury Road	1,652
GRB	Derelict building, 95 Goldhawk Road, corner Hammersmith Grove Or Temporary polling station anywhere you like	1,843
GRC	West London Free School Primary, Cambridge Grove	1,796

Hammersmith Broadway



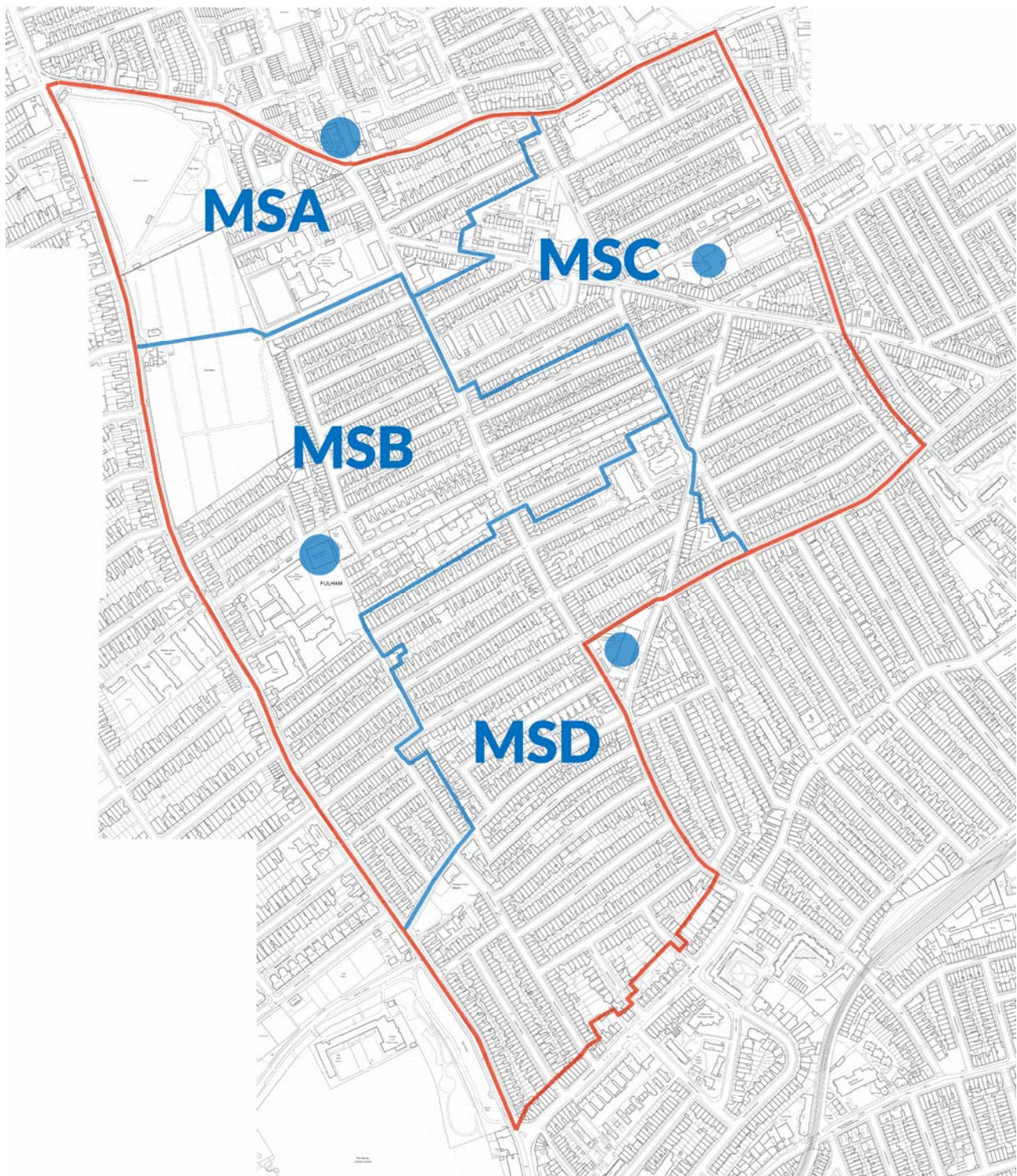
PD	Suggested polling station	Approx elec
HBA	Macbeth Centre, Macbeth Street	1,691
HBB	Peabody Estate Tenants Hall, Peabody Estate, Fulham Palace Road	1,956
HBC	William Morris Sixth Form Academy, St Dunstons Road	1,523

Lillie



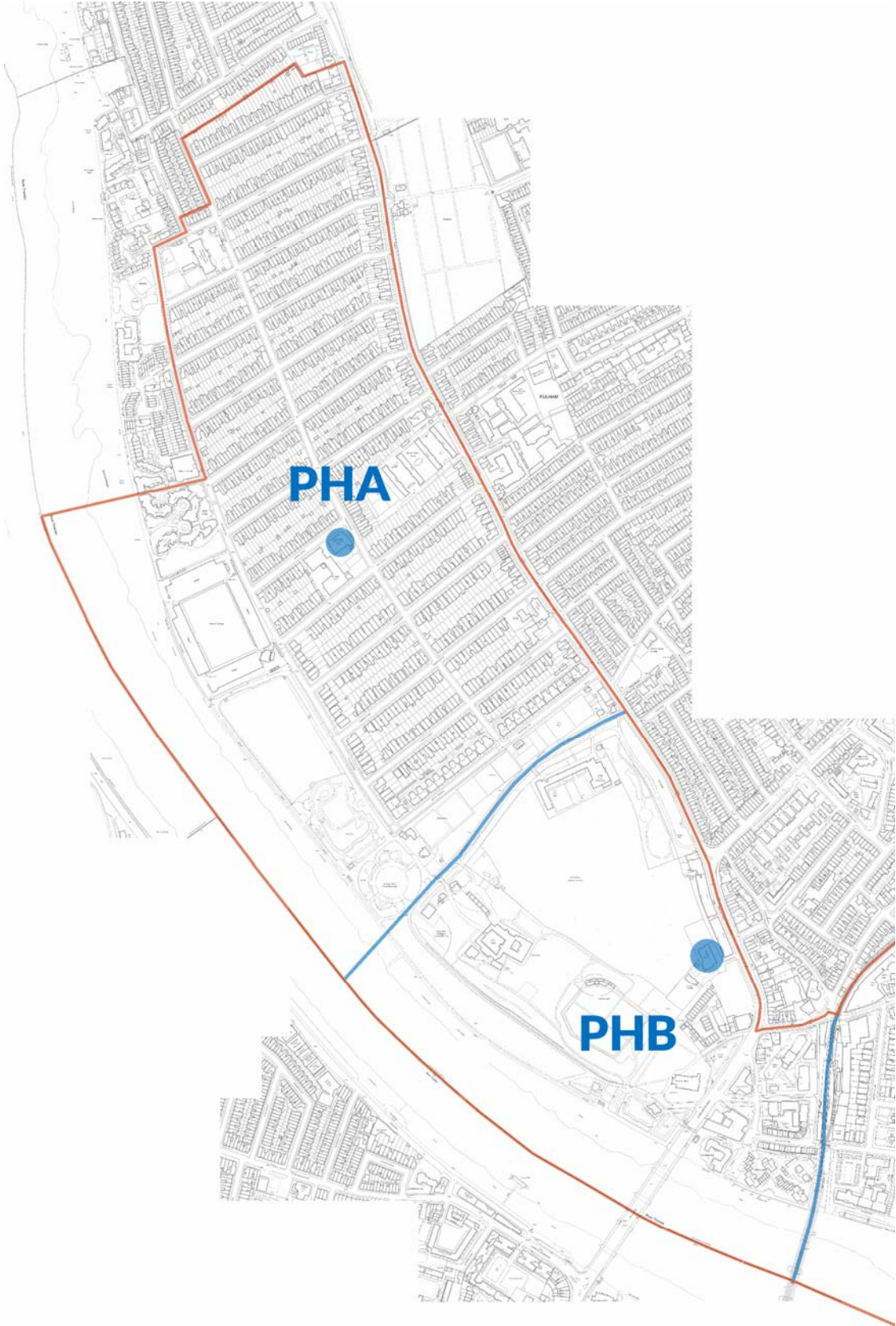
PD	Suggested polling station	Approx elec
LLA	Clem Attlee Community Hall, Len Freeman Place, Clem Attlee Court	1,398
LLB	Peabody Estate Community Hall, Lillie Road OR West Kensington Estate Tenants Hall, 80 Lillie Road (shared with WKB)	1,448
LLC	Fulham Primary School, Halford Road	1,959

Munster

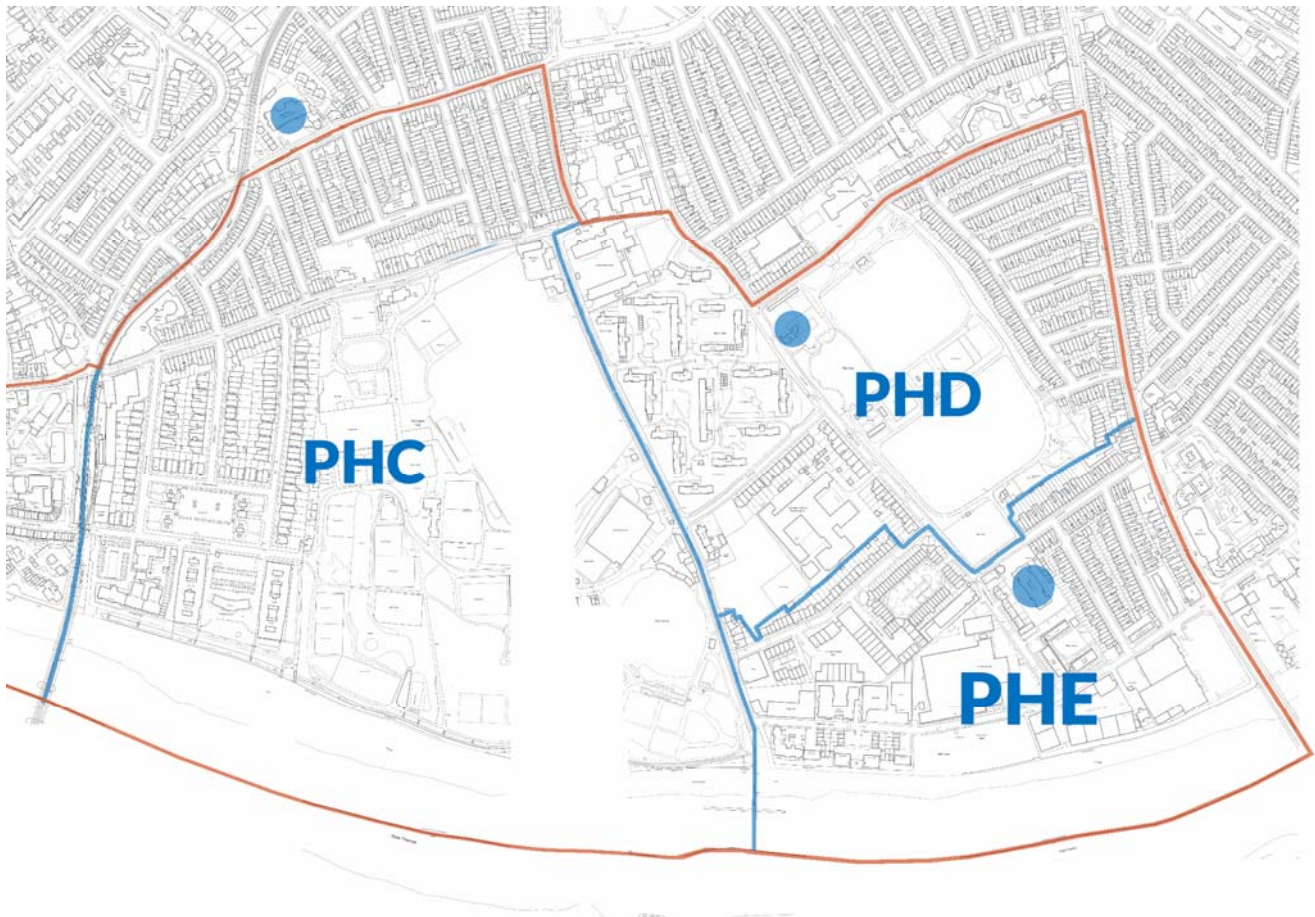


PD	Suggested polling station	Approx elec
MSA	Twynholm Baptist Church (shared with FRD)	581
MSB	Kingwood Learning Resource Centre, Henry Compton School, Kingwood Road	2,919
MSC	St Thomas's School, Estcourt Road	2,271
MSD	St John's Primary School, Filmer Road	2,964

Palace and Hurlingham (west)

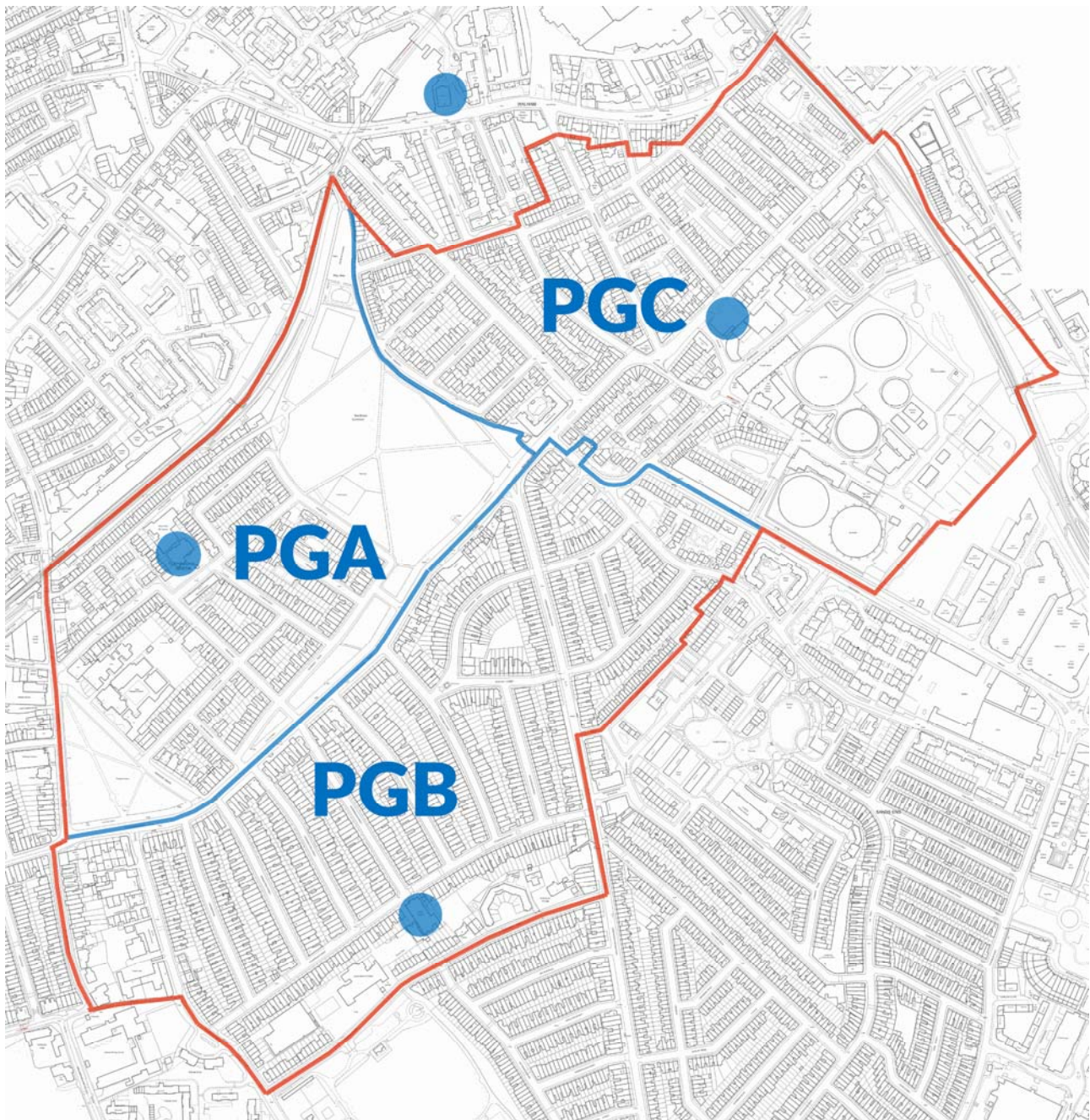


Palace and Hurlingham (east)



PD	Suggested polling station	Approx elec
PHA	TBAP Academy, Greswell Street	3,422
PHB	All Saints Church Hall, off Fulham High Street (shared with TWC)	539
PHC	Thomas's Academy, New Kings Road	1,900
PHD	Sands End Community Centre, South Park	1,402
PHE	Thomas's Day School, Hugon Road	1,107

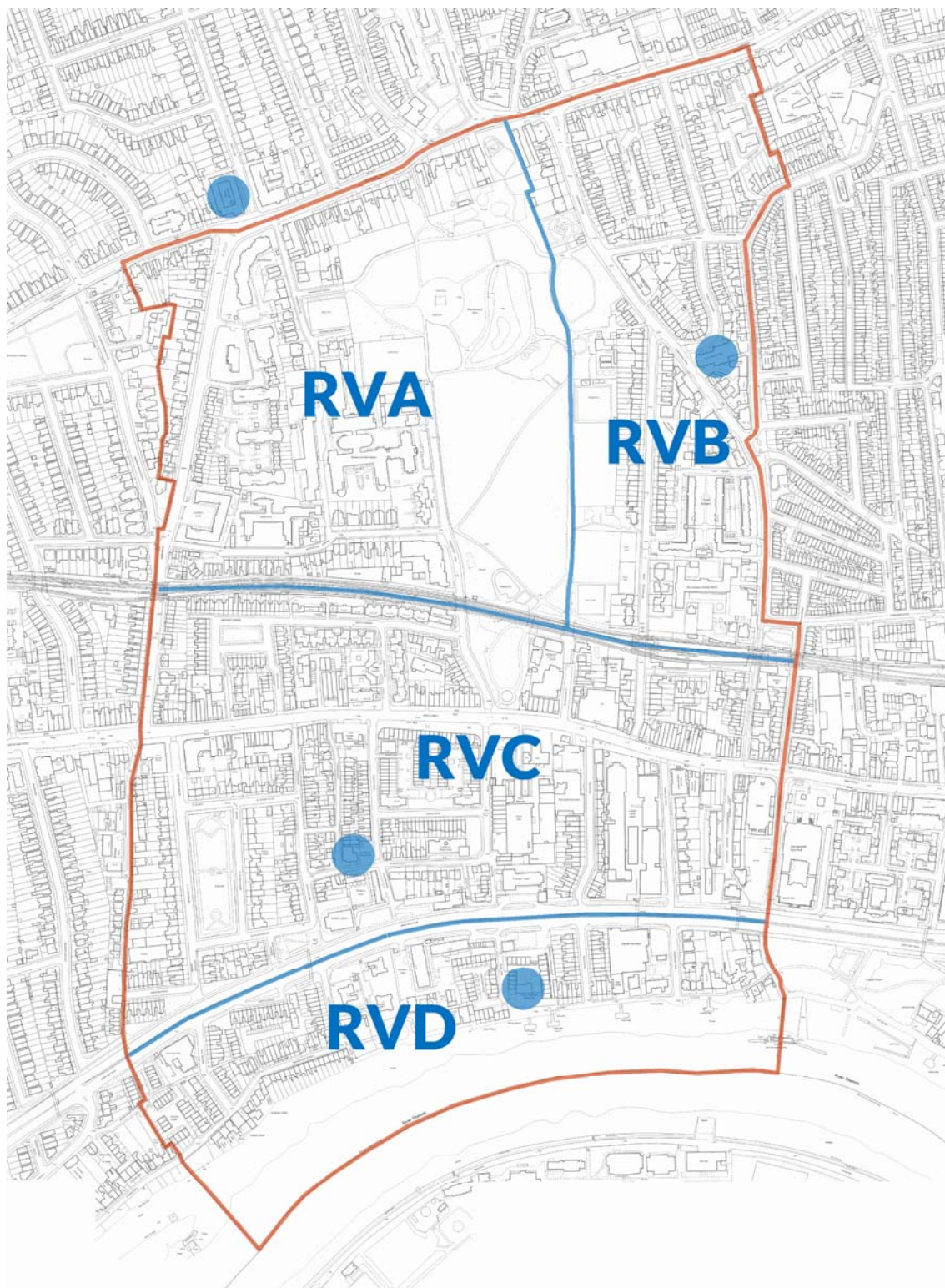
Parson's Green and Sandford



PD	Suggested polling station	Approx elec
PGA	Holy Cross Primary School, Basuto Road	947
PGB	Christ Church, Studdridge Street	2,600
PGB	Temporary polling station, forecourt, Esso Tesco Fulham Express, King's Road OR Fulham Broadway Methodist Church, 452 Fulham Road (shared with WGC)	1,979

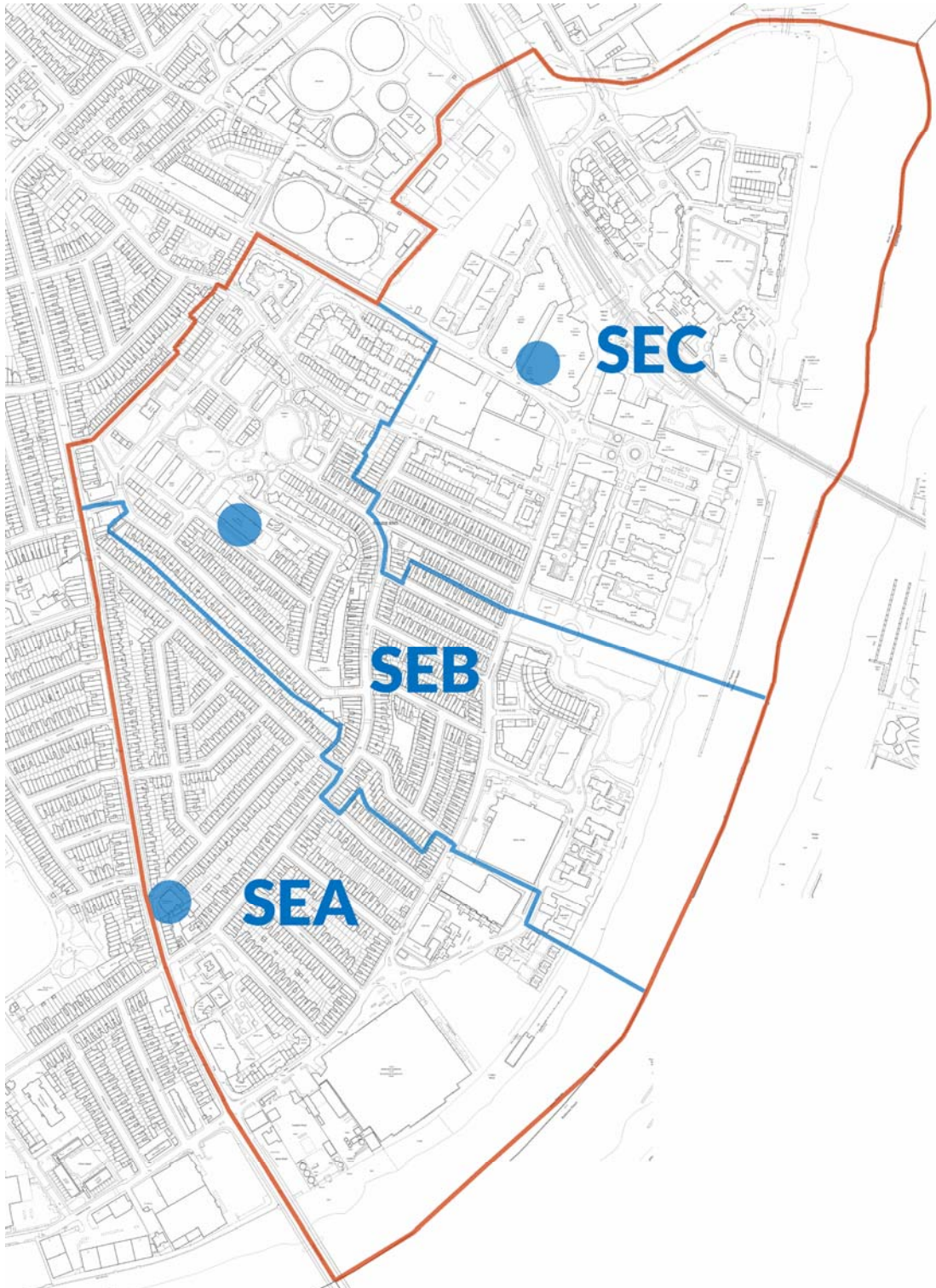
* When Imperial Gasworks is developed, PGC will need to be split in two along Kings Road

Ravenscourt



PD	Suggested polling station	Approx elec
RVA	John Betts House, Rylett Road	949
RVB	Holy Innocents Church Hall, Paddenswick Road	1,184
RVC	St Peters Primary School, 47 St Peters Grove	2,231
RVD	Corinthian Sailing Club, 50 Upper Mall	627

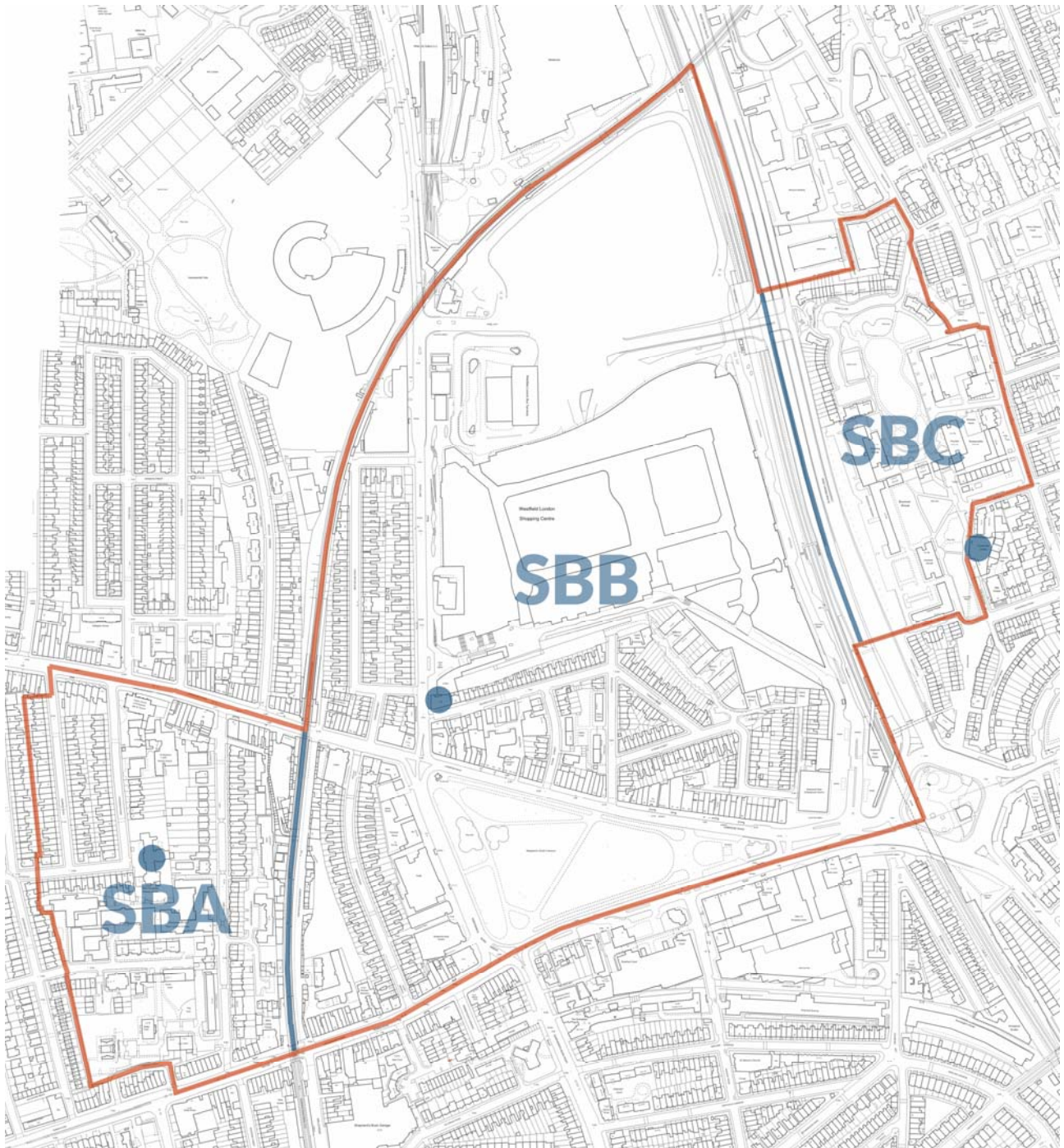
Sands End



PD	Suggested polling station	Approx elec
SEA	St Matthews Church Hall, Wandsworth Bridge Road	2,246
SEB	Langford School, Gilstead Road	2,285
SEC	The Wharf Rooms, Imperial Road	2,819

* a fourth polling district may be needed once all the riverside housing development is completed, but at the moment there is insufficient electorate for one

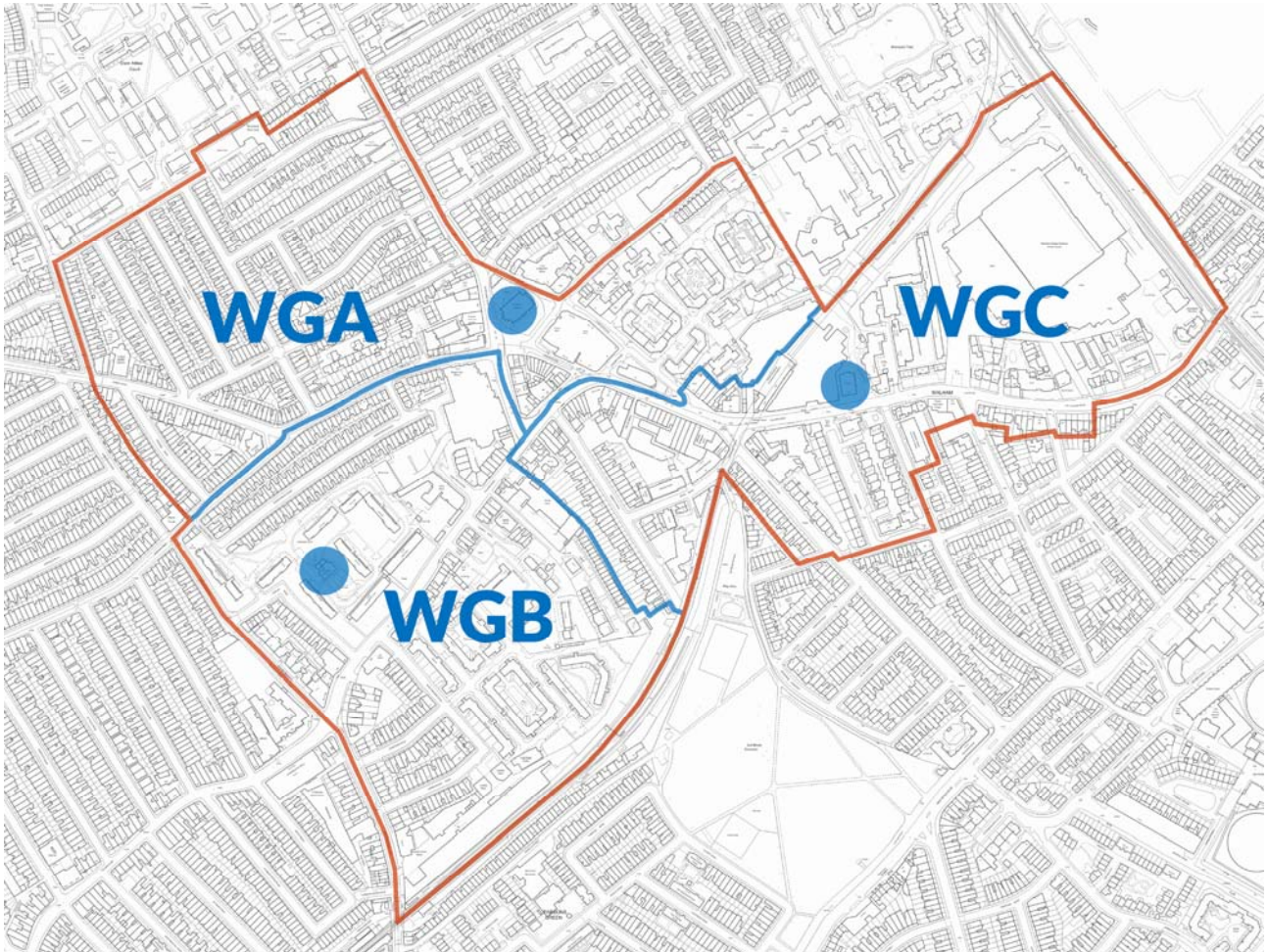
Shepherds Bush Green



PD	Suggested polling station	Approx elec
SBA	Miles Coverdale School, Coverdale Road (shared with CNC)	1,006
SBB	Shepherds Bush Village Hall, 58 Bulwer Road	1,544
SBC	Edward Woods Community Centre, 60-70 Norland Road	1,190

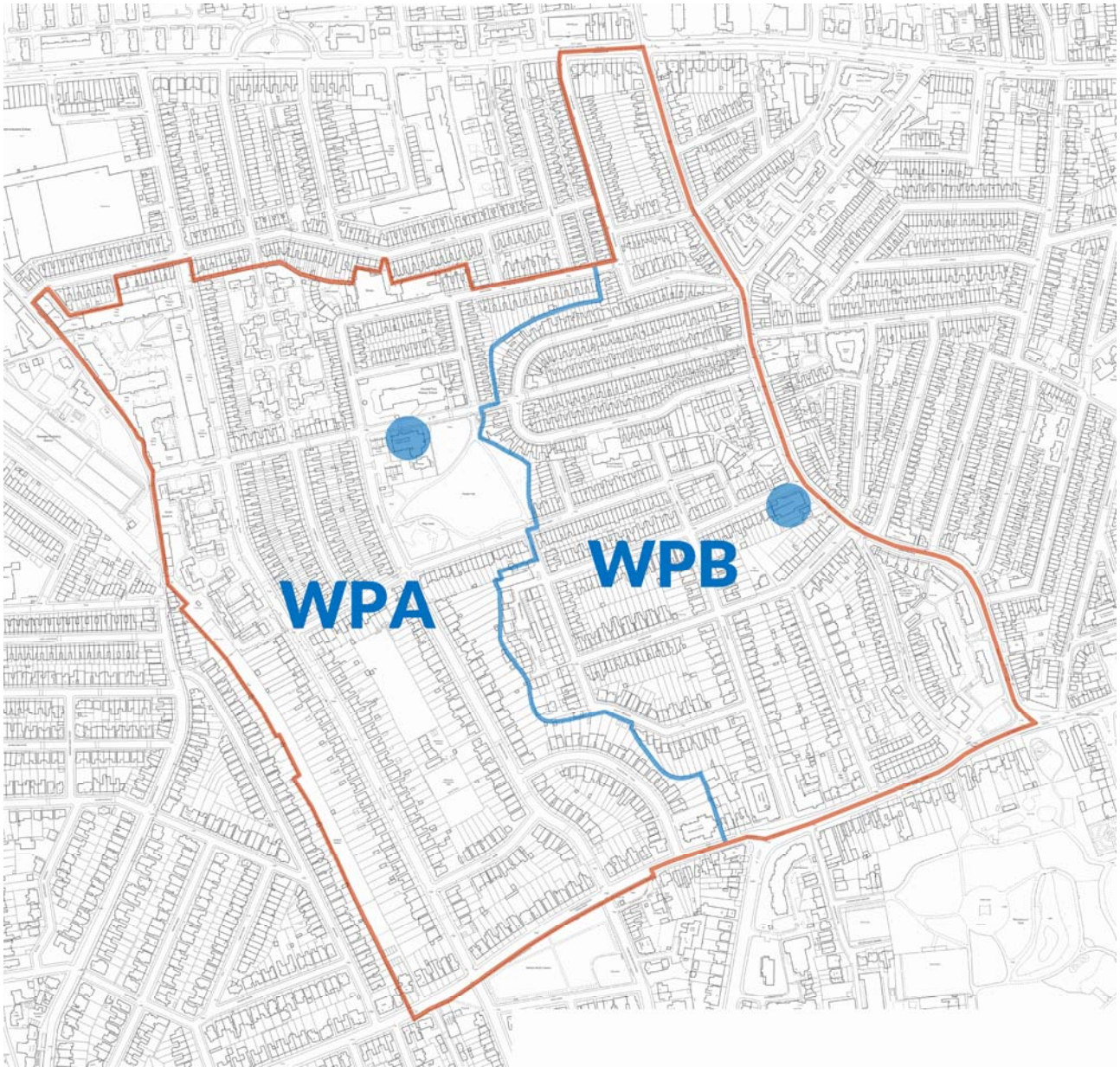
* SBB will need to be split when the housing north of Westfield shopping centre is completed

Walham Green



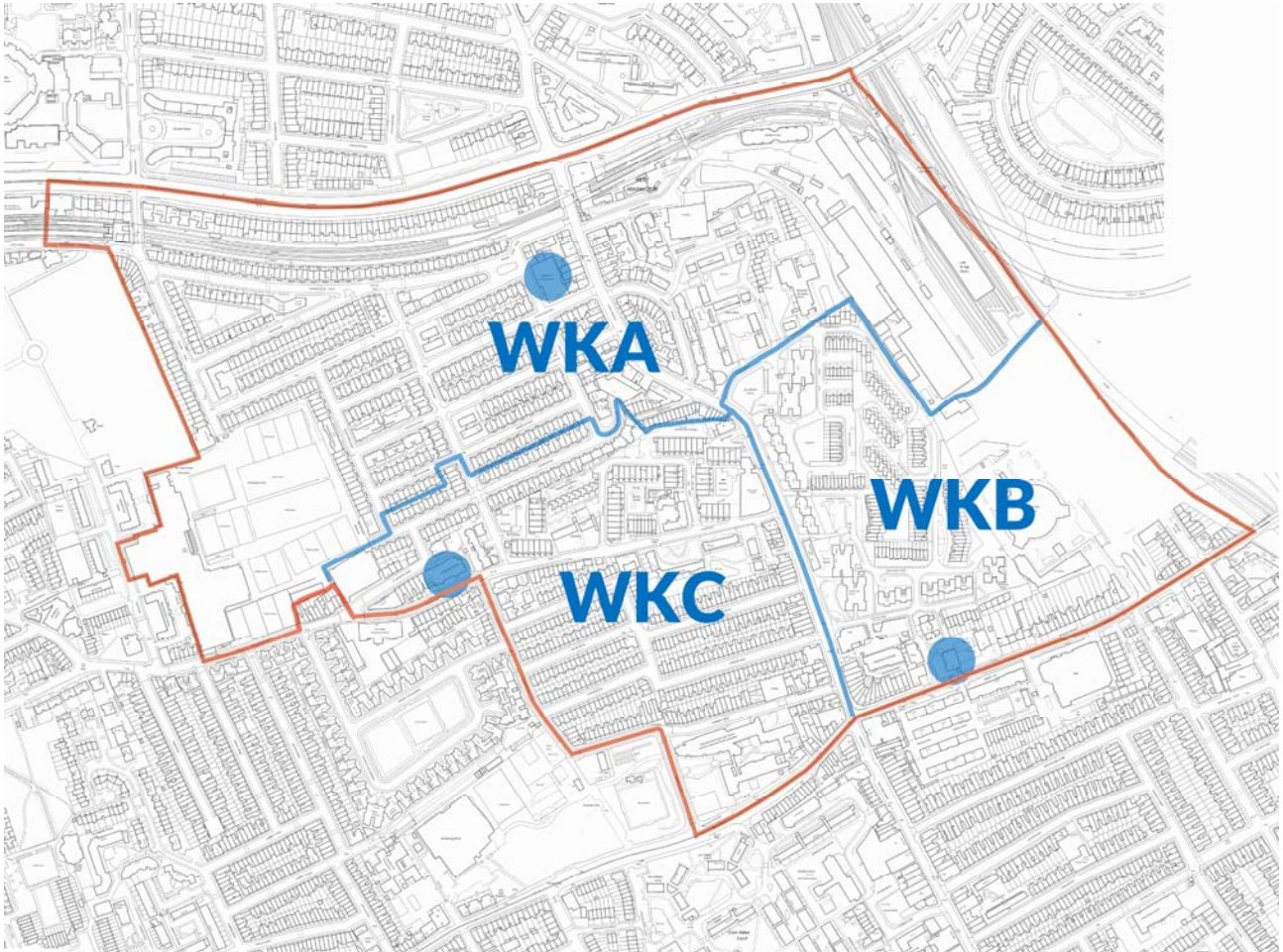
PD	Suggested polling station	Approx elec
WGA	St John's Church, Walham Green	2,323
WGB	Lancaster Court Tenants Hall, Darlan Road	1,995
WGC	Fulham Broadway Methodist Church, 452 Fulham Road (shared with PGB)	1,078

Wendell Park



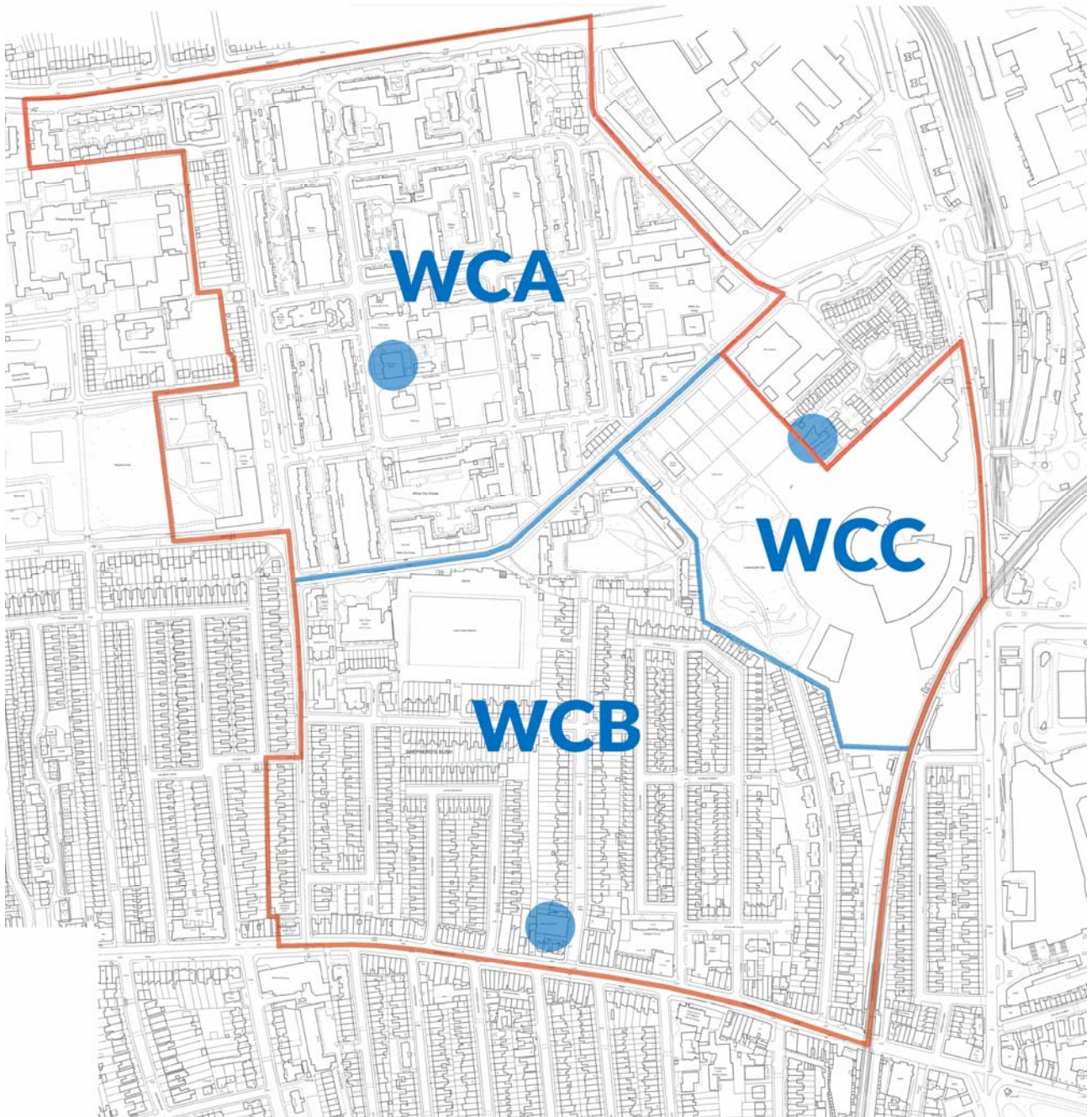
PD	Suggested polling station	Approx elec
WPA	St Saviour's Church Hall, Cobbold Road	2,927
WPB	Askew Road Church, Askew Road	2,522

West Kensington



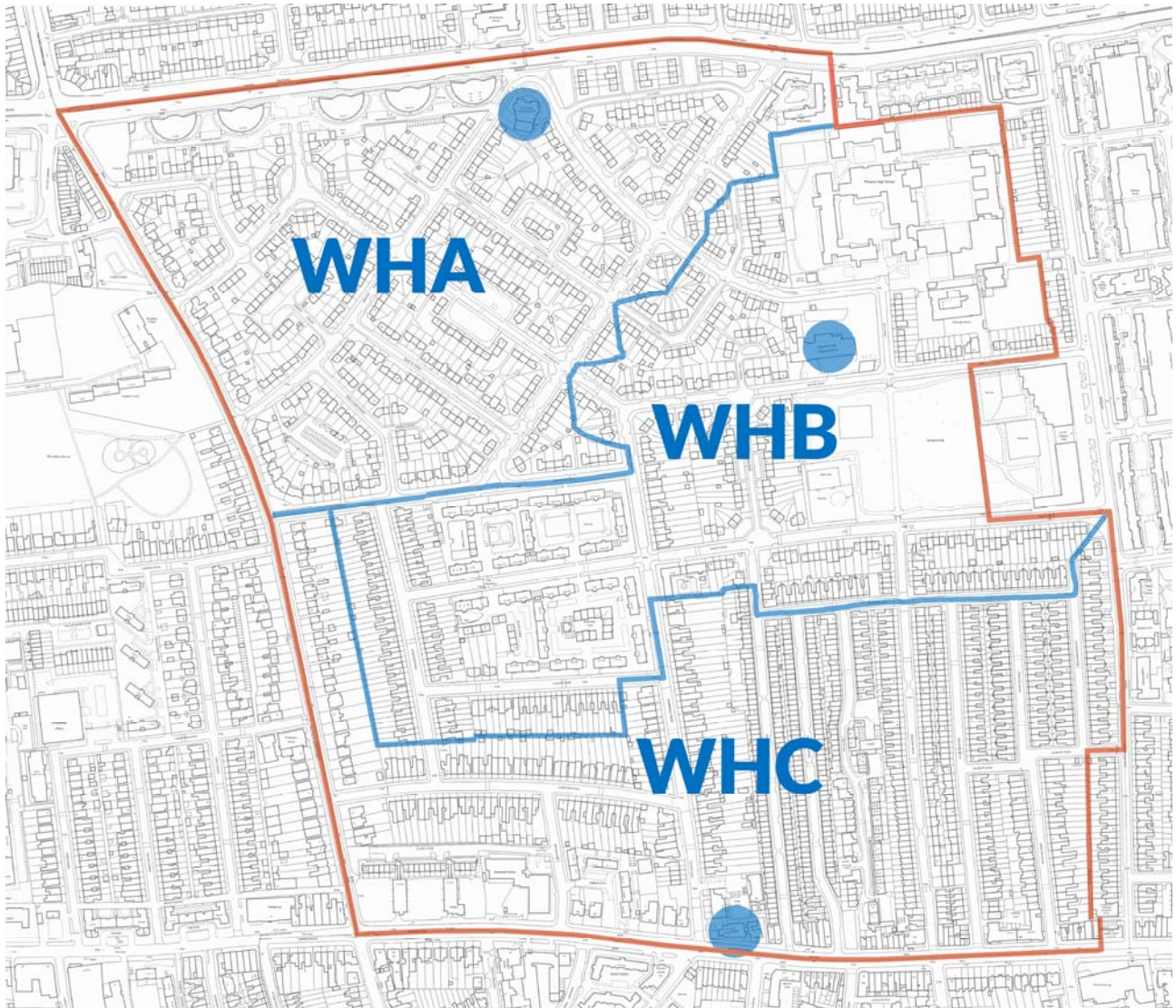
PD	Suggested polling station	Approx elec
WKA	Bhavan Centre, Challoner Street	3,384
WKB	West Ken Estate Tenants Hall, 80 Lillie Road (possibly shared with LLB)	1,199
WKC	St Andrews Church, Greyhound Road	2,280

White City



PD	Suggested polling station	Approx elec
WCA	White City Community Centre, India Way	3,843
WCB	Church of God, 1A Loftus Road	2,730
WCC	Wood Lane Community Centre, 78 White City Close (shared with CPF)	267

Wormholt



PD	Suggested polling station	Approx elec
WHA	Ark Conway Primary Academy, 60 Hemlock Road	1,285
WHB	Wormholt Park Primary School, Bryony Road	1,433
WHC	St Luke's Church, Uxbridge Road	2,589

Summary of Responses to Citizenspace online consultation
Date opened – 8 October. Date Closed 19 November.

Ward	Views on proposed Polling district boundaries within the ward	How will the proposed Polling District affect / impact you?	Views on location of the Polling Places/Stations within ward	How will the location of the proposed Polling Places/Stations affect/impact you?	Actions taken by Electoral Services
Addison	ADA – 3 Agree ADB – 4 Agree ADC - 3 Agree	“No Change” “It won’t affect me” “They won’t affect me greatly as far as I can see” “The new proposed polling district will not affect or impact on me”	ADA – Lena Gardens School 4 Agree ADB – Charecroft Community Centre 4 Agree ADC – Addison Primary School 4 Agree	ADA “I am not impacted by these changes” “It will not affect me” “It is in the same place that it usually is” “The proposed location of the Polling Stations will not affect or impact me” “Not Sure”	
Avonmore Ward	Not answered	-	AVA – St Mary’s Church Hall – 1 Agree AVB – Avonmore Primary School – 1 Disagree	“My children attend Avonmore Primary school and it is always an inconvenience when the school is closed as the children lose out on a days learning and alternative child care has to found. Considering there is a newly refurbished Avonmore Library which alot of money had been spent on which has reduced its opening hours. I feel that there is a space that wouldn't inconvenience nearly 150 some children.”	Polling station moved to Lytton Estate TRA. Avonmore Library investigated for use. If it becomes available, polling place to be reviewed

Summary of Responses to Citizenspace online consultation
 Date opened – 8 October. Date Closed 19 November.

Brook Green	BGA – 2 Agree BGB – 2 Agree BGC – 2 Agree	“It will be slightly closer to where I live” “No Change”	BGA – Masbro Centre - 2 Agree BGB – Springvale Tenants Hall BGC – Holy Trinity Parish Centre	“My situation will be unchanged”	
Coningham Ward	CNA – 3 Agree CNB – 1 Agree CNC – 1 Agree	“I am very pleased that my polling station will remain Askew Road Library. Very easy to get to and helpful staff”	CNA – Askew Road Library -2 Agree, 1 Disagree CNB – Greenside Primary School -1 Agree, 1 Disagree CNC Miles Coverdale School - 1 Agree (NB both “disagrees” came from same respondent who expressed their pleasure at their polling station remaining at the library)	“I will continue to vote at Askew Road Library and I am very relieved that this is the case”	
Fulham Reach	FRD – 1 Agree	“no impact”	FRD – Twynholm Baptist Church – 1 Agree	“no change”	

Summary of Responses to Citizenspace online consultation
Date opened – 8 October. Date Closed 19 November.

Grove Ward	GRA – 1 disagree GRB – 1 not sure	“I am not sure what it was before”	GRA – Brackenbury Primary School -1 disagree GRB – West London Free School – 1 Not sure	“I won’t be able to bring my dog to poll as I could at Holy Innocents”	Holy Innocents is not in Grove ward. Unfortunately, unless the dog is a service dog, there won’t be admittance at the school.
Hammersmith Broadway	HBA – 1 Agree HBB – 1 Agree HBC -1 Agree	“I don’t think it will make any difference”	HAA – Macbeth Centre – 1 agree HAB – St Pauls CE Primary School – 1 agree HAC – St Augustine’s Parish Hall – 1 agree	“My local polling station will remain the same and be very convenient”	
Wendell Park	WDA – 1 Agree	“Not at all”	WDA – St Saviour’s Church Hall – 1 Agree	“St Saviours Church Hall is closer than Askew Road Church”	
White City	WHA – 2 Agree WHB – 2 Agree WHC – 2 Agree	“It’s the same as it was before. I don’t think the residents of Batman Close will be happy about voting elsewhere because it will be a bit of a culture shock”	WHC – 1 agree		

Other responses to the review

Ward	Submission	Actions / response to submission
<p>Avonmore</p> <p>1 respondent</p>	<p>“For Avonmore (12) I would say that Avonmore Primary School – next to Marcus Garvey Park in Avonmore Rd and the James Lee Nursery School in Gliddon Rd would be sufficient. You could possibly add Avonmore Library in North End Rd but that is close to both schools. You show a school at Waterhouse Close but this may be an error and certainly isn’t justifiable as James Lee is easily accessible. I would be happy to accompany you if you wish to visit the ward. “</p> <p>“Apologies. I entirely overlooked the obvious location which is St Mary’s church hall W14 0QL. Entrance in Edith Rd. This is close to Holy Trinity, Brook Green which has previously been used as a polling station for Avonmore & Brook Green ward.”</p> <p>“Avonmore will have St Mary’s Church and Avonmore Primary School as its 2 polling stations – both to the north of the ward. I am concerned that Lytton Estate residents won’t bother to walk that far. Could we add the Lytton TRA hall? I note that Brook Green has 3 polling stations.”</p>	<p>Avonmore library would be a good venue but we are still awaiting decision from the CAB about whether we can use it or not.</p> <p>James Lee has previously been used as a polling place, but we prefer to avoid schools if there are viable alternatives available locally.</p> <p>St Mary’s Church Hall is proposed as a polling place for this ward.</p> <p>(School indicated at Waterhouse close is not a proposed venue)</p> <p>Polling districts redrawn making the polling venues slightly more central to their respective districts.</p> <p>Lytton TRA visited and proposed as a polling station.</p> <p>Brook Green is geographically larger, electorate in Avonmore doesn’t currently warrant a third station, and would mean disrupting schools.</p>
<p>Parsons Green and Sandford</p> <p>1 respondent</p>	<p>“I’ll complete the online survey on behalf of my sister but I will take the opportunity to add that if the Basuto road is used, she will probably not be able to access this site not only due to her disabilities (sensory and learning) but the distance</p>	<p>Electoral Services have tried to find a polling venue in Studdridge street, or the southern part of the district.</p> <p>Unfortunately, no appropriate venues have been identified that would be more convenient for the voter’s sister.</p>

	<p>including not being familiar with the area. Postal will also pose an obstacle due to the documents not being produced in either Makaton or large print(?).”</p>	<p>The provision of documents being provided in Makaton or large print falls outside the scope of the review, but arrangements for the voter concerned will be discussed with the respondent and the voter to see what assistance may be available.</p>
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Extract from Electoral Commission Guidance

Considering accessibility issues

4.6 Local authorities have a duty to review the accessibility of all polling places to disabled voters and ensure that every polling place, and prospective polling place, for which it is responsible is accessible to disabled voters 'so far as is reasonable and practicable'.

4.7 According to the Equalities and Human Rights Commission the duty to make reasonable adjustments comprises three requirements. For service providers and those exercising public functions, these requirements are:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.
- Where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function.
- Where not providing an auxiliary aid¹ puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid.

4.8 In the Scope 2010 report 'Polls Apart 2010: Opening elections to disabled people' it was made clear that access is still a barrier to some disabled people who want to cast their vote in person.

4.9 Below, are some of the main physical access issues identified by SCOPE, which should be considered as part of a review:

- polling places and stations with steps into the entrance, or otherwise inaccessible
- narrow doorways and corridors
- lack of space within the polling place that did not enable motorised wheelchair manoeuvrability
- lack of space and secrecy for the elector and their companion to discuss the elector's choice of vote
- lack of low level polling booths or booths/tables that didn't provide disabled voters with confidence that they could cast their vote in secrecy as they were positioned close to the polling station staff
- a lack of chairs to enable people to rest
- a lack of a clear display of guidance or aids (such as tactile voting devices) to enable people to feel confident about the process

¹ In the context of a polling station, an auxiliary aid could, for example, be a ramp for wheelchair users.

- inadequate lighting

4.10 These factors, and accessibility issues more generally, will also need to be considered by the Returning Officer as part of their training for polling station staff.

4.11 In [Appendix A](#) of this guidance we provide an accessibility checklist that can be used to assess the suitability of each polling place and polling station which covers these, as well as other issues.

4.12 In addition to writing to those groups or individuals the local authority has identified as having expertise in access issues, the authority should also engage any internal disability access group and/or disability officer as part of the review.

This is an extract from Electoral Commission guidance.
The full guidance on polling place reviews is available at

<https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/returning-officer/polling-place-reviews>

Report to: Full Council

Date: 19/01/2022

Subject: Review of the Statement of Gambling Policy

Report of: Cabinet Member for the Environment - Councillor Wesley Harcourt

Report author: Adrian Overton, Licensing Policy and Enforcement Manager

Responsible Director: Sharon Lea, Strategic Director for Environment

SUMMARY

The Gambling Act 2005 requires every Council to have a 'Statement of Gambling Policy' which will include information stipulated within the Gambling Commission's statutory Guidance to Licensing Authorities in England and Wales. The Council's 'Statement of Gambling Policy' must undergo a thorough review and public consultation every three years.

It is now time for the London Borough of Hammersmith and Fulham to review its Statement of Gambling Policy (SGP) and undergo a public consultation exercise so that the latest version can be agreed and published at the beginning of January 2022. This report outlines the changes made to the revised policy and the timetable for consultation.

RECOMMENDATIONS

1. To note that Appendix 11 is not for publication on the basis that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, as set out in paragraph 5 of Schedule 12A of the Local Government Act 1972 (as amended).
 2. That the Council carefully consider and note the responses to the consultation attached at Appendix 5.
 3. That the Council approve the revised Statement of Gambling Policy 2022 – 2025, at Appendix 1.
 4. That the Council agree to retain an existing no casino resolution within the Council's Statement of Gambling Policy.
-

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	<i>A robust Statement of Gambling Policy will help to create a level playing field for operators in the gambling industry and transparency and clarity about guiding principles.</i>
Creating a compassionate council	<i>The Statement of Gambling Policy makes specific reference to those who may be vulnerable such as children or those with a gambling addiction and seeks to reinforce certain safeguards to help protect and prevent them from harm.</i>
Doing things with local residents, not to them	<i>The public statutory consultation will be open to residents to provide their views, which can be taken into account in any revised final policy statement.</i>
Being ruthlessly financially efficient	<i>Fees and charges are reviewed annually and where possible set to recover the costs of application administration and management of licensed gambling premises.</i>
Taking pride in H&F	<i>The Licensing Authority's Statement of Gambling Policy helps to consistently manage gambling premises and to uphold the licensing objective related to preventing gambling being associated, supporting or being a source of crime.</i>
Rising to the challenge of the climate and ecological emergency	<i>The consultation will mainly be carried out electronically to minimise the use of paper, when compared to using a postal process.</i>

Financial Impact

There are no significant financial implications resulting from the recommended changes to the Council's Statement of Gambling Policy. The cost of the consultation was minimal and has been contained within the existing revenue budget for the Licensing Service.

Legal Implications

The requirement for every Council to have a 'Statement of Gambling Policy' is set out in the Gambling Act 2005. The Statement of Gambling Policy 2022-2025 will form the Council's framework policy which will help to ensure that licensing decisions comply with legislation and are made fairly and consistently.

Under S.349 of the Act the Council's 'Statement of Gambling Policy' must undergo a review and public consultation every three years. The Council's current Statement of Gambling Policy was agreed by the Council in January 2019 as produced, following extensive consultation with licensees, businesses, residents, community groups and partner enforcing agencies. It expires in January 2022 therefore a revised policy has been prepared and has undergone a full consultation process.

S.349(3) of the Act requires the Council to consult with the following on their policy statement or any subsequent revision:

- the chief officer of police for the Borough.
- one or more persons who appear to Council to represent the interests of persons carrying on gambling businesses in the Borough.
- one or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise.

The Gambling Commission in the formal Guidance to Licensing Authorities, issued under Section 25 of the Act, (as revised in April 2021) recommends that it is a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with, which might include consultation with relevant local groups, business and responsible authorities.

Under this guidance the Council is required to publish consultation responses usually within 12 weeks of the consultation closing. If a response is not published within 12 weeks, the Council should provide a brief statement on why they have not done so. Consultation documents could be provided on Council's website. The Council has followed and complied with the consultation process.

Under S.166 (3) of the Act a no casino resolution must be reviewed every three years from the date when it took effect. The body of the report confirms that it is the Council's intention to keep this resolution in the Statement of Gambling Policy 2022-2025.

The Statement of Gambling Policy 2022-2025 has been prepared taking into account the revised Guidance issued by the Gambling Commission, the Act and associated regulations.

The Licensing Authority has taken Counsel's advice on the proposed changes and the advice is contained in an exempt appendix.

The Council is satisfied that by virtue of Section 153(1) Part 8 of the Gambling Act 2005 it is lawful for the Council to introduce a recommendation into its revised SGP that the terminal hour for Adult Gaming Centres (AGC's) should ordinarily be limited to 23:00 and that the Council would require a robust risk assessment from the licence holder should they wish to operate after that time. Furthermore, that any licence holder wishing to operate beyond that time would be expected to agree to employ more than one member of staff after 23:00. The Council have suggested this recommendation to address the problems with crime linked to lone working in such venues, it is noted that it has been supported by the Metropolitan Police in their

consultation response. Therefore, the recommendation satisfies the promotion of the Licensing Objectives, specifically preventing gambling from being a source of crime and disorder. It was also pointed out that the latest Guidance to Licensing Authorities issued by the Gambling Commission (last updated 13 May 2021) states clearly that there are no default conditions specific to AGCs.

Pursuant to the power contained in section 166 of the Gambling Act 2006 a Licensing Authority may resolve not to issue casino premises licenses. Section 166(2) of the Gambling Act 2005 states that in passing a resolution under subsection (1) the Licensing Authority may have regard to any principle or matter. It is noted that six of the seven consultees supported the retention of the no-casino resolution and the Metropolitan Police stated that they would be supportive of the resolution if the Council saw fit.

Should the Council adopt the 'no casino' resolution for a further three year period pursuant to the power contained in section 166 of the Act, this decision is one that ultimately calls for a political rather than a strictly legal judgment. The decision must be rational and reasoned, but there must be a balancing exercise applying weight to the different interests which have been identified at paragraph 12 of Key information about re-adopting a 'No Casino' resolution" and this decision is the one that must be undertaken by the Full Council.

The Council received a number of technical challenges to the draft policy during the consultation process and the summary of changes made to the current 2019 Statement of Gambling Policy are contained in Appendix 2.

The Council have carefully considered the representations made in respect of the proposed amendments to paragraphs 5.8, 5.12 and 24.2 but recommend the proposed amendments are incorporated into the Statement of Gambling Policy 2022-2025 for the following reasons.

The requirement at 5.8 of the policy to provide relevant information and mitigation measures in the local risk assessment is intended to assist applicants in the drafting of their local area risk assessments and supports a lawful decision making process.

The intention of paragraph 5.12 of the policy is to provide an indication of the types of matters that the authority will expect to see addressed in a local risk assessment such matters being relevant to the licensing objectives.

Public health considerations have been included at paragraph 24.2 of the Statement of Gambling Policy because such considerations are consistent with one of the existing licensing objectives, Gambling Act 2005, 1(c) protecting children and other vulnerable persons from being harmed or exploited by gambling. It is therefore appropriate and lawful for this to be included in the policy.

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Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

Background and Introduction

1. The Council's Statement of Gambling Policy provides advice and guidance to local authorities when exercising their functions under the Gambling Act 2005. It also provides guidance to applicants and objectors.
2. The draft revised Statement of Gambling Policy 2022 - 2025 at Appendix 1 is the Council's sixth SGP and must be adopted by Full Council. It must then be published at least 28 days before it comes into effect at the end of January 2022.
3. The draft revised SGP 2022 - 2025 has been prepared and has been the subject of a 10-week public consultation.

The Review Process

4. In reviewing the statement of gambling policy, we have considered the following:
 - Changes to the gambling regime;
 - The promotion of the three licensing objectives;
 - The guidance issued under Section 25 of the Gambling Act 2005;
 - The current 2019 Statement of Gambling Policy;
 - The views of the Gambling Commission;
 - Local crime prevention measures; and
 - The Equality Act 2010
5. The main changes reflect the latest version of the Gambling Commission's Guidance document and the Commission's Codes of Practice. We have simplified some of the wording to make it clearer, removed some specific references to extracts from the Guidance, updated dates and links to various websites and updated contact details. The more significant changes are summarised in Appendix 2 - Summary of changes made to the current 2019 Statement of Gambling Policy.

The Consultation Process

6. To ensure that these statutory timescales were met, the consultation began on the 12 July 2021 and closed on the 19 September 2021. This timetable meant it could be prepared and finalised for the final Full Council meeting of 2021 in October.
7. The process for revising the policy is to circulate the draft amended policy for public consultation over a 10-week period, review and amend post consultation and then take the policy to a meeting of the Full Council for formal adoption. See Appendix 3 - Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025.
8. All responses received have been collated and analysed and the SGP has been revised where it is considered appropriate to do so.

9. The timetable for adoption is detailed in the table below:

Activity	Date(s)
Public 10-week consultation	12 July 2021 – 19 September 2021
Community Safety and Environment Policy and Accountability Committee	19 July 2021
Public 10-week consultation ends	19 September 2021
Full Council	19 January 2022

Planned timetable for the review and adoption of the SGP

10. All gambling premises and residents' groups have been sent details of the online consultation. They have been advised that paper copies of the consultation are available, if required. The online consultation address was also emailed to all responsible authorities, Councillors and Stakeholders. A copy of the draft Statement of Gambling Policy will be on the Council's website for consultees to refer to as they make their response.
11. The Act requires the licensing authority to consult on its Statement of Gambling Policy with the Police; those who represent the interests of gambling businesses in their area; and those which represent interested persons likely to be affected (Section 349 (3)).
12. In addition to the statutory consultees, e.g. the Local Safeguarding Children Partnership (LSCP) and the Director of Public Health, the following have also been consulted:
- The Police
 - Trade Associations
 - Residents' Associations
 - Businesses via Council and Town Centre contacts
 - Fire Authority
 - Ward councillors
 - Neighbouring authorities
 - Trading Standards
 - Environmental Health
 - Chamber of Commerce
 - Director of Public Health
 - Planning Authority
 - Safeguarding Adults Board
 - Community Safety Partnership
 - GamCare – Gambling charity
 - Other relevant people who could be affected by this policy

Summary of Consultation Responses

13. 12 questions formed part of the public consultation which ran from the 12th July 2021 to the 19th September 2021. 6 responses were received in total from residents, businesses and other interested parties during this period. A statistical analysis of the consultation responses is included at Appendix 8. Where additional comments

were made these have been captured at Appendix 5. Due to a technical problem a late consultation response was also accepted from Councillor Brocklebank- Fowler which can be found separately at Appendix 10.

14. In summary all six of the consultees thought that the Council should retain its no casino resolution. There was also strong support for limiting the times during which Adult Gaming Centres (AGCs) could operate.
15. Separate responses were also received from Poppleston Allen solicitors on behalf of Merkur Slots UK Limited and The Betting and Gaming Council. These responses have been attached to this report as Appendices 6 and 7 respectively.
16. The Police also made comments on the gambling consultation which are included at Appendix 9 of this report. In summary they had no objection to the removal of the Council's no casino resolution and thought that an 11pm terminal hour for AGC premises would be beneficial.

Issues for Consideration

17. The licensing authority can only consider matters within the scope of the Gambling Act, Guidance and associated Codes of Practice and cannot become involved in the moral issues relating to gambling.
18. The local area profile has been updated as part of this review and included as part of this policy, at Annex 3. Whilst there is no mandatory requirement to have a local area profile, there are a number of benefits:
 - a) it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it;
 - b) greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;
 - c) it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
 - d) it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.
19. The proposals and considerations below (Paragraphs 20 to 25) have been included as specific consultation questions. (See Appendix 3 - Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025).
20. Consideration has also been given to the introduction of a policy recommendation that the terminal hour for Adult Gaming Centres should be limited to 11pm. Any premises wishing to operate after this time would be asked to provide a robust risk assessment and also commit to employing more than one member of staff *after* 11pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these types of venues.

21. Some employees are exposed to high-risk situations daily e.g. crime, violence and mental health issues. Environmental Health Officers have investigated incidents which have occurred *before* 11pm where only one member of staff was on duty. In most cases, affected employees have suffered physical injuries and/or post-traumatic stress disorder, which has the potential to have knock on effects.
22. It has been proposed that pro-active measures to address lone working, staffing issues and people within gambling premises could be strengthened in the policy, for all operational hours rather than just being restricted to after 11pm.
23. During the public consultation a proposal was made to remove the Council's long standing 'no casino' resolution from the policy. This proposal was made in an effort to better reflect the Council's commitment to a vibrant night-time economy. However, it is also appreciated that there are potential wider public health implications by inviting further gambling premises to the borough. Key information about re-adopting a 'No Casino' resolution can be found at Appendix 4.
24. Given that all of the comments received from local residents suggested that we should keep the resolution, it is suggested that the resolution is renewed. It is also noted that there could be adverse climate implications if a new casino were attracted to the borough – this has been outlined in sections 44 – 46 of the report.
25. It has been proposed that we strengthen the underage aspects of the policy by including a section about the Council's expectations. This would include: that premises will adopt Challenge 25 when allowing customers to enter / gamble; that all staff will be trained in 'ASSESS-CHALLENGE-CHECK' and instructed to challenge young people as they enter the premises; and that door supervision may be required if the operator is found to breach this.
26. It has been proposed that a condition is added to the local pool of licence conditions about the use of technology to allow remote activation of gaming machines. Once a player reaches a machine, they can often play undetected as they have their backs to staff. If there was a requirement to activate the machine on demand, this would help to facilitate age-verification.

Licensing objectives

27. Consideration must be given to the three licensing objectives below as well as the needs of businesses within the borough.
 - a) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
 - b) Ensuring that gambling is conducted in a fair and open way; and
 - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Reasons for Decision

28. The Council must approve and adopt a statement of gambling policy every 3 years. It is suggested that the changes outlined in Appendix 2 are incorporated into a newly revised policy.

Equality Implications

29. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in s149 of the Equality Act 2010. The policy has low relevance in relation to its impact on the protected characteristics as it applies to all licensed businesses. A new section has been included in the draft revised Statement of Gambling Policy to reflect the Authority's commitment to equality and diversity.

Risk Management Implications

The failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health and Regulatory Services' risk register. Controls in place to mitigate this risk include training, internal auditing, review of local area profiles and local risk assessments, periodic updates of the website and the business planning process.

*Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance
0207 361 2389*

Climate and Ecological Emergency Implications

30. The majority of changes to the current gambling policy are technical in nature and there are no significant foreseen climate implications. There are potential positive climate implications for an earlier 11pm closure of AGC premises, which could mean more gambling premises closing earlier in the evening rather than operating 24 hours, which would reduce operational emissions from energy use on the premises.
31. The impact of removing the Council's no casino resolution is that a new Casino could be attracted to the borough. The impact of this on operational emissions from heating, cooling and powering the building depends on the business it replaces: the impact will be lower if the casino is replacing an existing business on the site that would have been consuming energy anyway; but emissions could increase if this leads to longer operating hours, and if the energy demand of the casino is higher than the existing business.
32. If a new build casino or substantial renovation is proposed this would contribute to significant additional embodied emissions from construction. Planning policy requires the reduction of operational emissions to the extent required by the London Plan, but does not regulate embodied emissions from construction.

Verified by Jim Cunningham, Climate Policy & Strategy Lead, 07468 365829

LIST OF APPENDICES:

Appendix 1 – Draft revised Statement of Gambling Policy 2022 – 2025

Appendix 2 – Summary of changes made to the current 2019 Statement of Gambling Policy

Appendix 3 – Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025

Appendix 4 – Key information about re-adopting a ‘No Casino’ resolution

Appendix 5 – Public consultation responses - comments

Appendix 6 – Response from Poppleston Allen solicitors on behalf of Merkur Slots UK Limited

Appendix 7 – Response from Gosschalks solicitors on behalf of Betting and Gaming Council

Appendix 8 – Public consultation responses - statistics

Appendix 9 – Police consultation response

Appendix 10 – Consultation response from Councillor Brocklebank-Fowler

Exempt Appendix 11 – External legal advice from David Matthias Q.C.

STATEMENT OF GAMBLING POLICY

JANUARY 2022 – JANUARY 2025

Under the Gambling Act 2005 (the Act), the Licensing Authority (We), must publish a statement of the principles which we are going to apply in relation to gambling.

This revised Statement of Gambling Policy will take effect from the **4 January 2022**.

We have prepared this Statement of Gambling Policy after considering the guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. We have consulted on this policy and have considered any responses to the draft statement before adopting and publishing this final document.

We will review and publish this statement at least every three years and consult again about any amended parts. If you would like more information or have any comments about this policy, please [contact us](#) directly.

If you would like to see the full list of comments made on the draft statement, please [contact us](#).

All references to specific paragraphs in the Gambling Commission Guidance relate to the 5th edition published in September 2015 (Parts 17, 18 and 19 updated in September 2016). A copy of this version is available on the Council's website. Further editions of the Guidance may be published throughout the duration of this Statement of Gambling Policy.

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1 Introduction

1.1 The Act introduced a unified regulator for gambling in Great Britain – the Gambling Commission – and a new licensing system for commercial gambling to be managed by the Commission or by local authorities, depending on the matter that needs to be licensed. The only exceptions are spread betting (regulated by the Financial Services Authority), remote gambling and the National Lottery (regulated by the Gambling Commission). We, the Licensing Authority, and the Gambling Commission, will share responsibility for all matters previously regulated by the Magistrates' Court.

1.2 The Gambling Commission will be responsible for granting operating and personal licences for commercial operators and personnel in the industry. The Licensing Authority will issue premises licences for:

- betting offices and racetracks;
- casinos;
- bingo clubs;
- adult gaming centres; and family entertainment centres.

We will also issue provisional statements, occasional and temporary use notices and permits for:

- gaming machines in alcohol-licensed premises, such as pubs;
- gaming machines for members' clubs;
- gaming in members' clubs; and

family entertainment centres not licensed to sell alcohol (category-D machines only, that is, those that have the lowest level of stakes and prizes) Licensing Objectives

1.3 Under the Act, we must consider the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) making sure that gambling is carried out in a fair and open way; and
- c) protecting children and other vulnerable people from being harmed/exploited by gambling.

Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old.

1.4 Under section 153 of the Act, when making decisions about premises licences and temporary use notices, we should allow the premises to be used for gambling if we think it is:

- in line with any relevant code of practice and guidance issued by the Gambling Commission; and
- in line with the principles set out in this policy and consistent with the licensing objectives.

Licensing Authority Functions

1.5 Under the Act, we must be responsible for licensing premises where gambling activities are to take place by:

- issuing premises licences;
- issuing provisional statements;
- issuing club gaming permits and/or club machine permits to regulate members' clubs and miners' welfare institutes that want to offer certain gaming activities;
- issuing club machine permits to commercial clubs;
- granting permits for certain lower-stake gaming machines at family entertainment centres that are not licensed to sell alcohol;
- receiving notices from premises that are licensed to sell alcohol (under the Licensing Act 2003) that they want to use one or two gaming machines;
- issuing gaming machine permits for premises that are licensed to sell or supply alcohol for people to drink on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- registering small-society lotteries below set limits;
- issuing prize gaming permits;
- receiving and approving temporary-use notices;
- receiving occasional-use notices;
- providing information to the Gambling Commission about the licences we have issued (see section 10 below); and
- maintaining registers of the permits and licences that we issue.

2 The Borough

2.1 Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in the west of central London, on the transport routes between the city and Heathrow airport.

2.2 It is a long, narrow borough, running north to south with a river border at its south and south-west side. It is bordered by six London boroughs – Brent to the north, Kensington and Chelsea to the east, Wandsworth and Richmond-upon-Thames to the south, and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres – Hammersmith, Shepherd's Bush and Fulham.

2.3 Hammersmith & Fulham is made up of 16 electoral wards. These range in size from 55 hectares to 344 hectares.

2.4 When producing this statement, we have considered:

- local crime prevention;
- the licensing policy;
- our planning, transport, tourism and cultural strategies;
- complaints received
- night-time economy and the industrial strategy
- housing strategy
- our equal opportunities policy; and
- our public health duties and the pandemic.

2.5 We consulted the following people before finalising and publishing this statement.

- The Police
- Trade Associations
- Residents' Associations
- Businesses via Council and Town Centre contacts
- Fire Authority
- Ward councillors
- Neighbouring authorities
- Trading Standards
- Environmental Health
- Chamber of Commerce
- Director of Public Health
- Planning Authority
- Safeguarding Adults Board
- Community Safety Partnership
- Other relevant people who could be affected by this policy

2.6 This statement of principles will not stop any eligible person from making an application, commenting on an application, or applying for a review of a licence, as we will consider each one individually and according to the Gambling Act 2005 (except for casinos, see section 17 below).

2.7 There are a range of [statutory application forms and notices](#) that licensing authorities are required to use as part of our gambling licensing responsibilities. A summary list of these can be found in [here](#).

3 General principles

3.1 The Act and any associated regulations will apply to premises licences as well as specific conditions set out in regulations. We can exclude some conditions and attach others where we consider it to be appropriate.

3.2 We are aware that the Gambling Commission's guidance for local authorities says that moral objections to gambling are not a valid reason to reject applications for premises licences, and that a licensing authority must not consider unmet demand when deciding an application. However, to meet the licensing objectives, we will have to consider whether the premises are appropriate for the intended activity.

Multiple licences and separation of different premises

3.3 Under the Act, 'premises' includes 'any place'. A single premises cannot have different premises licences operating at different times. However, it is possible for a single building to have more than one premises licence, as long as they are for different parts of the building and the different parts of the building can reasonably be considered as different premises. Whether different parts of a building can properly be considered as separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider areas of a building that are artificially or temporarily separate to be different premises.

3.4 If more than one application is received for premises licences in a single building, we will make a decision on whether the proposed premises are genuinely separate to the extent that they merit their own licence and are not an artificially created part of what is readily identifiable as a single and separate unit. A decision

of this nature will be taken by the licensing sub-committee.

When determining whether two or more proposed premises are separate, we will take a number of factors into account. Depending on the specific circumstances of the case these may include:

- Do the premises have different postal addresses?
- Is a separate registration for business rates in place at the premises?
- Are the neighbouring premises owned by the same person or not?
- Can each set of premises be accessed by different entrances from the street or a public passageway?
- Can the premises be accessed only from another gambling premises?
- How are the premises separated? Are any partitions fixed, of full height and transparent in any part?

Where the licensing authority determines that more than one premises licence can be granted within a single building, then specific measures may be required to be included as conditions on the licences. Such measures may include:

- the supervision of entrances.
- segregation of gambling from non-gambling areas, which may include the type and position of partitions and/or the supervision of the premises and gaming machines.

3.5 We pay particular attention to the Gambling Commission's guidance for local authorities, which states the following:

7.32 *Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:*

- *the third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.*

- *entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit*

- *customers should be able to participate in the activity named on the premises licence.*

3.6 The Gambling Commission's Guidance states at paragraph 7.59 that premises licence applications may be made, "in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place." Paragraph 7.60 states, "It may be sufficient to simply issue the licence with a future effective date, as is possible under the Regulations (SI 2007/459: The Gambling Act 2005 (Premises Licences

and Provisional Statements) Regulations 2007 ...”

Plans

- 3.7 The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.

The Regulations state that plans shall contain the following information:

- the extent of the boundary or perimeter of the premises
 - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
 - where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
 - where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
 - the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.
- 3.8 In line with the Gambling Commission’s guidance for local authorities, we will pay particular attention to protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder. This would include incidents, or suspected incidents, of modern slavery or child sexual exploitation. We welcomed the [ABB Code for Responsible Gambling and Player Protection](#), and recommend [Gamcare certification](#) to gambling operators in this borough. We expect all operators of gambling premises to fully comply with the [Gambling Commission’s Licence Conditions and Codes of Practice \(LCCP\)](#).
- 3.9 When determining premises licence applications and when inspecting premises we will consider the [Gambling Commission’s codes of practice provisions](#). The codes specify a number of requirements related to social responsibility issues, for example, protection of the young and vulnerable, in relation to access for children into Gambling premises, their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these.

Planning Considerations

- 3.10 We will try to avoid repeating any work already carried out under other systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. However, we will carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions.
- 3.11 The Gambling Commission’s Guidance to Licensing Authorities states:

‘7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...’

‘7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form

part of the consideration for the premises licence.

S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

The Licensing Authority is aware that the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.

4 Premises Licences

- 4.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must [apply to the Licensing Authority for a premises licence](#).
- 4.2 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the Council's opinion that all gambling premises, whether subject to an application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 4.3 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the Council. The Council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises operate in a manner that is reasonably consistent with the licensing objectives, the Commission's [Codes of Practice](#) and/or [local authority guidance](#), and this Statement of Gambling Policy.
- 4.4 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Act authorises the provision of gambling facilities for the following types of premises licences: (For definitions of categories of gaming machines, see the glossary at section 25 of this policy)
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises (for category C and D machines)
 - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).
- 4.5 In betting premises, the primary activity will be betting, with gaming machines as an ancillary offer on the premises. As far as betting or bingo premises licences are concerned the [Gambling Commission's Licence Conditions and Codes of Practice \(LCCP\)](#) sets out the requirements on the operator to ensure that premises operate within the terms of the Act and the relevant conditions.

4.6 The Council will make decisions having regard to the Commission's view on primary gambling activity and will expect applicants to operate premises in line with the [Commission's Guidance](#) and conditions on their operator's licence. The Council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to demonstrate that the premises are intended to be used for the primary gambling activity proposed. For example, a betting premises licence application that only has 4 gaming machines, but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

5 Conditions

5.1 Any conditions attached to licences will be lawful and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

5.2 Certain matters which are set out in the Act may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an operating licence,
- conditions as to gaming machines that contradict the provisions in the Act,
- conditions making activities, premises or parts of them, operate as a membership club,
- conditions on fees, winnings, stakes or prizes.

5.3 We will make decisions on individual conditions, on a case-by-case basis, although there will be a number of measures we will consider using if necessary, such as using supervisors, appropriate signs for adult-only areas and so on. We will also expect you to offer suggestions as to how you will meet the licensing objectives effectively.

5.4 We will also consider specific measures which may be needed for buildings which have more than one premises licence. These may include supervising entrances, separating gambling from non-gambling areas used by children, and supervising gaming machines in non-adult gambling premises to achieve the licensing objectives. Noise, nuisance and disturbance are often linked to late night licensed premises and can often be linked, or be a precursor to, disorder. Although we recognise that nuisance is not mentioned as a Licensing Objective, the fact that it can be closely related to disorder can be a cause for concern when dealing with gambling premises applications and, in particular, applications to operate gambling premises late at night.

5.5 In appropriate circumstances, and where representations have been received and appropriate, relevant evidence is provided, this Authority will consider the imposition of conditions such as:

Door and Windows

- All external doors and windows shall be kept closed [at all times] [after [TIME]].
- External doors shall be fitted with a self-closing device.
- External doors fitted with a self-closing device shall not be propped open at anytime.

Signs and Announcements

- Signs shall be prominently displayed at the exits from the premises reminding patrons there are residents living nearby and instructing them to respect the neighbours and to leave the premises promptly and quietly.
- When a microphone is available e.g. in bingo gambling premises, an announcement will be made at the end of gambling hours reminding customers that the premises are in a residential area and asking them to leave the premises promptly and quietly.

Speakers

- There shall be no stereo / television or other audio equipment speakers mounted in the ceiling of the premises to prevent vibration transmission of sound energy to adjoining properties.
 - All stereo / television, other audio equipment, or free-standing / portable speakers shall be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.
- 5.6 Such conditions will only be considered where there is evidence to suggest that the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, is not being promoted for a specific premises and the imposition of such conditions are necessary to promote this licensing objective.
- 5.7 **Local Area Profile** – a map of this Local Authority’s area has been attached as a separate document to this policy, at Annex 3. This document may be reviewed and updated from time to time. The map contains the location of all schools, hostels and homes for vulnerable people, hotspots of anti-social behaviour (ASB), and centres for people with gambling addictions. This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction. The Authority will also pay particular attention to areas where children, young people and families congregate, for example in the vicinity of schools. This map will be periodically updated and will be publicly available on the [Hammersmith and Fulham Council website](#).
- 5.8 Where paragraph 5.7 applies this Authority will expect applicants to fully explain in their local area risk assessment how their proposal will not exacerbate any problems to individuals living in the vicinity or exacerbate any ASB problems within the vicinity generally. The local area risk assessment enables an applicant to identify risks posed by the gambling facilities provided and to detail policies, procedures and control measures in place to mitigate the risk.
- 5.9 Additional conditions may be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business. This Authority fully supports any ‘Bet Watch’ or similar schemes within the borough. This Authority expects operators of relevant premises to actively participate in the scheme in order to demonstrate their commitment to protecting vulnerable people from gambling harm.

Local Risk Assessments

- 5.10 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their Local Risk Assessment (LRA) how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people or proximity to churches, mosques, temples or any other place of worship. Religious premises and places of worship often support vulnerable members of the local community, including the homeless community and youth population and have therefore been included in this policy, rather than for any moral or ethical reasons.
- 5.11 If the authority does not feel that risks have not been identified or adequately addressed then an applicant would be invited to reconsider the risk assessment submitted. Some publicly available sources of information to assist in operators completing a Local Risk Assessment (LRA) include:
- (a) the [latest crime statistics and advice](#);
 - (b) [Office for National Statistics](#) for local neighborhood information;
 - (c) Relevant websites or publications by any of the [Responsible Authorities](#);
 - (d) Information leaflets and helpline numbers, from organisations such as [GamCare](#) and [GambleAware](#), for customers who may have a gambling addiction.
 - (e) [The National Gambling Treatment Service](#) who work with, and alongside, the National Health Service (NHS). It provides telephone, on-line and face-to-face treatment for individuals and groups via a network of NHS trusts and voluntary sector organisations.
- 5.12 This Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with the [Licence Conditions and Codes of Practice \(LCCP\) - Social Responsibility \(SR\) code 10.1.1 and Ordinary code provision 10.1.2](#). Additional licence conditions will only be considered where there is evidence that gambling premises in a particular area will exacerbate the risk of harm to vulnerable, and young, people, and where there is evidence that they are necessary in order to promote the licensing objectives. There is no presumption that because a gambling premises is proposed to be located in a specific location that there will be a need for additional licence conditions, or that an individual application will be rejected. We strongly recommend that operators of licensed premises keep their Local Risk Assessments on the individual licensed premises and ensure that it is available for inspection.

The [LCCP](#) also states that a LRA must also be submitted when changes in the local environment or the premises warrant a LRA to be conducted again. This may be where:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels, religious places, places of worship or gambling or mental health care/ support facilities are opened in the local area).

The Authority will expect the local risk assessment to consider:

- the location of services for children such as schools, playgrounds, leisure/community centres and

other areas where children and young people will congregate such as youth clubs, parks, bus stops, cafés, shops, entertainment venues such as cinemas, bowling allies and any other place where children are attracted.

- the demographics of the area in relation to vulnerable groups.
- whether the premises is in an area subject to high levels of crime and/or disorder, including areas that are prone to youths participating in antisocial behaviour, e.g. graffiti/tagging or underage drinking.
- the nighttime economy in our town centres so that it is sensitive to local residents but enhances the borough as a destination for inward investment, tourists and visitors.
- how women can be kept safe through support for the Women's Night Safety Charter, which the council has signed up to.
- how vulnerable people, including people with gambling dependencies are protected.
- assessing staffing levels when a local college closes and the students begin to vacate the grounds.
- age verification policies such as 'Challenge 25'.
- How joining schemes such as Bet Watch could help reduce crime and antisocial behavior.
- line of sight from the counter to gambling machines.
- information held regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- The impact of the covid pandemic on gaming trends and on operational risks.
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, religious places, places of worship, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

5.13 Appropriate licence conditions may be as follows:

- All gaming machines are in an area of the premises which is separated from the rest of the premises by a physical barrier which prevents people from entering other than through a specific entrance,
- Only adults are allowed into the area where these machines are located,
- Access to the area where the machines are located is supervised,
- The area where these machines are located must be arranged so that it can be monitored by the staff or the licence holder,
- Recognised proof-of-age schemes must be in place,
- Notices should be clearly displayed showing that people under 18s are not allowed at the entrance to, and inside any of, these areas.
- The entrance and gaming machines must be in appropriate places,
- Closed-circuit television must be provided,
- Door supervisors must be provided,
- There must be specific opening hours,
- There must be self-barring schemes. This means that problem gamblers can ask for their casual membership to be suspended and ask to be denied entry so they can deal with their addiction,
- Information leaflets and helpline numbers for organisations such as [Gamcare](#), [GambleAware](#), and the [National Gambling Treatment Service](#) must be provided.

5.14 The licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted the following conditions should apply:

- remainder of the premises is divided by a physical barrier which is effective to prevent any views of machines in category C or above and any access to them other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.15 The licensing authority expects opening hours for premises to be specified only in applications where hours are not already specified by the default conditions. The licensing authority also suggests that the terminal hour for AGC premises should be limited to 23:00. Any AGC wishing to operate after this time would need to provide a robust risk assessment and also commit to employing more than one member of staff after 11pm.

5.16 These considerations will also apply to premises where more than one premises licence is needed.

Door Supervisors

5.17 We may consider whether door supervisors are needed to meet the licensing objectives of protecting children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. In particular, we would expect the appropriate numbers of door supervisors to be employed at premises where alcohol is sold or operates beyond 11pm. We may feel it necessary to add specific conditions in relation to door supervisors, particularly where the door supervisors do not have to be registered with the Security Industry Authority (SIA). These conditions may include:

- the need to be easily identifiable, with the person's name badge clearly on display; and
- the need to have received specific training related to the task being performed.

5.18 This recognises the work door supervisors carry out, which includes searching individuals, dealing with potentially aggressive people, where there are concerns about modern slavery or child sexual exploitation and so on.

5.19 For premises other than casinos and bingo premises, operators and licensing authorities may decide that entrances and machines should be supervised in particular cases, but they will need to decide whether these supervisors need to be licensed by the SIA or not. It will not be automatically assumed that they need to be.

5.20 There is no evidence that, generally, betting offices need door supervisors to protect the public. The authority will only require a betting shop to appoint a door supervisor if there is clear evidence that the premises cannot be properly supervised from the counter.

6 Responsible authorities

6.1 The responsible authorities as defined by the Act are listed in the glossary under section 25 of this policy.

6.2 Contact details of all the responsible authorities under the Act can be obtained from our [website](#).

6.3 We must set out the principles we will apply when naming an organisation which will be able to advise us on protecting children from harm. The principles are that the organisation must be:

- responsible for an area covering the whole of the licensing authority's area; and

- be answerable to elected people, rather than any group with an interest in gambling.

6.4 We appoint the [Local Safeguarding Children Partnership](#) (LSCP) for this purpose.

7 Relevant representations and interested parties

7.1 Interested parties can comment on licence applications or apply for a review of an existing licence. Interested parties are defined in section 158 of the Act as follows: ‘For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy paragraph (a) or (b).’

7.2 The Gambling Commission has recommended that we make it clear that interested parties include trade associations and trade unions, and residents’ and tenants’ associations ([Gambling Commission guidance for local authorities 8.16 and 8.17](#)). However, we will not generally view these organisations as interested parties unless they have a member who can be classed as an interested person under the terms of the Act (that is, lives close enough to the premises or has business interests that might be affected by the activities being applied for).

7.3 Interested parties can be people who are democratically elected such as Councillors and MPs. We will not need specific evidence of them being asked to represent an interested person as long as the Councillor or MP represents the ward that is likely to be affected. Other than these, however, we will generally need written evidence, e.g. a letter, that a person or organisation ‘represents’ someone who either lives close enough to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities.

7.4 If people want to approach Councillors to ask them to represent their views, they should be careful that the Councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members’ code of conduct in cases where they have a particular interest. Please [contact us](#) if there are any doubts.

7.5 We will decide each case individually. We will not apply a strict rule when making decisions. We will consider the Gambling Commission’s guidance for local authorities should we need any clarity regarding the validity of any particular representations.

7.6 Representations will not be accepted if they do not relate to one or more of the three licensing objectives (as set out in section 1.3 of this policy). ‘Frivolous’ or ‘vexatious’ representations will not be accepted as valid.

7.7 Environmental issues such as noise or light pollution cannot be considered under the Act as they do not relate to the licensing objectives. Issues of this type can be considered under the Environmental Protection Act 1990 and should be reported to the Council’s Noise and Nuisance team [online](#), or on 0208 753 1081 or by email to: noise@lbhf.gov.uk.

8 Reviews

- 8.1 An interested party or a responsible authority (see the glossary at section 25 for a list of relevant responsible authorities) may apply to the Council to review a premises licence. Such reviews can be made in relation to, amongst other things;
- i) if there are repeated incidents of crime and disorder associated with the premises, or the gambling activity, which the premises operator has failed to adequately address,
 - ii) where incidents that have adversely affected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been taken account of,
 - iii) if the premises is either attracting children or people likely to be involved in crime and disorder, e.g. modern slavery or child sexual exploitation, due to the activities being undertaken.

An application to review a premises licence may be made requesting that conditions relating to age verification policies are applied to the licence where an underage test purchase has been made.

- 8.2 As a review of a premises licence can lead to its revocation, the Council will consider what informal action has been undertaken by the applicant, or the licence holder, prior to the review application being made. The Council accepts that an application for review may be appropriate without informal measures first being requested by an applicant but will actively encourage appropriate alternative forms of action being considered prior to review applications being made.
- 8.3 Our decision will be based on whether the request for the review:
- raises an issue related to any [relevant code of practice](#), any relevant [guidance issued by the Gambling Commission](#), the licensing objectives or this statement;
 - is frivolous or vexatious;
 - could possibly lead to a decision to alter, revoke (withdraw) or suspend the licence; or
 - raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.
- 8.4 We can also review a licence for any reason we consider to be appropriate under the law.

9 Enforcement

- 9.1 We are committed to the Regulators' Code in terms of reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between us and those we regulate. Our commitment extends to aiming to design our service and policies in a manner that best suits the needs of business, by complying with the principles-based framework for regulatory delivery within the Regulators' Code. We will ensure that any enforcement action complies with the 'Regulators Code' and, to support or enable economic growth for compliant businesses, we will endeavor to:
- understand and minimise negative economic impacts of our regulatory activities;
 - minimise the costs of compliance for those we regulate;
 - improve confidence in compliance for those we regulate, by providing greater certainty; and
 - choose proportionate, transparent and effective approaches to encourage and promote

compliance

We will act in accordance with our Enforcement Policy. Bearing in mind the principle of transparency, our [Enforcement Policy](#) is available on our website.

- 9.2 In accordance with the Gambling Commission's guidance and the 'Regulators Code' we will provide the criteria we will use for this on request or provide the information on our website. In accordance with the Regulators Code only those premises identified as being 'high risk' premises will be routinely inspected. Officers will only visit premises where there is a reason to do so (e.g. as part of a complaint investigation).
- 9.3 Once premises have been licensed it is essential that they are monitored to make sure that they are run in accordance with their operating schedules and with any licence conditions. It will also be important to monitor the borough for unlicensed premises.
- 9.4 The main enforcement role for us in terms of the Act will be to make sure that premises are used in accordance with the licences and other permissions which we authorise. The Gambling Commission will be the enforcement body for operating and personal licences. The Gambling Commission will also deal with concerns about the manufacture, supply or repair of gaming machines.
- 9.5 We will investigate complaints about licensed premises in relation to the licensing objectives or offences under the Act. If it is not appropriate for you to raise the complaint directly with the licence holder or business concerned to try and find a solution, please [contact us](#) for advice or information. There may be circumstances where the premises may be operating in a way that could result in enforcement action, e.g. a complaint in relation to criminal activities or that it is being used by children. In these circumstances we would recommend that you provide us with this information directly rather than speaking with the licence holder or business concerned. We can then refer the information to the appropriate authority for further investigation or for information.
- 9.6 This Licensing Authority recognises that certain bookmakers have several premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the [Primary Authority](#) for the business. Where there is no [Primary Authority Partnership](#) in place, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 9.7 In recognition of H&F's diverse community and to support the principles in this enforcement policy of transparency, consistency, proportionality, targeting and helpfulness, we want to:
 - a) commit to **working with diverse businesses to ensure equality for all**. Along with the Health and Safety Executive (HSE) and others we need to be an organisation which *"understands the diverse society in which it operates, which is clear about the impact of its policies and operations on that diverse society, and which conducts its business with sensitivity and respect for people's different needs, vulnerabilities and perspectives on life"*;
 - b) ensure that we minimise the impact of our enforcement actions on diverse businesses, which could unintentionally lead to race and other inequalities;
 - c) improve any perceived negative perception that diverse businesses may have of local government regulators;

- d) raise awareness about how our services can support individuals and families in diverse communities with easy access to advice and protection, to minimise any inadvertent race or other inequalities;
- e) increase the reporting of non-compliant business operations within diverse communities; so that reputable businesses can thrive and grow and to improve the safety, health and wellbeing of our residents.

We will achieve this goal by:

- improving the equalities monitoring of our enforcement actions and outcomes to enable us to have improved data to use with equality impact assessment tools;
- using our monitoring and other data to make improvements to the way in which we communicate, help, engage with and support diverse businesses;
- making better use of business intelligence and other monitoring data to improve our targeted communications when reaching out to a diverse range of people and organisations to understand and address any potential barriers to communication.
- responding positively to requests for information in alternative formats or by specific officers, where capacity and availability of resources, will allow;
- making better use of available training, information and research to provide information about race and other diversity issues, so that we can engage in a more helpful way;
- providing unconscious bias and other equalities training for all our officers; and
- improving the diversity of advisory/consultee bodies and stakeholder networking.

10 Exchanging information

10.1 We will exchange information in accordance with the Act and Data Protection legislation.

10.2 We will also consider any guidance issued by the Department for Business, Energy and Industrial Strategy (BEIS), or the Gambling Commission to local authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

10.3 When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about gambling premises, to help target resources and activities and minimise duplication.

11 Provisional statements

11.1 We will decide whether premises can be considered for a premises licence. The guidance issued by the Gambling Commission advises that the building should be complete so that the authority could, if necessary, carry out a full inspection.

11.2 We cannot consider any more representations from relevant authorities or interested parties after we have issued a provisional statement, unless they concern matters which could not have been dealt with at the provisional statement stage, or they reflect a change in circumstances. We may also refuse the premises licence (or grant it on terms different to those attached to the provisional statement) if the matter:

- could not have been raised by objectors at the provisional licence stage; or
- reflects a change in the operator's circumstances.

12 Temporary-use notices

12.1 These allow premises to be used for gambling where there is no premises licence but where a gambling

operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues. A temporary-use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

12.2 The Secretary of State will list the gambling activities that may be covered by a temporary-use notice, as well as activities that may not be and activities that may not be combined with any other.

13 Occasional-use notices

13.1 Where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an occasional-use notice without the need for a full premises licence.

13.2 We have limited power in relation to these notices other than making sure that betting is not allowed for more than eight days in a calendar year.

14 Consultation

14.1 We will expect you to advertise the application in line with the regulations made under the Act. An applicant for the grant or variation of a licence, or for a provisional statement is required to advertise the application by means of:

- a notice displayed at the premises for 28 consecutive days starting on the day the application is made to the licensing authority, and
- publication of the notice of application in a local newspaper within 10 working days of submitting the application to the licensing authority.

The notices must be in the prescribed form.

The consultation period for applications runs for 28 days starting the day the application is made to the licensing authority.

14.2 We will carry out a consultation process in line with the regulations made under the Act. In exceptional circumstances we may consider it appropriate to carry out a more thorough public consultation. We will publicise details of applications received.

15 Adult gaming centres (AGCs), family entertainment centres (FECs) licensed to sell alcohol, bingo premises, betting premises.

15.1 When deciding applications for a premises licence for these premises, we will consider the need to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to satisfy us that there will be enough measures in place to meet this licensing objective. Appropriate measures could include training for staff on how to deal with suspected truanting school children on the premises or how to recognise signs of potential modern slavery or child sexual exploitation.

15.2 We will expect you to offer your own measures to meet the licensing objectives. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex 2 of this policy.

15.3 We will consider the [guidance issued by the Gambling Commission](#) and will take into account the size, suitability, layout of the premises and, if relevant, the number of counters available for face-to-face transactions.

15.4 Providing the Licensing Authority with details of where a child or young person repeatedly attempts to gamble on their premises may provide the Licensing Authority with an opportunity to consider safeguarding concerns. The Licensing Authority continues to raise awareness in cooperation with the Metropolitan Police of modern slavery or child sexual exploitation, via [Operation Makesafe](#), amongst the business community. To date, efforts have been focused on providing awareness to hotels, taxi companies and licensed premises.

15.5 Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

16 Family Entertainment Centres (FECs)

16.1 There are two types of Family Entertainment Centres:

- a) Licensed - providing both category C and D machines, which require a premises licence
- b) Unlicensed - providing category D machines only, which do not require a premises licence, but are regulated through Family Entertainment Centre Gaming Machine Permits

16.2 If an operator does not hold a premises licence but wants to provide gaming machines he may apply to us, the licensing authority, for this permit. The person applying must show that the premises will be completely or mainly used for gaming machines (section 238 of the Act).

16.3 FECs not holding a licence will be able to offer only category-D machines with a gaming machine permit. There can be any number of category-D machines with such a permit (depending on other considerations such as fire regulations and health and safety, which will not be issues for the licensing authority under the Act). We cannot issue permits for vessels or vehicles.

16.4 As part of any Unlicensed Family Entertainment permit application, the Council will require applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes (para 24.7 of the Act)

16.5 The Council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm ([Social Responsibility Code 3](#)). Harm in this context is not limited to harm from gambling but includes wider child protection and potential modern slavery or child sexual exploitation considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- measures/training for staff concerning suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised, very young children being on the

- premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises;
- measures/training covering how staff would identify the signs and symptoms of persons engaged in the illegal use, or under the influence, of controlled drugs and/or alcohol.

17 Casinos

17.1 We have a 'no casino' resolution in this borough.

17.2 The 'no casino' resolution came into effect on the same date as the original Statement of Gambling policy. We will review this resolution at least every three years, and can withdraw it at any time.

17.3 This means that we will not consider any applications for a premises licence for a casino. We will return any applications we receive with a notice that a 'no casino' resolution is in place.

18 Tracks

18.1 We are aware that tracks may need more than one premises licence and we will especially consider the effect on the third licensing objective (that is, protecting children and vulnerable people from being harmed or exploited by gambling).

18.2 We would expect you to show that suitable measures are in place to make sure that children do not have access to adult-only gaming facilities. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex 2 of this policy.

18.3 We will expect you to have plans that explain very clearly what you want authorisation for under the track betting premises licence and which, if any, other areas need a separate application for a different type of premises licence.

19 Travelling fairs

19.1 We will firstly consider whether you fall within the legal definition of a travelling fair.

19.2 It will fall to this Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs and that the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met.

19.3 Fairs cannot be held on a particular piece of land for more than 27 days per calendar year, no matter whether it is the same or a different travelling fair using the land. We will work with our neighbouring authorities to make sure that land which crosses administrative boundaries is monitored to ensure legal limits are not broken.

20 Gaming machine permits for premises that sell alcohol

- 20.1 Premises licensed to sell alcohol for people to drink on the premises are entitled to have two gaming machines, of categories C and/or D. The licensee must provide notification, and we can remove this entitlement if:
- the machines are not provided in line with the licensing objectives;
 - gambling has taken place on the premises that breaks a condition of section 282 of the Act (that is, written notice has not been provided to the licensing authority, a fee has not been paid and any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been met);
 - the premises are mainly used for gambling; or
 - an offence under the Act has been committed on the premises.
- 20.2 If a licensee wants to have more than two machines, they need to apply for a permit and we must consider that application based on the licensing objectives, any [guidance issued by the Gambling Commission](#) issued under section 25 of the Act, and any other relevant conditions.
- 20.3 One of the licensing objectives is to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to show us that there will be enough measures to make sure that people under 18 do not have access to the adult-only gaming machines. Appropriate measures and licence conditions may include the ones listed in section 5 above and Annex 2.
- 20.4 Some alcohol-licensed premises may apply for a premises licence for areas of the premises which are not licensed for selling alcohol. Any such application would most likely need to be made and dealt with as a premises licence for an adult gaming centre.
- 20.5 We can decide to grant the application with a smaller number of machines or different category of machines than those applied for. Conditions (other than these) cannot be attached.
- 20.6 The holder of a permit must follow any [code of practice issued by the Gambling Commission](#) about where and how the machine must be used.

21 Prize gaming permits

- 21.1 This Authority has not adopted a statement of principles on permits under Schedule 14 paragraph 8 (3) of the Act.
- 21.2 Gaming is defined as prize gaming if the nature and size of the prize does not depend on the number of people playing or the amount paid for or raised by the gaming. The operator decides the price before anyone starts to play on the machines.
- 21.3 A prize gaming permit is a permit we issue to authorise gaming facilities with prizes on specific premises.
- 21.4 An application for a permit can only be made by a person who uses or plans to use the relevant premises. If the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is already in existence for the same premises.
The application must be made to the authority in whose area the premises are completely or partly situated.
- 21.5 When making our decision on an application for this permit, we do not need to consider licensing objectives but must consider any [Gambling Commission guidance](#).

21.6 There are conditions in the Act which the permit holder must follow. These are:

- the limits on participation fees, as set out in regulations;
- all chances to take part in the gaming must be offered on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are offered and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not be more than the amount set out in regulations (if a money prize), or the set value (if a non-monetary prize); and
- taking part in the gaming must not entitle the player to take part in any other gambling.

22 Club gaming and club machine permits

22.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit.

22.2 Gambling Commission guidance states: 'Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.'

22.3 We may only refuse an application if:

- you do not fulfil the requirements for a members' or commercial club or miners' welfare institute and so are not entitled to receive the type of permit which you have applied for;
- your premises are used wholly or mainly by children or young people;
- you have committed an offence under the Act or have broken the conditions of a permit while providing gaming facilities;
- a permit held by you has been cancelled in the previous 10 years; or
- an objection has been lodged by the Commissioner of Police.

22.4 There are conditions attached to club gaming permits that no child uses a category-B or category-C machine on the premises and that the holder follows any [relevant code of practice](#) about where and how gaming machines are used.

23. Small Society Lotteries

23.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission); and
- exempt lotteries (including small society lotteries registered by the Licensing Authority)

23.2 The Licensing Authority recommends those seeking to run lotteries take their own legal advice. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on our [website](#). Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located.

- 23.3 Lotteries will be regulated through; a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, [codes of practice](#) and any [guidance issued by the Gambling Commission](#). In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the [Gambling Commission's guidance](#).

The Licensing Authority will accept society lottery returns electronically by email.

24 Other Information

- 24.1 **Annual Licence fee** – The Gambling Act 2005 requires every holder of a gambling licence to pay an annual fee to the Licensing Authority. Failure to pay the annual fee may result in the revocation of the premises licence.
- 24.2 **Public Health considerations** - Although public health is not yet formally a licensing objective there is definitely evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties. The Licensing Authority will liaise with public health colleagues about new and variation applications within the borough, so that we can continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, check for vulnerable locations nearby eg drug and alcohol clinics or homeless hostels, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.
- 24.3 **Equalities** - The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Hammersmith and Fulham Council has an [Equal Opportunities Policy](#) and this revised Statement of Gambling Policy will be monitored for any adverse impact on the promotion of opportunities for all.

This Statement of Gambling Policy recognises the Race Relations Act 1976. The Licensing Authority will have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.

- 24.4 **Email Alerts** - If you are interested in being notified about new applications you can [register on our website](#) for licensing application email alerts and receive regular updates about applications in your area.
- 24.5 **The Local Plan** - The [Local Plan](#) sets out the Council's planning policies for developing land, improving transport and protecting the environment. The Council is required to determine planning applications in accordance with the Local Plan, the [London Plan](#) and any other material considerations.
- 24.6 **Review of the Statement of Gambling Policy** - Under the Gambling Act 2005, the Licensing Authority must carry out a review of its Statement of Gambling Policy every three years. In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy no later than 2024 and, prior to publishing the revised version, it intends to consult fully with those groups and individuals consulted, as required by law. In addition, within the three-year period the Licensing Authority will review its Statement of Gambling Policy whenever it feels that relevant issues have arisen - for example, if any further significant

amendments are made to the Gambling Act 2005, [Guidance](#) or [Codes of Practice](#). Any website links within this document that do not work will be updated or removed. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

25 Glossary

- 25.1 **Adult gaming centre** – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.
- 25.2 **Betting premises** – a premises that may have up to four gaming machines of category-B (restricted to B2, B3 and B4), C or D.
- 25.3 **Bingo premises** – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.
- 25.4 **Categories of gambling** – regulations will define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. The current [maximum stakes and prizes](#) are subject to change by Central Government.

- 25.5 **Club machines permit** – a premises will need this permit if it is a members' club, a commercial club or a

miners' welfare institute, with up to three machines of category-B (restricted to B4) C or D (that is, three machines in total).

- 25.6 **Family entertainment centre** (with commission operating licence) – a premises that may have any number of category-C machines and any number of category-D machines. Category-C machines must be in a separate area to make sure that they are only played by adults.
- 25.7 **Family entertainment centre** (with gaming machine permit) – a premises that may have any number of category-D machines. There is no power for the licensing authority to set a limit on the number of machines covered by the permit.
- 25.8 **Gaming machines** – all machines on which people can gamble.
- 25.9 **Occasional-use notices** – where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an 'occasional-use notice' without the need for a full premises licence.
- 25.10 **Primary Authority** – Where a chain of businesses and a specific Local Authority agree, that Authority becomes the 'Primary Authority' for those businesses. The authority will ensure consistent regulation, improving the professionalism of front-line regulators, and giving businesses a say in their regulation. Where another Local Authority has concerns about compliance issues, it must refer to the Primary Authority for directions.
- 25.11 **Provisional Statement** - Where an applicant can make an application to the Licensing Authority in respect of premises that he:
- Expects to be constructed
 - Expects to be altered
 - Expects to acquire a right to occupy.
- 25.12 **Regulators' code** – protects the public, the environment and groups such as consumers and workers through the 'business-friendly' enforcement of regulations. It is a procedure that can be adopted by enforcement officers to help businesses and others meet their legal responsibilities without unnecessary expense while taking firm action, including prosecution where appropriate, against those who break the law or act irresponsibly.
- 25.11 **Remote gambling** – gambling that takes place on the internet.
- 25.13 **Responsible authorities** – these are public organisations that must be told about applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, a premises licence. They are:
- a licensing authority in whose area the premises is completely or partly situated;
 - the Gambling Commission;
 - the chief officer of police or chief constable for the area in which the premises is completely or partly situated;

- the fire and rescue authority for the same area;
 - the local planning authority;
 - the noise and nuisance team;
 - the Local Safeguarding Children's Partnership (LSCP); and
 - Her Majesty's Commissioners of Customs and Excise.
- any other person prescribed for the purposes of this section by regulations made by the Secretary of State

- 25.14 **Reviews** - Applications for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review application is valid and/or whether it is appropriate to carry out the review, given the circumstances.
- 25.15 **Spread betting** – allows an investor to bet on whether they believe that the price quoted is likely to strengthen (go up in value) or weaken (go down in value). The profit or loss for a spread bet depends on the difference in the buy and sell price.
- 25.16 **Small Society Lottery** - A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
- 25.17 **Temporary-use notices** – these allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues.
- 25.18 **Travelling fair** – completely or mainly providing amusements on a site that has been used for fairs for no more than 27 days in each calendar year. Any number of category-D machines can be made available but the facilities for gambling must not be the main amusements at the fair.

Annex 1 Mandatory Conditions

Gambling Act 2005 Mandatory and Default Conditions by premises type

All Premises		
All	Summary of the terms and conditions of the premises licence shall be displayed in a prominent place with the premises.	Mandatory
All	The layout of the premises shall be maintained in accordance with the plan.	Mandatory
All	The premises shall not be used for the sale of tickets in a private lottery or customer lottery or the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Mandatory

Betting Premises		
Betting Premises	A notice stating that no person under the age of 18 is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Betting Premises	Access to the premises shall be from a street or from other premises with a betting premises licence. Apart from this there must be no direct access between the premises and other premises which are used for the retail sale of merchandise or services.	Mandatory
Betting Premises	The premises shall not be used for any purpose other than for providing facilities for betting apart from anything permitted under the Gambling Act 2005 and having an ATM, permitted visual/sound apparatus and permitted publications.	Mandatory
Betting Premises	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.	Mandatory
Betting Premises	No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes: a) Communicating information about, or coverage of, sporting events, including- (i) information relating to betting on such an event; and (ii) any other mater of information, including an advertisement, which is incidental to such an event; b) Communicating information relating to betting on any event (including the result of an event) in connection with which betting transactions may be or have been effected on the premises.	Mandatory
Betting Premises	No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.	Mandatory
Betting Premises	No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided via the sound/visual apparatus referred to above.	Mandatory
Betting Premises	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice explaining this shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Betting Premises	A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.	Mandatory
Betting Premises	HOURS: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.	Default

Betting Tracks only		
Tracks(all)	No customer shall be able to access the premises directly from another premises which has a casino premises licence or an adult gaming centre premises licence.	Mandatory
Tracks (all)	A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.	Mandatory
Tracks(all)	The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets (a) will be operating under a valid operating licence; and (b) are enabled to accept such bets in accordance with- (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.	Mandatory
Tracks(all)	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Horseracing Tracks (converted from an existing track)	The licence holder shall ensure that any part of the tracks which, prior to 1 September 2007, were made available for betting operators (or their assistants) will continue to be so.	Mandatory
Horseracing Tracks (converted from an existing track)	The charge for admission to an existing betting area for providing facilities for betting shall not exceed five times the cost of the highest charge paid by members of the public (for betting operators) or the highest charge paid by member of the public (for the betting operator's assistant). All betting operators and betting operators' assistants will be charged the same for admission to the same part of the track. No other charge may be made, and the charges must only cover reasonable costs.	Mandatory
Horseracing tracks (all)	The premises licence holder shall provide a place on the premises where betting operators and betting operators' assistants may provide facilities for betting. This does not apply to converted licences prior to the 01 September 2012.	Mandatory
Dog Tracks	A totalisator on the premises shall only be operated at a time when the public are admitted for the purpose of attending dog races and no other sporting events are taking place on the premises, and for the purpose of effecting betting transactions on the dog races taking place on the premises.	Mandatory
Dog Tracks	At any time when the totalisator is being used, no betting operator or betting operator's assistance shall be excluded from the premises for the reason that s/he proposes to negotiate bets on the premises. There must also be space made available where the betting operators and their assistants can conveniently accept and negotiate bets in connection with the dog races running on the premises that day.	Mandatory

Tracks (all)	HOURS: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next, except where there is a sporting event taking place on the premises. Where there is a sporting event taking place on the premises then gambling may take place at any time that day.	Default
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Bingo		
Bingo	A notice stating that no person under the age of 18 is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Bingo	No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect: <ul style="list-style-type: none"> • A casino premises licence • An adult gaming centre premises licence • A betting premises licence other than a track premises licence 	Mandatory
Bingo	Where children and/or young persons are permitted by the licence holder to enter the premises, and category B or C gaming machines are made available for use on the premises, then the gaming machines must be: <ul style="list-style-type: none"> • separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance • supervised at all times to ensure children or young persons do not enter the area • arranged so that the area can be observed by persons responsible for supervision or closed-circuit television which is monitored • The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.	Mandatory
Bingo	Where there is a charge for admission there must be a notice of the charge displayed in a prominent place at the principal entrance to the premises.	Mandatory
Bingo	A notice setting out any other charges in respect of the gaming (except prize gaming) shall be displayed at the main point where payment for the charge is to be made. Such a notice must include the cost (in money) of each game card or set of game cards, payable by an individual in respect of the game of bingo, and the amount that will be charged by way of a participation fee. There should also be in the notice a statement that all/part of the participation fee may be waived at the discretion of the person charging it. This notice can be displayed in electronic form.	Mandatory
Bingo	The rules of each type of game that is available (other than gaming machines) shall be made available to customers within the premises by either displaying a sign, making leaflets or other written material available, or running an audio-visual guide prior to any game commencing.	Mandatory
Bingo	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Bingo	HOURS: No facilities for gambling shall be provided on the premises between midnight and 9am, apart from gaming machines.	Default

Arcades		
Adult Gaming Centres	A notice stating that no person under the age of 18 is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Adult Gaming Centres	No customer shall be able to access the premises directly from any other premises in respect of which a premises licence of the following types of permit have effect: <ul style="list-style-type: none"> • unlicensed family entertainment centre gaming machine permit • club gaming or club machine permit • alcohol licensed premises gaming machine permit 	Mandatory
Adult Gaming Centres	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Mandatory
Adult Gaming Centres	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice to this effect shall be displayed at every entrance to the premises in a prominent place.	Mandatory
Family Entertainment Centres	No customer shall be able to access the premises directly from a premises where there is: <ul style="list-style-type: none"> • a casino premises licence • an adult gaming centre premises licences • a betting premises licence (other than a track premises licence) 	Mandatory
Family Entertainment Centres	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Mandatory
Family Entertainment Centres	Where category C gaming machines are made available for use on the premises, then the gaming machines must be: <ul style="list-style-type: none"> • separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance • supervised at all times to ensure children or young persons do not enter the area • arranged so that the area can be observed by persons responsible for supervision, or closed circuit television which is monitored <p>The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 is permitted to enter the area.</p>	Mandatory
Family Entertainment Centres	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice to this effect shall be displayed at every entrance to the premises in a prominent place.	Mandatory

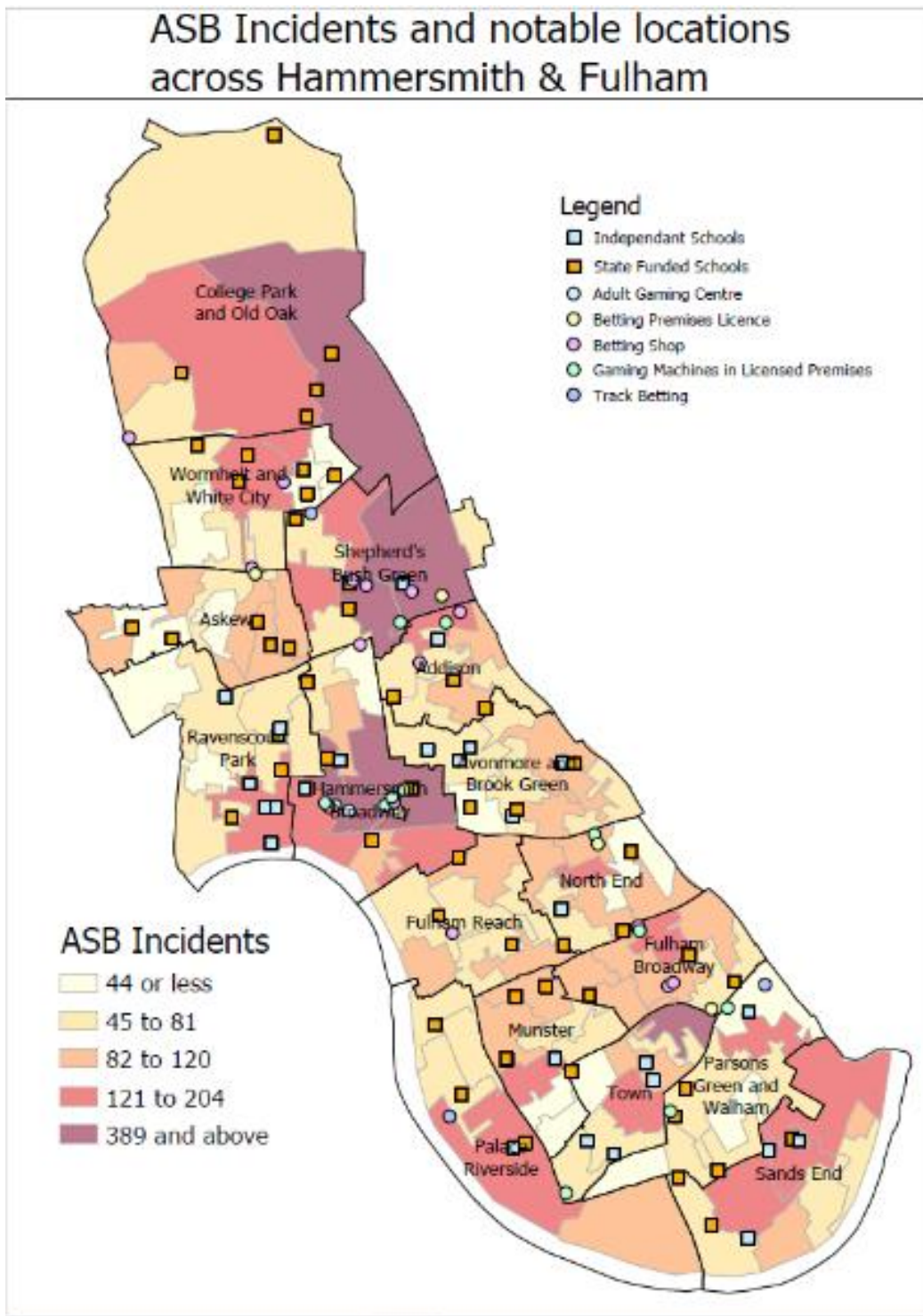
Annex 2 Local Pool of Licence Conditions

The following conditions can be applied to a number of different gambling premises. They can be used as a guide for applicants, residents, Councillors, agencies and responsible authorities such as the Police when making, commenting on or considering applications. This list is not exhaustive and should be used as a guide to help promote the three licensing objectives. Such conditions will only be imposed where there is evidence that the imposition of conditions is necessary to ensure that the licensing objectives are upheld,

CCTV
CCTV covering areas inside and outside of the premises should be installed and maintained to police recommendations with properly maintained log arrangements. All images will be stored for a minimum of 31 days.
A staff member from the premises that is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police recent data footage with the minimum of delay when requested. This data or footage reproduction should be almost instantaneous.
Training
Full training shall be given to each member of staff employed at the premises. This training should include sections on compliance, fraud, robbery and crime prevention.
Written records of all staff training shall be kept at the premises and should be made available to the Police and/or authorised Council officers on request
Responsible Management
An incident log book will be maintained by the premises that details incidents that occur in the premises. This shall include refused sales, disorder, and ejections at a minimum. Management shall regularly check the book to ensure that staff are using it. The log book shall be kept on the premises and should be made available for inspection by the Police or Council Officers at any time the premises is open.
Protecting children, proof of age schemes
A Proof of Age scheme shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence, a current passport or a PASS ID card shall be treated as acceptable forms of identification
All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.
Posters shall be displayed in prominent positions around the entrance to the premises advising customers of the Proof of Age policy in force at the premises
A refusals book will be maintained by the premises that details all refusals to provide gambling activities. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The refusal book

shall be kept on the premises and should be made available for inspection by the Police and/or authorised Council officers at any time the premises is open.
Door Supervisors Any door supervisors working at the premises must be licensed by the Security Industry Authority
A minimum of (insert number) door supervisors shall be on duty on the premises during the hours of (insert times) on (insert days of the week)
A minimum of (insert number) door supervisors shall be provided on (insert days of week) to patrol external areas of the premises between the hours of (insert times)
Random searches shall be undertaken of customers entering the premises between the hours of (insert times) and prominent signage provided to this effect
Crime Prevention A metal detection device shall randomly be used by door supervisors to search patrons for weapons
A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons
An electronic door lock (maglock) shall be fitted to the front door of the premises.
Any drugs or weapons confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable.
All gaming machines shall have a control behind the counter to allow machines to be turned on or off. (Insert crime prevention device – see examples below) shall be installed at the premises to the satisfaction of the Police licensing officer <ul style="list-style-type: none"> • Shutters • Re – enforced steel back/front doors • Window bars • External lighting • Security mirrors • Prevention signage
No facilities for gambling shall be provided on the premises between the hours of (Insert time) on one day and (Insert time) on the next day
Any entrance or exit doors to the premises shall remain closed at all times (i.e. not propped open)
A panic button shall be installed behind the counter or service area in the premises. This button should alert the Police to any incident taking place at the premises.
Lone working is not permitted in the premises at any time

Annex 3 – Local Area Profile Map



Summary of changes made to the current 2019 Statement of Gambling Policy (SGP)

Section of the SGP	Changes made prior to public consultation
Paragraph 2.4	Updated considerations to include complaints received, night-time economy and the industrial strategy, the housing strategy and the pandemic.
Paragraph 2.5	Updated list of consultees to reflect name changes of key stakeholders/groups.
Paragraph 2.7	Added a link to statutory applications forms.
Paragraph 3.8	Included reference to modern slavery and reworded recommendation about Gamcare certification.
Paragraph 5.7	Updated to reflect that the Local Area Profile map will be periodically updated and made available on our website.
Paragraph 5.10	Updated to reflect that the Authority may challenge risk assessments. Updated advice and included website links about publicly available sources of information.
Paragraph 5.11	Included reference to religious places and places of worship in relation to proximity to vulnerable groups. Included reference to the night-time economy, the Women's Night Safety Charter and the impact of the covid pandemic.
Paragraph 5.12	Included reference to the National Gambling Treatment Service.
Paragraph 5.17	Included reference to modern slavery.
Paragraph 6.4	Updated to reflect new sovereign Local safeguarding Children Partnership.
Paragraph 8.1	Included reference to modern slavery.
Paragraph 9.7	Included new information about our commitment and approach to equalities and diversity.
Paragraph 15.1	Included reference to modern slavery.
Paragraph 15.4	Included reference to modern slavery.
Paragraph 16.1	Updated to more clearly distinguish between licensed and unlicensed Family Entertainment Centres.
Paragraph 16.5	Included reference to modern slavery.
Paragraph 24.2	Updated Public Health considerations.
Paragraph 24.3	Updated Protected Characteristics.
Paragraph 25.4	Removed table and replaced with a link to maximum stakes and prizes information on the Gambling Commission's website.
Paragraph 25.13	Updated to reflect new sovereign Local safeguarding Children Partnership.
Annex 3	Updated map of the borough relating to 'Local Area Profiles'.

Section of the SGP	Changes made as a result of the public consultation
Paragraph 3.6	Section updated to reflect Paragraphs 7.59 and 7.60 of the Gambling Commission's Guidance, in relation to provisional statements, to provide more detail and clarity.
Paragraph 3.10	Paragraph deleted, as issues of planning permission are not to be considered in the context of a premises licence application (s210 Gambling Act 2005).
Paragraph 4.5	Paragraph 4.5 amended to reflect updated Guidance
Paragraph 5.8 and 5.9	Paragraphs amended to clarify the use of local area risk assessments and additional conditions.
Paragraph 5.10	Redrafted to state that if the authority does not feel that risks have not been identified or adequately addressed then an applicant would be invited to reconsider the risk assessment submitted.
Paragraph 5.14	Paragraph amended to state that opening hours for premises should be specified only in applications where hours are not already specified by the default conditions.
Paragraph 5.15	Amended to add a recommended 11pm closure for AGC premises. Additionally - any AGC wishing to operate after this time would need to provide a robust risk assessment and also commit to employing more than one member of staff after 11pm.



**The Gambling Act 2005 – Draft revised Statement of Gambling Policy 2022 – 2025
Consultation - 12th July 2021 – 19th September 2021**

Introduction

The Gambling Act 2005 became effective in 2007 and H&F published its Statement of Gambling Policy in January of that year.

Under the Act, licensing authorities are required to review, amend and consult on their Statement of Gambling Policy at the end of every three-year period.

An amended version of the policy was published in January 2010, and again in 2013, 2016 and 2019. The Statement of Gambling Policy is now due to be reviewed, amended and consulted on again.

The current 2019 Statement of Gambling Policy has been revised and updated. You can find a copy of the Council's draft, revised Statement of Gambling Policy 2022 – 2025 for your consideration on this webpage: www.lbhf.gov.uk/business/licensing/licensing-policy.

The amended sections/words have been highlighted with tracked changes to make it easier for you to identify the changes.

The main changes reflect the latest version of the [Gambling Commission's Guidance](#) document and the [Commission's Codes of Practice](#). We have also simplified some of the wording to make it clearer, removed some specific references to extracts from the Guidance, updated dates, links to various websites and updated contact details.

To help you answer the consultation questions we have summarised the more significant changes in the attached document: Summary of changes made to the current 2019 Statement of Gambling Policy.

Your views are really important in helping to shape the policy so that not only is it compliant with the law and guidance, but also adequately reflects local circumstances and ensures that the Council continues to discharge its duty to exercise the Licensing Authority's functions under the Act.

The 10-week public consultation period for our gambling policy will run from the 12 July 2021 and will close at midnight on the 19 September 2021.

If you have any questions on this consultation, or require any more information, please contact us at licensing@lbhf.gov.uk.

Thank you in advance for taking the time to complete this consultation.

Questions

Question 1: One of the three licensing objectives of the Gambling Act 2005 is preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.

The Council's main role is to try and promote this objective with regard to actual premises. So, where an area has known high levels of organised crime the Council will carefully consider whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision or reduced operating hours.

Do you feel the Policy does enough to promote this objective? **YES / NO / DON'T KNOW**

If no, what changes do you think we should consider?

Question 2: One of the three licensing objectives of the Gambling Act 2005 is ensuring that gambling is conducted in a fair and open way.

Ensuring that gambling is conducted in a fair and open way is generally addressed by the Gambling Commission, via operating and personal licences. The Council will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.

Do you feel the Policy does enough to promote this objective? **YES / NO / DON'T KNOW**

If no, what changes do you think we should consider?

Question 3: One of the three licensing objectives of the Gambling Act 2005 is protecting children and other vulnerable persons from being harmed or exploited by gambling.

This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective.

Do you feel the Policy does enough to promote this objective? **YES / NO / DON'T KNOW**

If no, what changes do you think we should consider?

Question 4: Regarding the term 'vulnerable persons', the Council is not seeking to offer a definition. For our regulatory purposes, this group (*in addition to children*) includes: people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, e.g. alcohol or drugs.

The Council will promote this objective by including information in our Policy about the various support organisations which are available to help problem gamblers and include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling.

Do you feel the information provided in the policy does enough to provide support for vulnerable people? **YES / NO / DON'T KNOW**

Question 5: Are there any other categories of persons who you feel the Council should mention in the Policy who fall under the category of vulnerable? **YES / NO / DON'T KNOW**

If yes, who else do you think we should consider?

Question 6: A proposal has been made to support the removal of the Council's long standing 'no casino' resolution from the policy. Whilst this may help to support a more vibrant night-time economy, it is felt that there are potential wider public health implications by inviting further gambling premises to the borough. Please see [Key information](#) about re-adopting a 'No Casino' resolution.

Do you think that the council should retain its 'no casino' resolution policy? **YES / NO / DON'T KNOW**

Question 7: A proposal has been made to include a policy terminal hour of 11pm for Adult Gaming Centres. Any premises wishing to operate after this time would be asked to provide a robust risk assessment and also commit to employing more than one member of staff after 11pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these type venues.

Do you think that it is a good idea to include this proposal in the revised policy? **YES / NO / DON'T KNOW**

Question 8: Some employees are exposed to high-risk situations daily e.g. crime, violence and mental health issues. Environmental Health Officers have investigated incidents which have occurred before 11pm where only one member of staff was on duty. In most cases, affected employees have suffered physical injuries and/or post-traumatic stress disorder, which has knock on effects.

It has been proposed that pro-active measures to address lone working, staffing issues and people within gambling premises could be strengthened in the policy, for all operational hours rather than restricted to after 11pm.

Do you think that this is a good idea? **YES / NO / DON'T KNOW**

Question 9: It has been proposed that we strengthen the underage aspects of the policy by including a section about the Council's expectations. This would include: that premises will adopt Challenge 25 when allowing customers to enter / gamble; that all staff will be trained in 'ASSESS-CHALLENGE-CHECK' and instructed to challenge young people as they enter the premises; and that door supervision may be required if the operator is found to breach this.

Do you think that this is a good idea? **YES / NO / DON'T KNOW**

Question 10: It has been proposed that a condition is added to the local pool of licence conditions about the use of technology to allow remote activation of gaming machines. Once a player reaches a machine, they can often play undetected as they have their backs to staff. If there was a requirement to activate the machine on demand, this would help to facilitate age-verification.

Do you think that it is a good idea to add a condition about this to the revised policy? **YES / NO / DON'T KNOW**

Question 11: Do you feel the revised draft Statement of Gambling Policy 2022 – 2025 is:

- a) Too restrictive
- b) About right
- c) Not restrictive enough

Question 12: Please add any other comments you wish to make regarding the summary of changes made to the current 2019 Statement of Gambling Policy or the Gambling Act.

When submitting any comments on the revised policy, please include reference to the paragraph numbers, where possible.

Please be aware that all responses are made publicly available. If you intend to include information of a commercially sensitive nature, please make sure this is clearly stated.

At the end of the consultation period, all responses will be carefully considered and collated as a 'Summary of Responses'. The proposed Statement of Gambling Policy 2022 – 2025 will then be prepared and presented with the summary of responses in a report to Full Council in October 2021, for final approval.

Key information about re-adopting a 'No Casino' resolution

1. The Gambling Act 2005 contains provisions under section 174 for three types of casino small, large and regional (the super casino). The Act under section 175 has a set limit of the numbers of these types of casino, 8 Small, 8 Large and 1 Regional.
2. In 2006, 68 Local Authorities submitted bids for the allocation of new types of casino under the Act (Hammersmith and Fulham Council did not bid to have a casino). 16 Local Authorities were granted the allocation of Small and Large types of casino in 2007.
3. As the allocation for casinos under the Act has already been taken up, it would need the right economic climate and the political will of Government for the Secretary of State to lay legislation for a further allocation of casinos (It would also require Hammersmith and Fulham Council to bid on such an allocation if another round of casinos were ever made). A further allocation is unlikely to happen in the foreseeable future.
4. Under section 166 of the Act a Licensing Authority ('the Council') may resolve not to issue casino premises licences (a 'No Casino' resolution). Hammersmith and Fulham Council has continued to adopt and re-adopt a 'No Casino' resolution.
5. If the Council decide to re-adopt a 'No Casino' resolution, it must be based on any principle or matter not just the licensing objectives under the Act, affecting the borough.
6. The decision to pass such a resolution may only be taken by Full Council and cannot be delegated to the Licensing Committee.
7. Where a 'No Casino' resolution is passed it must apply to the borough and cannot be limited to specific geographic areas or categories of casinos and the Council must specify the date that it should take effect.
8. A resolution once passed, is in effect for a period of three years from the date it takes effect.
9. After the resolution has been in effect for three years should the Council wish to keep the resolution, the Council would need to re-adopt it, otherwise it will lapse.
10. Where an authority passes a resolution not to issue casino premises licences, it can revoke the resolution by passing a counter-resolution, which again must be done by Full Council and cannot be delegated to the Licensing Committee.
11. Once a resolution has been adopted it must be placed within the Council's 'Statement of Gambling Policy'.
12. Casinos may have the potential to attract new businesses, more visitors and revenue, more employment opportunities in the borough and additional licensing income. However, this must be balanced with any public health implications and the needs of residents, the local community and the borough, as a whole.

APPENDIX 5

Please note that the data for questions which did not receive comments can be found at Appendix 8

Question 1: One of the three licensing objectives of the Gambling Act 2005 is preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.

The Council's main role is to try and promote this objective with regard to actual premises. So, where an area has known high levels of organised crime the Council will carefully consider whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision or reduced operating hours.

Do you feel the Policy does enough to promote this objective?

You talk about organised crime - we should be looking at all crime, particularly drink related and street crime.

If possible, I would prefer that the council prohibited gambling establishments in Shepherds Bush area - as it is very likely to attract criminal behaviour and is counter productive in the council's aim to rejuvenate Shepherds Bush.

Question 2: One of the three licensing objectives of the Gambling Act 2005 is ensuring that gambling is conducted in a fair and open way.

Ensuring that gambling is conducted in a fair and open way is generally addressed by the Gambling Commission, via operating and personal licences. The Council will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.

Do you feel the Policy does enough to promote this objective? If no, what changes do you think we should consider?

As mentioned, I would prefer that the council had a non gambling policy in establishments

Question 3: One of the three licensing objectives of the Gambling Act 2005 is protecting children and other vulnerable persons from being harmed or exploited by gambling.

This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective.

Appropriate measures may include supervision of entrances/machines, segregation of areas etc. The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective. Do you feel the Policy does enough to promote this objective? If no, what changes do you think we should consider?

We should ban gambling adverts, regardless of who they are aimed at as children look to follow the example of adults depicted in some adverts.
Gambling targets vulnerable people and it is well known that the house always win in the long run. It also attracts crimes and therefore I would prefer non gambling in Shepherds Bush
Mental health and other categories of vulnerable adults need to be specifically addressed. I suggest that it is essential that you also consult with the National Problem Gambling Clinic. https://www.cnwl.nhs.uk

Question 5: Are there any other categories of persons who you feel the Council should mention in the Policy who fall under the category of vulnerable? If yes, who else do you think we should consider?

Gambling is like addictive and it is meant to create addicting behaviour - therefore anyone is at risk.
<ol style="list-style-type: none">1. Those with gambling addictions2. Those with mental health issues3. Those who have currently or have a previous history of addictions of any type in the past4. Those who feel trapped in poverty and who are desperate to get out5. Those with learning difficulties
As mentioned previously, I believe that it is essential that you also consult with the National Problem Gambling Clinic - https://www.cnwl.nhs.uk
First time users of the establishment - there should be regular visits by council officials to gambling establishments to determine whether there is clear signage and information about the games / amusements on offer. There should also be information on support visible and warnings about

the dangers of becoming addicted to gambling.

Question 12: Please add any other comments you wish to make regarding the summary of changes made to the current 2019 Statement of Gambling Policy or the Gambling Act.

Thank you. I have nothing more to add

As mentioned I would like to see a more restrictive policy
Gambling will not aid rejuvenation that is much needed in Shepard's Bush
- the area would be much better off without gambling facilities with more
focus on culture and activities for teenagers and young adults

There are far too many betting shops on the high streets. Not only do they
do they have the potential to do a great deal of harm to those who are
vulnerable who use them (one could argue that, that is everyone who uses
them). They also destroy the high street, increase the deprivation, lower
the tone and are an eyesore. I am sure that they generate a good income
for the government and council, but they come at a great cost and seem to
have overtaken many of our high streets.

APPENDIX 6

From: [REDACTED]
Sent: 19 September 2021 13:05
To: Licensing HF: H&F <licensing@lbhf.gov.uk>
Subject: Consultation Response: Statement of Gambling Policy 2022

Dear Sirs,

We act for Merkur Slots UK Limited and have been asked to submit the following response to the Council's consultation on its draft statement of gambling policy 2022.

Paragraph 5.11 states that 'The Authority will expect the local risk assessment to consider the night time economy in our town centres so that it is sensitive to local residents but enhances the borough as a destination for inward investment, tourists and visitors'.

Considerations such as whether a licensed premises enhances the borough as a destination for investment, tourists and visitors is highly subjective and is not appropriate nor is it a legal consideration under the Gambling Act 2005. Such considerations may be valid under the relevant planning regime. As the Authority is aware, the Gambling Act 2005 specifically prohibits the consideration of local demand for gambling facilities under section 153, the Licensing Authority shall not have regard to whether or not appropriate planning or building permission will be obtained for any proposed premises in accordance with section 210 and the Gambling Commission's Guidance to Licensing Authorities states that statements of licensing policy should avoid duplication with other regulatory regimes.

Paragraph 24.2 has been amended to state 'Although public health is not yet formally a licensing objective there is definitely evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties. The Licensing Authority will liaise with public health colleagues about new and variation applications within the borough, so that we can continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, check for vulnerable locations nearby eg drug and alcohol clinics or homeless hostels, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help'.

We suggest that the statement is both misleading and presumptive with regard to the position of Public Health under the Gambling Act 2005. Whilst it is incumbent on all licensees to consider the third Licensing Objective under the Act, ensuring that appropriate policies, procedures and safeguards are implemented to mitigate any potential risks and protect vulnerable persons and children from harms associated with gambling, the Council's policy should ensure that any evidence referred to in its policy is not highly speculative nor based on macro societal trends and surveys, rather than specific facts and data emerging from the local area.

Whilst we agree that the Authority should seek appropriate and relevant information from local sources of information such as its public health colleagues, any consideration should be based on detailed analysis of any implications and conclusions drawn. Any evaluation should be considered in the context of local populations, local gambling provision and actual observation of problem gaming and related harm and an effective evaluation of the context and suggested impact that gambling premises may have upon the local population. Whilst we would not wish to minimise the potential negative impact of problem gambling, the significant majority of gambling in licensed premises remains socially responsible and a valid pastime for participants.

Considering the above, we believe that the previous policy statement, prior to the current amendment, was a more appropriate statement for the Council's policy.

The Council's policy consultation question 7 suggests that a policy terminal hour of 11pm may be introduced for Adult Gaming Centres.

Any presumption against grant or the automatic imposition of limiting licence conditions such as a terminal hour for operation must be based on empirical local evidence. Operators must consider their own procedures and operational safeguards to address any potential local risk and a standard approach from the Authority, proposing to limit hours, fails to consider each application on the basis of its own merits. The Council's approach must be supported by clear evidence of risk in a specific location and licence conditions must be necessary, reasonable and proportionate.

We strongly suggest that the above paragraphs be amended to reflect the legal requirements and obligations provided by the Gambling Act 2005 and subordinate legislation.

Our client is committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the Licensing Objectives.

Should you require any further information or if you would like to discuss our comments further, please contact us.

Kind regards,



 | Associate Solicitor

Poppleston Allen



| W: www.popall.co.uk

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS

BY EMAIL ONLY

Licensing Department

London Borough of Hammersmith and Fulham Council



16 September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**
- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 W www.gosschalks.co.uk DX 11902 – Hull

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Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the draft Statement of Gambling Policy January 2022 - January 2025

On behalf of the BGC we welcome the repeated statements that decisions made by the licensing authority will be evidence based.

Paragraph 3.6 should be redrafted. This starts with the statement, *"You cannot get a full premises licence until the premises in which you are going to offer the gambling is built."* This is overly simplistic. The redrafted paragraph should be clear that the Gambling Commission's Guidance states at paragraph 7.59 that premises licence applications may be made, *"in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place."* Furthermore, paragraph 7.60 of the Gambling Commission Guidance states, *"For example, where the operator has still to undertake final fitting out of the premises but can give a reasonably accurate statement as to when the necessary works will be completed, it may be sufficient to simply issue the licence with a future effective date, as is possible under the Regulations (SI 2007/459: The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 ..."*

Paragraph 3.10 is the first paragraph under the heading "Planning Considerations." This paragraph (3.10) should be deleted. It suggests that a policy may be adopted regarding areas where gambling should not be located. Any such policy is likely to be unlawful and is certainly contrary to the s153

“aim to permit” principle detailed in paragraph 1.4. If this was a policy of the planners then it could not be considered as issues of planning permission are not to be considered in the context of a premises licence application (s210 Gambling Act 2005).

Paragraph 4.5 refers to the concept of “primary gambling activity” upon which the Gambling Commission used to provide Guidance but no longer does so. This paragraph should be updated simply to reflect the requirements of SR Code Provision 9.1.1 and 9.1.2 which state that as far as betting or bingo premises licences are concerned,

1. gaming machines may be made available only where there are also, substantive facilities for non-remote betting/bingo (as appropriate), available in the premises.
2. Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.
3. Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing betting/bingo (as appropriate) facilities.

Paragraph 5.8 should be redrafted. The application process does not require an explanation of how the proposals will not exacerbate any problems to individuals or ASB in the vicinity. This is a matter for the local area risk assessment in which an applicant will identify risks posed by the provision of the gambling facilities proposed and detail policies, procedures and control measures in place to mitigate the risk. Furthermore, an applicant will not need to tailor an application nor propose licence conditions. The mandatory and default conditions that attach to all premises licences are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives. Additional conditions would only be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed.

Paragraph 5.10 suggests a challenge may be made to a risk assessment if the licensing authority feels that there is evidence that local risks have not been taken into consideration. It is not clear how this “challenge” would be made. There is no facility to do this. This paragraph should be clear that if the authority does not feel that risks have not been identified or adequately addressed then an applicant would be invited to reconsider the risk assessment submitted. This paragraph should also acknowledge that an experienced operator is best-placed to identify risks which occur in localities. Gambling premises have always been situated in areas of high footfall or dense population and have always therefore been in areas where there are people and their associated problems. Experienced operators therefore are uniquely placed to assess the risk and tailor policies, procedures and mitigation measure. If an operators risk assessment is deemed inadequate by the authority (bearing in mind the relevant experience of both the authority and the operator) then the authority could lodge a representation to the premises licence application and if there is evidence of a risk to the licensing objectives not adequately addressed by the policies, procedures or mitigation measures outlined in the risk assessment then consideration should be given to additional premises licence conditions.

The following paragraph (5.11) should also be redrafted. The list of bullet points detailing examples of matters that the licensing authority expects to be considered needs therefore only to reflect

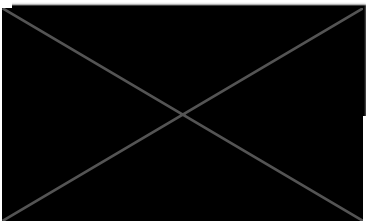
matters that are relevant to the licensing objectives. For example, issues relating to the night time economy or of “youths participating in anti-social behaviour eg graffiti/tagging or underage drinking” have no bearing whatsoever on any assessment of risk to the licensing objectives posed by the provision of gambling facilities. Similarly, “gaming trends that may mirror days for financial payments such as pay days or benefit payments” can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct and references to any issue that is not relevant to the licensing objectives should be removed.

Paragraph 5.14 should be redrafted such that opening hours for premises should be specified only in applications where hours are not already specified by the default conditions.

Conclusion

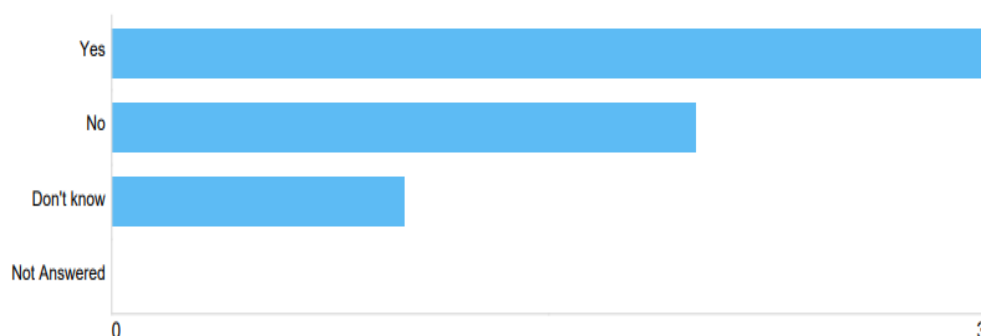
On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



Question 1: One of the three licensing objectives of the Gambling Act 2005 is preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime. The Council’s main role is to try and promote this objective with regard to actual premises. So, where an area has known high levels of organised crime the Council will carefully consider whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision or reduced operating hours. Do you feel the Policy does enough to promote this objective? If no, what changes do you think we should consider?

Do you feel the Policy does enough to promote this objective?



Option	Total	Percent
Yes	3	50.00%
No	2	33.33%
Don't know	1	16.67%
Not Answered	0	0.00%

Question 2: One of the three licensing objectives of the Gambling Act 2005 is ensuring that gambling is conducted in a fair and open way. Ensuring that gambling is conducted in a fair and open way is generally addressed by the Gambling Commission, via operating and personal licences. The Council will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information. Do you feel the Policy does enough to promote this objective? If no, what changes do you think we should consider?

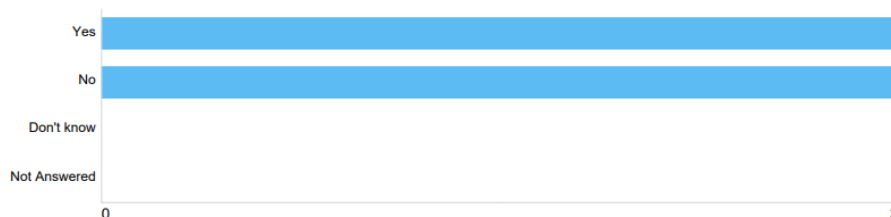
Do you feel the Policy does enough to promote this objective?



Option	Total	Percent
Yes	4	66.67%
No	1	16.67%
Don't know	1	16.67%
Not Answered	0	0.00%

Question 3: One of the three licensing objectives of the Gambling Act 2005 is protecting children and other vulnerable persons from being harmed or exploited by gambling. This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective. Do you feel the Policy does enough to promote this objective? If no, what changes do you think we should consider?

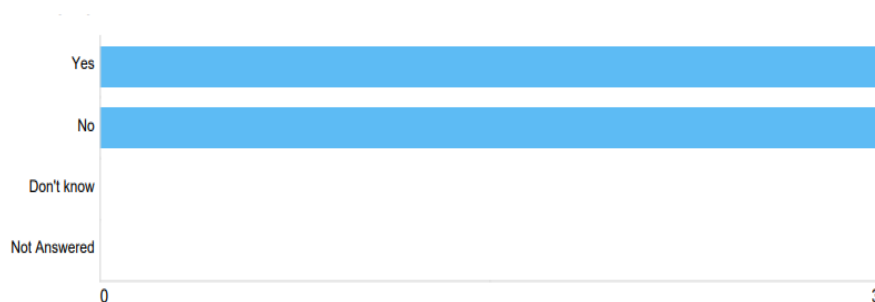
Do you feel the Policy does enough to promote this objective?



Option	Total	Percent
Yes	3	50.00%
No	3	50.00%
Don't know	0	0.00%
Not Answered	0	0.00%

Question 4: Regarding the term 'vulnerable persons', the Council is not seeking to offer a definition. For our regulatory purposes, this group (in addition to children) includes: people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, e.g. alcohol or drugs. The Council will promote this objective by including information in our Policy about the various support organisations which are available to help problem gamblers and include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. Do you feel the information provided in the policy does enough to provide support for vulnerable people?

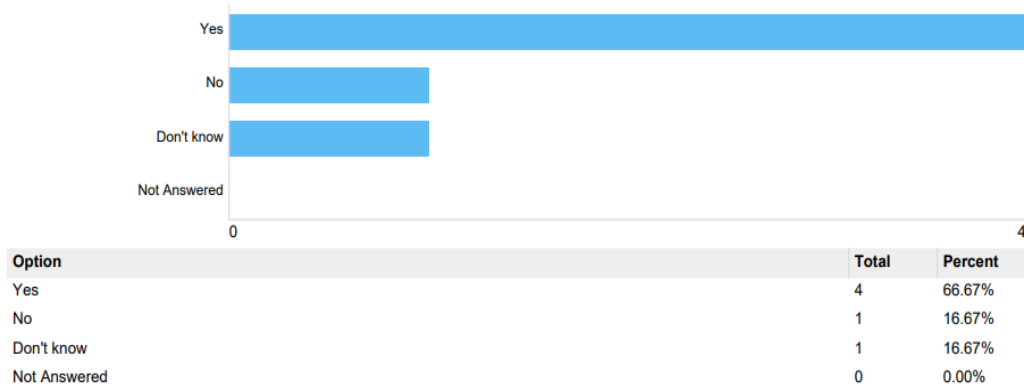
Do you feel the information provided in the policy does enough to provide support for vulnerable people?



Option	Total	Percent
Yes	3	50.00%
No	3	50.00%
Don't know	0	0.00%
Not Answered	0	0.00%

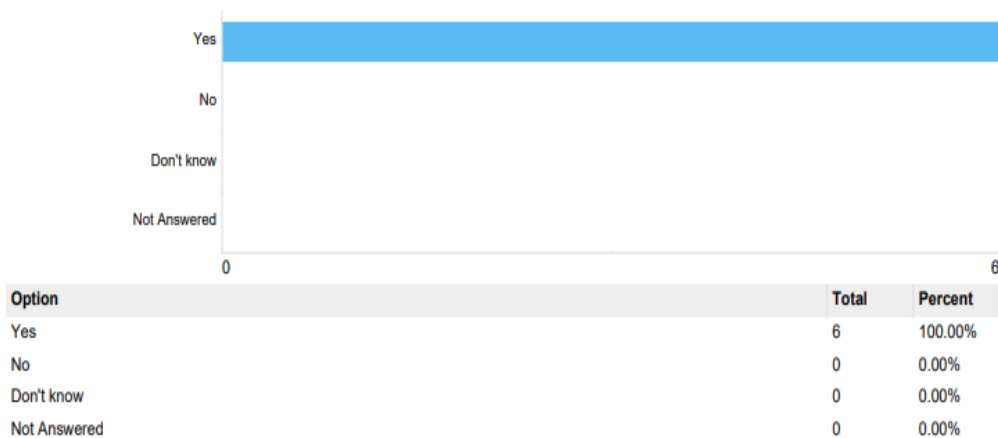
Question 5: Are there any other categories of persons who you feel the Council should mention in the Policy who fall under the category of vulnerable? If yes, who else do you think we should consider?

Are there any other categories of persons who you feel the Council should mention in the Policy who fall under the category of vulnerable?



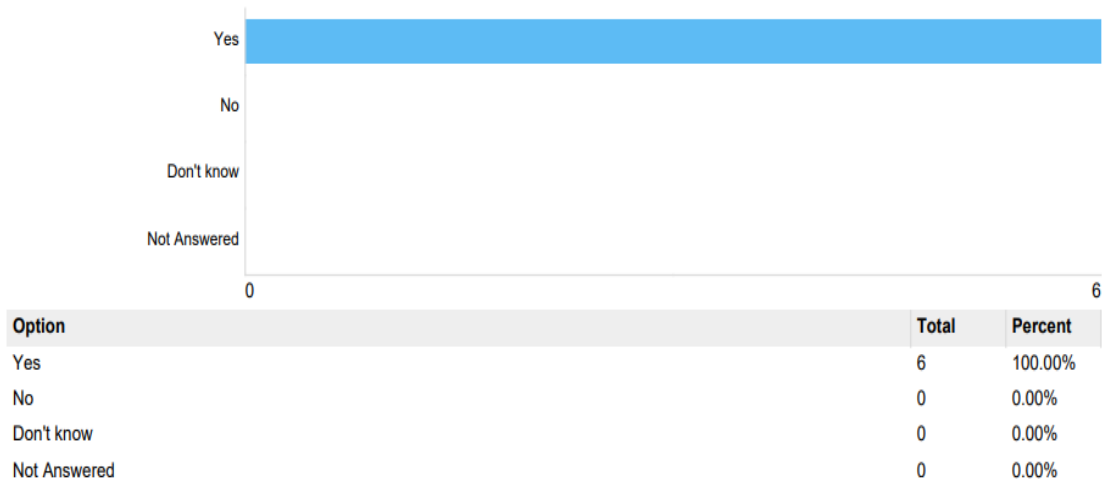
Question 6: A proposal has been made to support the removal of the Council’s long standing ‘no casino’ resolution from the policy. Whilst this may help to support a more vibrant night-time economy, it is felt that there are potential wider public health implications by inviting further gambling premises to the borough. Please see Key information about readopting a ‘No Casino’ resolution. Do you think that the council should retain its ‘no casino’ resolution policy?

Do you think that the council should retain its ‘no casino’ resolution policy?



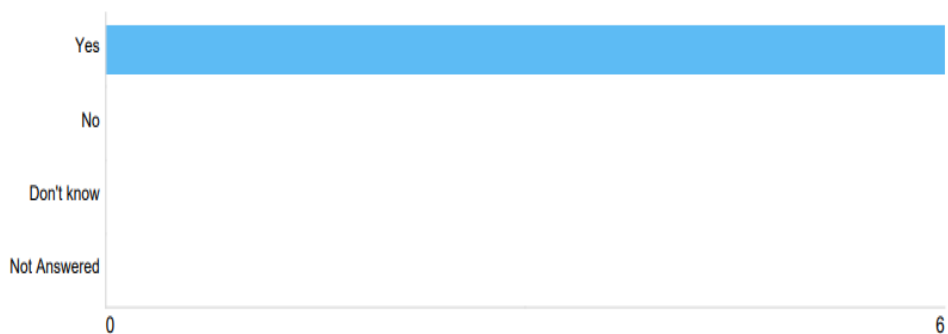
Question 7: A proposal has been made to include a policy terminal hour of 11pm for Adult Gaming Centres. Any premises wishing to operate after this time would be asked to provide a robust risk assessment and also commit to employing more than one member of staff after 11pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these type venues. Do you think that it is a good idea to include this proposal in the revised policy?

Do you think that it is a good idea to include this proposal in the revised policy?



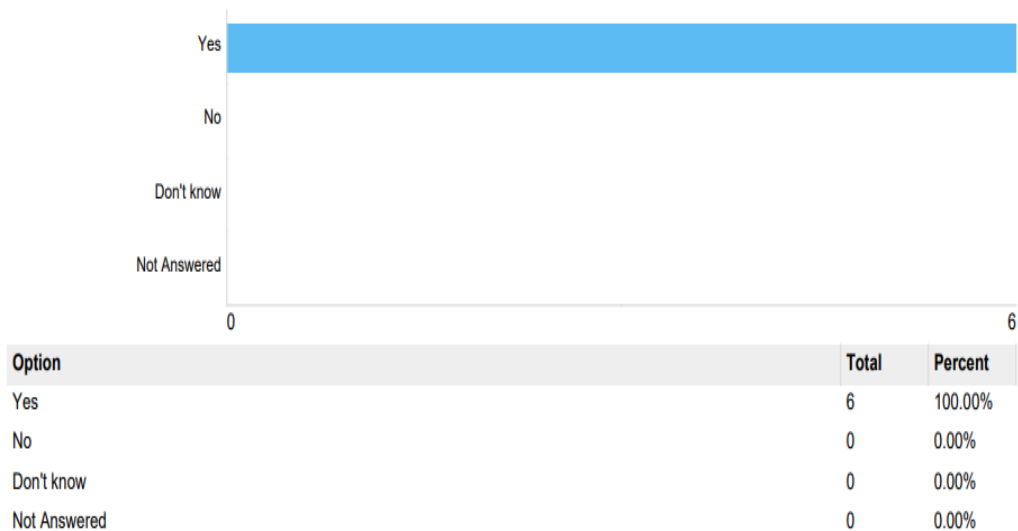
Question 8: Some employees are exposed to high-risk situations daily e.g. crime, violence and mental health issues. Environmental Health Officers have investigated incidents which have occurred before 11pm where only one member of staff was on duty. In most cases, affected employees have suffered physical injuries and/or post-traumatic stress disorder, which has knock on effects. It has been proposed that pro-active measures to address lone working, staffing issues and people within gambling premises could be strengthened in the policy, for all operational hours rather than restricted to after 11pm. Do you think that this is a good idea?

Do you think that this is a good idea?



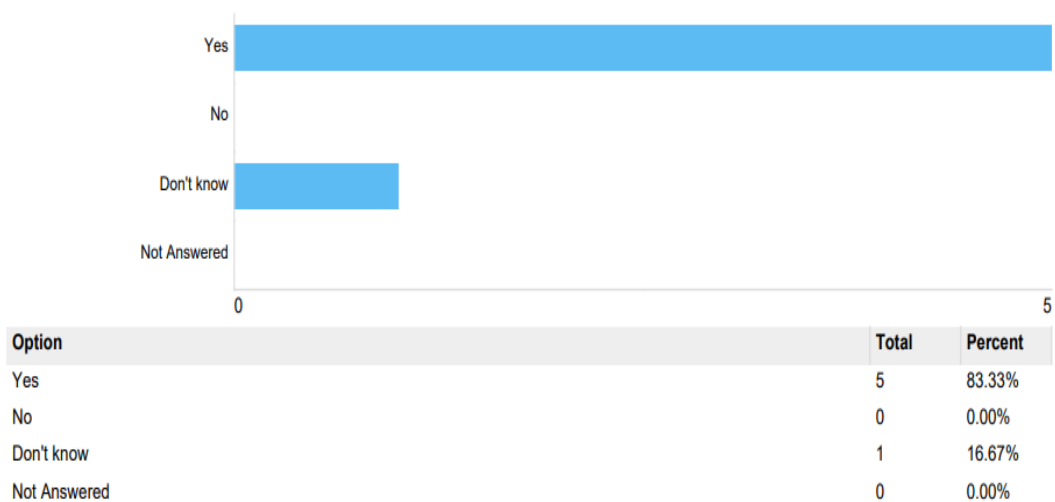
Question 9: It has been proposed that we strengthen the underage aspects of the policy by including a section about the Council's expectations. This would include: that premises will adopt Challenge 25 when allowing customers to enter / gamble; that all staff will be trained in 'ASSESS-CHALLENGE-CHECK' and instructed to challenge young people as they enter the premises; and that door supervision may be required if the operator is found to breach this. Do you think that this is a good idea?

Do you think that this is a good idea?



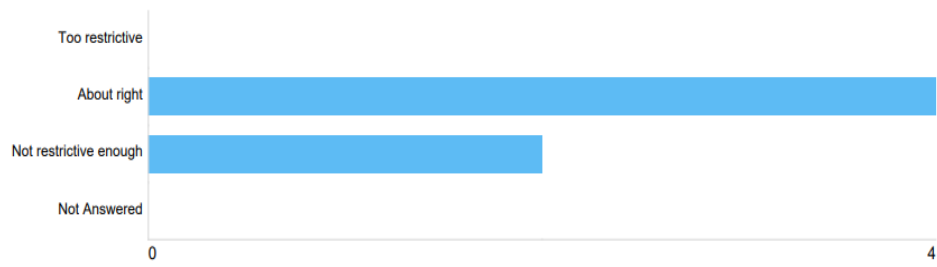
Question 10: It has been proposed that a condition is added to the local pool of licence conditions about the use of technology to allow remote activation of gaming machines. Once a player reaches a machine, they can often play undetected as they have their backs to staff. If there was a requirement to activate the machine on demand, this would help to facilitate age-verification. Do you think that it is a good idea to add a condition about this to the revised policy?

Do you think that it is a good idea to add a condition about this to the revised policy?



Question 11: Do you feel the revised draft Statement of Gambling Policy 2022 – 2025 is: a) Too restrictive b) About right c) Not restrictive enough

Do you feel the revised draft Statement of Gambling Policy 2022 – 2025 is:



Option	Total	Percent
Too restrictive	0	0.00%
About right	4	66.67%
Not restrictive enough	2	33.33%
Not Answered	0	0.00%

Central West BCU
London Borough of Hammersmith & Fulham
Royal Borough of Kensington & Chelsea
City of Westminster

Adrian Overton
Licensing Policy and Enforcement Manager
Hammersmith & Fulham Council

Charing Cross Police Station
Agar Street
London
WC2N 4JP

17th September 2021

Dear Adrian,

Response to the consultation for the H&F Gambling Policy 2022-2025

Thank you for informing the Metropolitan Police Service of the consultation process Hammersmith & Fulham Council is currently undertaking regarding the renewal of the Gambling Policy.

As with previous communications, I'd like to highlight the following two opinions.

Removal of "No Casino" Policy

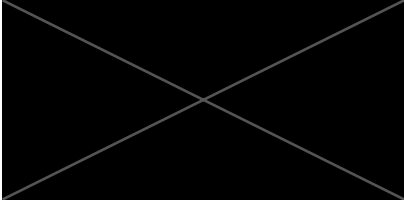
We would be supportive of this change in policy by H&F if they see fit. Concerns associated with an increase in crime and disorder if considered against similar operations in London, are unlikely to materialise. Crime figures for casinos are often on a par with other licensed premises with comparable footfalls.

Adult Gaming Centres

This area of the Gambling Act causes the most concern on an operational basis for frontline policing within H&F. This is due to the association of both crime and public nuisance associated to late night and 24/7 operations. These associations are difficult to produce analytical evidence to support other than those crimes within the premises. This is in part due to similar circumstances we see with LNR venues creating a congregation and an uplift in footfall in the locality. The proposal to limit these AGCs to a terminal hour of 2300hrs are fully supported by police.

If further explanation or comment is required, please do not hesitate to contact my team or me.

Yours sincerely,



Licensing Department
Central West BCU

APPENDIX 11

Fwd: Gambling consultation

Cllr Brocklebank-Fowler Victoria: H&F
To: Cllr Overton Adrian: H&F
Expires: 20/09/2027

Dear Adrian,

As I was unable to find the link on Sunday, (as I believe it had been removed from the the council website) these are my and my groups responses to the consultation regarding gambling:

The first point which I would wish to make is about item 6) - the no casino embargo in LBHF. This borough is a residential area. It is not the WestEnd of London where such facilities are appropriate. We do not believe that casino establishments are appropriate for this area, due to the high proportion of family homes, flats and so on. This is an entirely different area to the West End.

Going back to the order of the consultation:

- 1) LBHF should be maintained as a non gambling area. Organised crime is a real threat when such gambling is allowed. LBHF is a residential borough close to the centre of London where residents can go if they wish. Meanwhile the atmosphere and pleasure of living in LBHF is the status quo.
- 2) The maintenance of the current situation is vital.
- 3) I would always argue that the protection of children from harm is of the utmost importance. So no, I don't believe this goes far enough. It is always the most vulnerable children who are caught up in the criminality that goes along side gambling outfits and those that frequent them.
- 4) I would place vulnerable people in the same situation as above.
- 5) it's difficult to discern
- 6) Already answered but to reiterate 'yes' no casinos for the reasons stipulated above.
- 7) yes
- 8) yes
- 9) yes
- 10) yes
- 11) B

I would like to make clear that I was Chairman of Licensing for four years 2008-12. I am well aware of the complexities of licensing law and the difficulties that responsible authorities have in applying the laws. I represent residents who choose to live in a residential borough close to the centre but not in it. The latter is the argument which is most forceful. Please do not allow any relaxation of the gambling rules in LBHF.

With best wishes
Victoria
Cllr. Victoria Brocklebank- Fowler
Cllr. Town Ward
Conservative Leader of the Opposition LBHF

Report to: Full Council

Date: 19/01/2022

Subject: Review of the Constitution

Report of: The Leader of the Council

Report author: David Abbott, Head of Governance

Responsible Director: Rhian Davies, Director of Resources / Monitoring Officer

SUMMARY

This report asks Council to note updates to the Economy Register of Authorities.

RECOMMENDATIONS

1. That the updates to the Economy Register of Authorities, detailed in Appendix 1, be noted.
-

Wards Affected: None

Our Values	Summary of how this report aligns to the H&F Values
Taking pride in H&F	Ensuring a high standard of governance across the Council.

Financial Impact

The recommendations in this report have no direct financial implications.

Andre Mark, Finance business partner, signed on 7 January 2022
Verified by Emily Hill, Director of Finance

Legal Implications

The Local Government Act 2000 requires the Council to have and maintain a Constitution. The Monitoring Officer is satisfied that the Council's Constitution continues to fulfil its stated purposes, as set out in Article 1 of the Constitution.

Adesuwa Omoregie, Assistant Director, Legal Services, signed on 7 January 2022

Background Papers Used in Preparing This Report

The Council's Constitution: www.lbhf.gov.uk/constitution

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent, and accountable manner.
2. The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.

Reasons for Decision

3. The Council's Monitoring Officer is required to review the Council's Constitution each year to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution.

Updates to the Departmental Registers of Authorities

4. The Departmental Registers of Authorities are regularly updated to reflect changes in organisational structure, job titles, and any recent changes in legislation. The latest updates to the Economy register are detailed in Appendix 1.

LIST OF APPENDICES

Appendix 1 – Updates to the Economy Register of Authorities

Agenda Item 6.6

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Full Council

Date: 19/01/2022

Subject: Council Calendar of Meetings 2022/23

Report of: The Leader of the Council

Report author: David Abbott, Head of Governance

Responsible Director: Rhian Davies, Director of Resources / Monitoring Officer

SUMMARY

This report requests Full Council's approval of the 2022/23 calendar of meetings.

RECOMMENDATIONS

1. That the 2022/23 Council calendar of meetings at Appendix 1 be approved.
-

Wards Affected: None

Our Values	Summary of how this report aligns to the H&F Values
Doing things with local residents, not to them	Public meetings allow residents to exercise their local democratic rights. Residents can also contribute to scrutiny of the Council and policy development through Policy and Accountability meetings.

Financial Impact

The recommendations in this report have no direct financial implications.

Andre Mark, Finance business partner, signed 7 January 2022

Verified by Emily Hill, Director of Finance

Legal Implications

The Council may hold its meetings at such hour, on such days and at such a place as the Council may determine. Approval of the schedule of meetings allows the Council to continue to carry out its business lawfully.

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals and Analysis of Options

1. This report requests approval of the 2022/23 Council calendar of meetings detailed in Appendix 1.

Reasons for Decision

2. The Council has the power to agree the date of its meetings. The Council agrees its calendar of meetings annually.

Equality Implications

3. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of the amendments recommended in this report. Officers have considered the equalities impact of this decision to be neutral.

LIST OF APPENDICES

Appendix 1 – Council Calendar 2022/23

H&F Council Calendar of Meetings - 2022/23

		MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER			JANUARY	FEBRUARY	MARCH	APRIL	MAY	
Monday	2	Bank Holiday			1					2	School Holidays					1	Bank Holiday
Tuesday	3				2					3						2	
Wednesday	4				3					4						3	
Thursday	5	Local Elections			4					5						4	
Friday	6				5					6						5	
Monday	9				8					9						8	
Tuesday	10				9					10						9	
Wednesday	11				10					11						10	
Thursday	12				11					12						11	
Friday	13				12					13						12	
Monday	16				15					16						15	
Tuesday	17				16					17						16	
Wednesday	18	CG			17					18						17	CG
Thursday	19				18					19						18	
Friday	20				19					20						19	
Monday	23	LG			22					23						22	LG
Tuesday	24				23					24						23	
Wednesday	25	Annual Council			24					25						24	Annual Council
Thursday	26				25					26						25	
Friday	27				26					27						26	
Monday	30	School Holidays			29					30						29	
Tuesday	31				30					31						30	School Holidays
Wednesday																	
Thursday																	
Friday																	

Committee names and abbreviations

Cabinet	Cabinet
Planning	Planning and Development Control Committee
Full Council	Full Council
HWBB	Health and Wellbeing Board
Audit	Audit Committee
WSCT	Wormwood Scrubs Charitable Trust Committee
PFC	Pension Fund Committee
Pensions Board	Pensions Board
Licensing Committee	Licensing Committee / Annual Licensing Committee
CEPAC	Children and Education Policy and Accountability Committee
CSE PAC	Community Safety and Environment Policy and Accountability Committee
EHA PAC	The Economy, Housing and the Arts Policy and Accountability Committee
Health PAC	Health, Inclusion and Social Care Policy and Accountability Committee
PSR PAC	Public Services Reform Policy and Accountability Committee
Finance PAC	Finance, Commercial Revenue and Contracts Policy and Accountability Committee

Cultural and religious dates

2022	
Eid al-fitr	03-May
Shavuot	05-Jun
Eid al-Adha	10-Jul
Rosh Hashana	26-Sep
Yom Kippur	05-Oct
Diwali	24-Oct
Christmas Day	25-Dec
2023	
Purim	07-Mar
Good Friday	07-Apr
Passover	06-Apr (last day of passover - 13 April)
Easter Monday	10-Apr

SPECIAL MOTION NO. 1 – EEL BROOK COMMON

Standing in the names of:

- (i) Councillor Matt Thorley
- (ii) Councillor Mark Loveday

This Council regrets its inability to deliver on the Tiny Forest project in Eel Brook Common in a timely manner and resolves to implement the project by May 2022.

Agenda Item 7.2

SPECIAL MOTION NO. 2 – THE BOROUGH’S HOUSING STOCK

Standing in the names of:

- (i) Councillor Adronie Alford
- (ii) Councillor Mark Loveday

This Council notes with serious concern, the report from the October 2021 Housing Ombudsman Service report “Spotlight on: Damp and Mould: It’s not lifestyle”, which found that Hammersmith and Fulham Council has:

1. The highest rate of mismanagement in damp and mould cases for any social landlord in England.
2. The highest maladministration rate for dealing with reports of damp and mould for any social landlord in England.
3. The highest maladministration rate for complaint handling for any social landlord in England.

This Council calls upon the Administration to provide a clear and detailed plan of how it is going to address the repairs crisis in the borough’s housing stock.

SPECIAL MOTION NO. 3 – THANKING OUR NHS AND CELEBRATING THE IMPORTANCE OF CHARING CROSS HOSPITAL

Standing in the names of:

- (i) Councillor Ben Coleman
- (ii) Councillor Patricia Quigley

This Council gives its heartfelt thanks to the NHS on behalf of the residents of Hammersmith & Fulham for working so valiantly throughout the pandemic and this winter's health crisis. It recognises how its staff have made huge personal sacrifices to keep people safe.

The Council notes that there would have been a devastating impact on the people of Hammersmith & Fulham if Charing Cross Hospital had been demolished as the Conservative government had planned. It recalls how Hammersmith & Fulham's Conservative councillors energetically and wholeheartedly supported the demolition plan, which would have seen:

1. Charing Cross Hospital bulldozed with most of the site sold off to developers
2. Charing Cross Hospital replaced with clinics which would have been just 13 per cent the size of the current hospital
3. The clinics cynically rebranded as a "local hospital"
4. The A&E closed and replaced with an Urgent Care Clinic
5. The Urgent Care Clinic cynically rebranded as a "Class 3 A&E"

The Council agrees these plans were dangerous and calls on Hammersmith & Fulham Conservatives to apologise for their repeated comments which misled the public about the danger to Charing Cross Hospital, including:

“Andrew Brown 28/10/2013

It's crucial for patients' lives & outcomes that @NHS_NWLondon plans to reorganise its hospitals for C21st to go ahead.”

“Andrew Brown 29/05/2014

NHS NWL's plans aren't about taking away services they are about reorganising them to provide better higher quality care.”

“Andrew Brown 14/04/2014

Just caught up on yesterday's #bbccsp with my Town Ward colleague @gregsmithsw6 demolishing Labour lies & myths on CX & Comms. Very proud!”

“Andrew Brown 15/05/2014

CX will retain an A&E + many other services will specialise in oncology, geriatrics & world class elective surgery.”

“Andrew Brown 08/09/2014

As ImperialNHS trust have confirmed they have no plans to close CX A&E”

“Andrew Brown 27/11/2017

STP plan states that CX will continue to provide its current A&E & wider services for at least lifetime of the plan”

“Greg Hands 22/05/2017

Anyone getting a Labour or H&F Council leaflet about Charing Cross, remember local NHS has rebuked their falsehoods!”

SPECIAL MOTION NO. 4 – THE WEST KENSINGTON AND GIBBS GREEN ESTATES

Standing in the names of:

- (i) Councillor Andrew Jones
- (ii) Councillor Lisa Homan

This Council welcomes the return of the West Kensington and Gibbs Green estates. It deplores the fact that they were ever sold.

The Council notes that the estates were sold by the previous Conservative administration at a knock down price and that the obligations placed on the Council in the deal done by the Conservatives would have significantly damaged the Council's finances.

Agenda Item 7.5

SPECIAL MOTION NO. 5 – FUNDING HAMMERSMITH & FULHAM

Standing in the names of:

- (i) Councillor Max Schmid
- (ii) Councillor Helen Rowbottom

The Council recognises that austerity is and has always been economically illiterate, unnecessarily cruel, and a huge mistake for British people and the economy. It notes it was introduced for ideological, conservative reasons by the Conservative / Liberal Democrat government in 2010. It agrees that Austerity has damaged our country and been bad for Hammersmith & Fulham.

The Council notes that, despite this, Hammersmith & Fulham's Labour administration has delivered some of the lowest council tax in Britain, made homecare free, kept other costs to our residents low, maintained council tax support and other key payments to poorer residents, created a new Law Enforcement Team of over 70 officers to drive down environmental crime and anti-social behaviour, introduced social value procurement to prioritise spend on local businesses and delivered new services.

This Council notes that the Labour administration has done this by cutting huge levels of wasteful council spending, leaving costly tri-borough arrangements and modernising how the council works.

The Council calls on the Conservative government to bring forward a plan that will return its funding of Hammersmith and Fulham and other councils to 2010 levels within a reasonable timescale.

SPECIAL MOTION NO. 6 – THANKING VOLUNTEERS

Standing in the names of:

- (i) Councillor Stephen Cowan
- (ii) Councillor Sue Fennimore

The Council thanks all the people who have volunteered to make Hammersmith & Fulham a better, safer, and stronger place.

The Council recognises the many unpaid people who give their time, money, and effort in so many different ways because they care about their fellow citizens their neighbourhoods and building a better future for our wonderful borough.

The Council notes the extremely wide range of volunteering activity in the borough, and that this work has been and remains particularly important during the Covid pandemic.

Agenda Item 7.7

SPECIAL MOTION NO. 7 – HOME CARE

Standing in the names of:

- (i) Councillor Ben Coleman
- (ii) Councillor Sharon Holder

The Council supports free home care for elderly and Disabled residents and welcomes the Labour administration's commitment to maintaining it.

The Council recognises that the last Conservative administration promised to keep home care free when they were in opposition but introduced charges very quickly after they became the administration.

The Council calls on the government to bring forward a national plan which ensures all councils are fully funded to give everyone in our country free home care.