

Cabinet

Agenda

MONDAY
10 JANUARY 2022
7.00 pm

MAIN HALL
FIRST FLOOR
3 SHORTLANDS
LONDON W6 8DA

Watch the meeting
live on YouTube:
<https://youtu.be/wsdrDTf3iRg>

Date Issued
24 December 2021

Membership

Councillor Stephen Cowan, Leader of the Council
Councillor Sue Fennimore, Deputy Leader
Councillor Larry Culhane, Cabinet Member for Children and Education
Councillor Andrew Jones, Cabinet Member for the Economy
Councillor Wesley Harcourt, Cabinet Member for the Environment
Councillor Max Schmid, Cabinet Member for Finance and Commercial Services
Councillor Ben Coleman, Cabinet Member for Health and Adult Social Care
Councillor Lisa Homan, Cabinet Member for Housing
Councillor Adam Connell, Cabinet Member for Public Services Reform
Councillor Sharon Holder, Cabinet Member for Strategy

If you require further information relating to this agenda please contact:
Katia Neale, Committee Coordinator, tel: 07776 672 956 or email:
katia.neale@lbhf.gov.uk

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website: www.lbhf.gov.uk/councillors-and-democracy



Shortlands

3 Shortlands,
Hammersmith,
London W6 8DA

 **Closest Underground Station**
Hammersmith

 **Closest Bus Stop**
Latymer Court (Stop G)

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Attending the meeting

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

DEPUTATIONS

Members of the public may submit a request for a deputation to the Cabinet on item numbers **4-8** on this agenda using the Council's Deputation Request Form. The completed Form, to be sent to Kayode Adewumi at the above address, must be signed by at least ten registered electors of the Borough and will be subject to the Council's procedures on the receipt of deputations. **Deadline for receipt of deputation requests: Wednesday 5 January 2022.**

COUNCILLORS' CALL-IN TO SCRUTINY COMMITTEES

A decision list regarding items on this agenda will be published by **Tuesday 11 January 2022**. Items on the agenda may be called in to the relevant Accountability Committee.

The deadline for receipt of call-in requests is: **Friday 14 January 2022, at 3.00pm**. Decisions not called in by this date will then be deemed approved and may be implemented.

A confirmed decision list will be published after 3:00pm on **Friday 14 January 2022**.

Cabinet Agenda

10 January 2022

<u>Item</u>	<u>Pages</u>
1. MINUTES OF THE CABINET MEETING HELD ON 6 DECEMBER 2021	5 - 12
2. APOLOGIES FOR ABSENCE	
3. DECLARATION 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>	
4. DELIVERY OF WOOD LANE CYCLEWAY AND DEVELOPMENT OF A SHEPHERDS BUSH GREEN PUBLIC REALM SCHEME	13 - 108
5. COUNCIL TAX SUPPORT SCHEME 2022/23	109 - 264
6. COUNCIL TAX BASE AND COLLECTION RATE 2022/23 AND DELEGATION OF THE BUSINESS RATE ESTIMATE	265 - 273

- | | | |
|-----|--|-----------|
| 7. | CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS,
2021/22 (SECOND QUARTER) | 274 - 297 |
| 8. | 2021/22 CORPORATE REVENUE MONITOR - MONTH 6
(SEPTEMBER 2021) | 298 - 341 |
| 9. | FORWARD PLAN OF KEY DECISIONS | 342 - 376 |
| 10. | DISCUSSION OF EXEMPT ELEMENTS | |

LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION

Proposed resolution:

Under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following items of business, on the grounds that they contain the likely disclosure of exempt information, as defined in paragraph 3 of Schedule 12A of the said Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

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| 11. | EXEMPT MINUTES OF THE CABINET MEETING HELD ON 6
DECEMBER 2021 (E) | |
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London Borough of Hammersmith & Fulham

Cabinet Minutes



Monday 6 December 2021

*NOT This meeting was held remotely. A recording of the meeting can be watched at c
YouTube at: <https://www.youtube.com/watch?v=q8Q8NOPskml>*

PRESENT

Councillor Stephen Cowan, Leader of the Council
Councillor Ben Coleman, Cabinet Member for Health and Adult Social Care
Councillor Wesley Harcourt, Cabinet Member for the Environment
Councillor Andrew Jones, Cabinet Member for the Economy
Councillor Sharon Holder, Cabinet Member for Strategy

IN ATTENDANCE VIRTUALLY

Councillor Sue Fennimore, Deputy Leader
Councillor Adam Connell, Cabinet Member for Public Services Reform
Councillor Lisa Homan, Cabinet Member for Housing
Councillor Max Schmid, Cabinet Member for Finance and Commercial Services

ALSO IN ATTENDANCE VIRTUALLY

Councillor Adronie Alford
Councillor Victoria Brocklebank-Fowler
Councillor Andrew Brown

1. MINUTES OF THE CABINET MEETING HELD ON 1 NOVEMBER 2021

RESOLVED:

That the minutes of the meeting of the Cabinet held on 1 November 2021 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

2. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor Larry Culhane.

3. DECLARATION OF INTERESTS

There were no declarations of interest.

4. BUILDING COLLABORATIVE NETWORKS WITH EUROPEAN STATES

The Leader stated that following the UK's departure from the EU the Council declared its intention to establish meaningful, cultural, industrial, and educational twinning links with towns within countries of the EU. This report proposed to strengthen the current links with existing twin towns and to establish new links with European partners in order to gain access for our residents to the most cutting-edge innovations in industry and civic society available in the European Continent.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS PRESENT:

That Cabinet approves the objectives to progressing our European collaboration ambitions as set out in paragraph 1 in the report.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

5. PARKS COMMISSION REPORT AND RECOMMENDATIONS

Councillor Sharon Holder stated that this was the final report and recommendations of the resident-led Parks Commission. The commission launched in January 2020, chaired by Timothy Prager, proposed excellent recommendations following a year of extensive engagement with council officers, residents, and stakeholders.

Timothy Prager, Chair of the resident-led Parks Commission, summarised the report virtually.

The Leader added that moving forward, this report would be developed by the Cabinet Member and the Policy and Accountability Committee. The recommendations would be approved and implemented following a democratic debate and the governance process.

The Leader thanked all commissioners, including Rosemary Mortimer and Judy Hargadon, who were present at the Cabinet meeting, for their excellent voluntary work. He also thanked Sharon Lea and Stephen Hollingworth on their outstanding work delivering more value for less money.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS PRESENT:

That cabinet notes, and comment, on the final report and recommendations of H&F's resident-led Parks Commission (Appendix A).

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

6. HEALTH AND WELLBEING - HARM REDUCTION, TREATMENT AND PREVENTION PROCUREMENT STRATEGY

Councillor Ben Coleman introduced the report seeking approval for a Procurement Strategy for the re-procurement of 2 contracts: an adults integrated substance misuse and alcohol service and a young people's integrated substance misuse and sexual health service. The idea was to integrate adults and young people's services with contract terms of 3 + 2 +2 years in order to evaluate their performance along the years.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS PRESENT:

To approve the Procurement Strategy for the re-procurement of two contracts commencing October 2022 as follows:

- Lot 1 - an adults integrated substance misuse service, with a contract value up to £2,925,000 per annum. The total value of the contract is £20,475,000 over 7 years
- Lot 2 - a young peoples integrated substance misuse and sexual health service, with a contract value up to £200,000 per annum. The total value of the contract is £1,400,000 over 7 years.
- The contracts are reviewed by the Cabinet Member for Health and Adult Social Care after two years.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

7. IMPROVING PRIVATE SECTOR HOUSING THROUGH DISCRETIONARY PROPERTY LICENSING

Councillor Wesley Harcourt presented the joint report with Councillor Lisa Homan, who was in attendance virtually. The report was seeking approval to implement new property licensing schemes from June 2022 for a further 5 years, focussing on the types of properties and streets where there were the most significant problems. Those were Additional Licensing for Houses and Flats in Multiple Occupation (“HMOs”) and Selective Licensing for rented dwellings in 24 specified streets.

In response to a question asked virtually by Councillor Adronie Alford regarding simplifying the licensing process that may overwhelm some people, Councillor Harcourt asked Councillor Alford to send him the details of her concerns and he would ask officers to look into it to resolve the issue.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS PRESENT:

That Cabinet approves:

1. Designation of an Additional HMO Licensing scheme from 5 June 2022 in accordance with the designation document in **Appendix 1**.
2. Designation of a Selective Licensing scheme for rented houses and flats which are not HMOs from 5 June 2022 in accordance with the designation document in **Appendix 2**.
3. Delegation of authority to the Strategic Director of Environment to set licence fees, and to amend these fees from time to time as is necessary to reflect the actual costs of administering and managing the schemes.
4. Delegation of authority to the Strategic Director of Environment (in relation to licensed dwellings) to set (and amend from time to time)
 - a. minimum standards for amenities and management, and
 - b. licence conditions

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

8. HAMMERSMITH BRIDGE - STABILISATION PROJECT APPROVAL

Councillor Harcourt introduced the report and stated that the bridge was closed to motor vehicles in April 2019 and to all users in August 2020 on public safety grounds. Following extensive monitoring, it re-opened to pedestrians, cyclists and river traffic in July 2021. At the time of closure it was estimated by Transport for London (TfL) that the cost of stabilisation was £46m and would be £141m for stabilisation, strengthening and restoration. This report was about stabilisation of the bridge to avoid having to close it once again. The next stage would be the strengthening which would come back to Cabinet for approval in the future.

In answer to a question asked virtually by Councillor Brocklebank-Fowler, Councillor Harcourt replied that the Steve Denton report was about the strengthening of the bridge, which was still currently being considered and would be released to the public shortly. He stressed that the report on this Cabinet agenda was about the first stage, which was the stabilisation of the bridge. The Steve Denton report was about the second stage, which was the strengthening.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS PRESENT:

1. To note that Appendices 1 and 2 are not for publication on the basis that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) and/or information in respect of which a claim to legal professional privilege could be maintained in legal proceedings as set out in paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 (as amended).
2. To approve an additional capital budget of £2.9m to reflect the revised cost, to be funded by Council borrowing (increase to the Capital Financing Requirement).
3. To approve the procurement of the stabilisation works by means of a task order to the preferred contractors (as set out in paragraph 5).

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

9. SOUTH FULHAM TRAFFIC CONGESTION AND POLLUTION REDUCTION (TCPR) EAST EXPERIMENTAL SCHEME

Councillor Harcourt introduced the report which considered making the South Fulham TCPR East Experimental Scheme permanent based on the evidence base, engagement and feedback gathered and conducted during the trial.

There had been a clear reduction in traffic and air pollution across the area, which had significant health and wellbeing benefits for residents.

Councillor Harcourt added that initially, in September 2020, the majority of residents were against the new traffic scheme introduced. However, one year later, over 90% of residents supported the scheme. The change in sentiment demonstrated how the scheme had gained support once its positive impacts were fully appreciated by residents.

Councillor Coleman stated that, after initial mistakes, extensive consultation and engagement process was carried out during the experiment with residents. Following initial concerns, the consensus in the local area was now positive for the scheme and there was a growing drive to expand the scheme to the west. The scheme had the largest consultation and engagement process the Council had undertaken for a traffic scheme. In addition to the statutory requirements, ongoing engagement was carried out. A series of online Zoom meetings attended by hundreds of residents, five residents' associations and local Ward Councillors, including Councillor Matt Thorley, took place. Subsequently, the five associations sent a joint letter of support for the scheme on the east on the condition that the scheme would also be considered for extension to the west, and traffic reduction and public realm improvements should be introduced on Wandsworth Bridge Road. He thanked the Ward Councillors Matt Thorley, Mark Loveday and Frances Stainton for their support.

The Leader reiterated that the Council did make a mistake initially but now had overwhelming support for this scheme. There would be further extensive engagement exercise with residents and Ward Councillors (beyond the statutory consultation requirements) to implement any additional extension to the scheme. The Leader commended Councillor Matt Thorley for supporting the scheme and Sharon Lea, Bram Kainth and John Galsworthy for their excellent work.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS PRESENT:

1. To note that Appendix 5 is not for publication on the basis that it contains information relating to any individual, information which is likely to reveal the identity of an individual, or information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraphs 1 to 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. That Cabinet notes and carefully considers the consultation responses received during the South Fulham TCPR East scheme attached at Appendix 5.

3. That Cabinet approves the making of a permanent traffic management order for the South Fulham TCPR East Scheme (as detailed in the section the Experimental East Scheme) along with any necessary associated highway works subject to the outcome of the statutory consultation process.

4. That Cabinet approves the making of an experimental traffic order for the South Fulham TCPR West Scheme following a further engagement exercise with residents.

5. That Cabinet delegates authority to the Strategic Director of Environment in consultation with the Cabinet Member for the Environment to take all necessary steps to effect the decisions in recommendation 3 and 4.

6. That Cabinet notes the carrying out of a statutory consultation for the implementation of 20mph speed limits for Wandsworth Bridge Road and New Kings Road.

7. That Cabinet notes the carrying out of a further engagement exercise with residents for the development of traffic mitigation measures for Wandsworth Bridge Road.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

10. FORWARD PLAN OF KEY DECISIONS

The Key Decision List was noted.

11. DISCUSSION OF EXEMPT ELEMENTS

RESOLVED:

Under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following items of business, on the grounds that they contain the likely disclosure of exempt information, as defined in paragraph 3 of Schedule 12A of the said Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

12. **HAMMERSMITH BRIDGE - STABILISATION PROJECT APPROVAL:
EXEMPT ELEMENTS (E)**

There was a brief discussion around some elements of the exempt appendix.

Meeting started: 7.01 pm
Meeting ended: 8.47 pm

Chair

Report to: Cabinet

Date: 10/01/2022

Subject: Delivery of Wood Lane Cycleway and development of a Shepherds Bush Green public realm scheme

Report of: Cabinet Member for the Environment, Cllr Wesley Harcourt

Report author: Masum Choudhury, Head of Transport

Responsible Director: Sharon Lea, Strategic Director for the Environment

SUMMARY

Following a public consultation carried out in 2019, this report seeks Cabinet approval to design and build the Wood Lane Cycleway which extends from Du Cane Road to Shepherds Bush Green, subject to securing funding from Transport for London (TfL). The report also seeks approval to develop a concept design for the section from Shepherds Bush Green to the Holland Park Roundabout borough boundary utilising secured s106 funds and to enhance the scheme by incorporating public realm and greening features within the design.

The overall scheme is intended to be designed and delivered in two phases:

- Phase 1 of the route covers the section along Wood Lane from Du Cane Road up to the junction with Shepherds Bush Green.
- Phase 2 of the scheme incorporates the remaining section of Cycleway 10 (within the borough boundary) and includes the Shepherds Bush Green and Holland Park Roundabout areas.

The consultation carried out jointly with TfL in 2019 references the entire scheme length, thus approval is sought for the delivery of Phase 1 and the concept development work for the aspirational Phase 2 segment, to align with the Council's long-term objectives. It should be noted that the decision and implementation for the scheme have been significantly delayed due to the global pandemic.

RECOMMENDATIONS

1. That Cabinet approves proceeding with Option 1 to complete the design of the H&F scheme consulted upon by Transport for London (TfL) and LBHF in June 2019 between Du Cane Road and east of the Holland Park roundabout, subject to securing funding from TfL.
2. That Cabinet approves completing the design and build of Phase 1, the section between Du Cane Road up to Shepherds Bush Green as consulted on in 2019, subject to securing the required funding from TfL.

3. That Cabinet approves the development of an enhanced concept for the remaining Phase 2 section between Shepherds Bush Green and the Holland Park Roundabout to tie in with the Phase 1 section, and approve a related budget of up to £300,000, funded from eligible Section 106 contributions.
4. That Cabinet delegates authority to the Strategic Director for Environment to take all necessary steps to effect the decisions in recommendation 1, 2 and 3.
5. That Cabinet notes officers will continue to engage with the Disabled Residents Team (DRT) on accessible and inclusive design principles for the scheme.
6. That Cabinet notes the significant contributions made by the Cycling and Walking Residents Commission on the King Street and Hammersmith Road Safer Cycle Pathway in setting overall design principles for cycle schemes. Officers will need to incorporate findings into the design of the Wood Lane Cycle Scheme and, the concept for the Shepherds Bush Green area.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The Wood Lane scheme will add to the cycling infrastructure in the borough and bring new opportunities for green business to the area. The scheme will support the economy after lockdown restrictions are eased and encourage people to cycle and walk in the area.
Creating a compassionate council	The scheme will add much needed cycling infrastructure for wellbeing and health as well as improve the environment for all.
Doing things with local residents, not to them	Residents' forums and associations will be kept informed of the proposed scheme for the route and will continue to be engaged to assess the scheme as it progresses.
Being ruthlessly financially efficient	The council's contractor, FM Conway secured a competitive tender in 2017 across a range of highway works and will construct the scheme.
Taking pride in H&F	Dedicated cycling infrastructure is a central part of community life in the borough.
Rising to the challenge of the climate and ecological emergency	The Wood Lane scheme is a key enabler for more cycling and walking

	activity and reducing car journeys and the scheme aims to alleviate congestion and encourage sustainable journey choices.
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Financial Impact

The scheme will be aligned with funding secured from TfL as external sponsor, it will not progress unless TfL funding has been confirmed. It is expected that there will be no financial implications for Council budgets as the scheme will only progress if fully funded. Transport for London estimate the scheme will cost in the region of £5m for the section from Du Cane Road to Shepherds Bush Green (Phase 1).

The costs of the necessary traffic modelling and to develop a concept design for delivery of the remaining section from Shepherd Bush Green to the Holland Park roundabout are estimated to up to £300,000. These can be met from Section 106 funds (AKA 871). Remaining Section 106 funds may also be used to implement complementary key public realm and greening features in order to achieve the Council's priorities and align with the developer objectives for the area, and will be included in a further decision report to progress Phase 2. Further grant funding will need to be secured, following concept design, to progress and deliver the full scheme beyond Phase 1.

Legal Implications

Section 65 of the Highways Act 1980 provides the Highways Authority with powers to construct a cycle track in the highway.

The Council has powers to make an experimental traffic order under section 9 and of the Road Traffic Regulation Act 1984 and the order can continue to be in force for up to 18 months. The Council has powers to make a permanent traffic order under Section 6 of the Road Traffic Regulation Act 1984. The Council must follow the process contained in The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. The regulations set out who should be consulted as part of making the permanent order and the process will require the order to be published.

Section 106 funds can be used towards the purpose specified within the terms of the legal agreement. Section 122 of the Community and Infrastructure Levy Regulations 2010 provides that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is; (a) necessary to make the development acceptable in planning terms (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. It has been confirmed that funds have been collected for the purposes of delivering the Phase 2 works and can therefore be spent on that purpose.

Contact Officers

Name: Mathew Bonomi

Position: Senior Service Manager (Transport Strategy & Sustainability)

Email: Mathew.Bonomi@lbhf.gov.uk

Name: Kellie Gooch

Position: Head of Finance (Environment)

Email: Kellie.Gooch@lbhf.gov.uk

Verified by Emily Hill, Director of Finance

Name: Jane Astbury

Position: Chief Solicitor (Planning and Property)

Email: Jane.Astbury@lbhf.gov.uk

Background Papers Used in Preparing This Report - None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. In developing the options, the Council and TfL undertook extensive work to engage local stakeholders including developers along Wood Lane.
2. Workshops explored possible options for an improved cycle route and included investigation into the main compositions and layouts, as follows:
 - Bi-directional cycle track on the western side of Wood Lane.
 - With-flow cycle lane scheme with dedicated cycle lanes on both sides of the carriageway.
 - Bi-directional cycle track on the eastern side of Wood Lane.
 - Retain existing advisory cycle lanes only.

Option 1 – Bi-directional cycle track on western side of Wood Lane to Notting Hill Gate

3. Option 1 is the recommended option and delivers the TfL and LBHF consulted route in two phases up to the borough boundary on the eastern side of the Holland Park roundabout.
4. Phase 1 delivers a segregated cycle track from Du Cane Road to the Shepherds Bush Green junction. The design has been consulted upon and is proposed to be delivered along the route profile (as consulted upon in 2019, see Appendix 1). Where possible, further enhancement to the design will be made for improved public realm features and greening.
5. Phase 1 of the design has been significantly progressed with limited opportunity for varying the design, however the Council will continue to engage with local stakeholders on the Phase 2 concept for the route.
6. Phase 2 will aim to deliver a more aspirational scheme for the Shepherds Bush Green and Holland Park roundabout area with a view to model bus priority on the northern section of the green, diverting eastbound traffic to the western and southern arms of the green and introducing a segregated cycle track on the northern arm.

Pros	Cons
<ul style="list-style-type: none"> • Creates a new dedicated segregated cycle lane along the western side of wood lane • New and upgraded pedestrian crossings 	<ul style="list-style-type: none"> • Proposal creates new junctions for cyclists which delays overall journey • Eastern side residents have difficulty in accessing the cycle

<ul style="list-style-type: none"> • Public space improvements along the route to create more welcoming streets for people and communities to enjoy • Two-way segregated cycle track throughout • Changes to bus stop locations, removal of some bus stops, and layout changes throughout, including new bus stop bypasses for cyclists • Making some side roads entry or exit only to help the safe and timely movement of traffic • Changes to parking and loading bays and hours of operation • Creates new links with eastern developments • Separates cyclists away from busy pedestrian areas • Improves the safety for cyclists at junctions like that with the Westway. 	<p>track</p> <ul style="list-style-type: none"> • No link from new resident developments in the east to the western developments • Has an impact on journey times for vehicles.
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Option 2 – With-flow cycle tracks on either side of Wood Lane

7. This proposal considers segregated cycle tracks on both sides of the carriageway on Wood Lane.

Pros	Cons
<ul style="list-style-type: none"> • Does not require extensive changes to the existing road infrastructure such as kerb re-alignment • Traffic signals at pedestrian crossings and junction can be upgraded to facilitate safer movements of pedestrians, cyclists and road users • Maintains current vehicle lanes • Removes areas of conflict between cyclists and vehicles where lanes merge • Enables existing pedestrian space on footpaths to be maintained • Maintains existing loading bays • Demonstrates the Council's commitment to Climate Change by 	<ul style="list-style-type: none"> • Limited options for additional greening due to no change in usable space • Cyclists heading east and west are unable to cross the road to continue their journey • Sections of the route would not reflect the investment made by developers in new infrastructure • No new crossings would be included in this option.

<p>promoting smarter travel options</p> <ul style="list-style-type: none"> • Enables greater access for all and recognises issues identified by the disabled user groups. 	
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Option 3 – Bi-directional cycle track on eastern side of Wood Lane

8. This proposal considers a single bi-directional cycle track on the eastern side of Wood Lane.

Pros	Cons
<ul style="list-style-type: none"> • Creates a new dedicated segregated cycle lane along the eastern side of wood lane • New and upgraded pedestrian crossings • Public space improvements along the route to create more welcoming streets for people and communities to enjoy • Two-way segregated cycle track throughout • Changes to bus stop locations, with removal of some bus stops, and layout changes throughout, including new bus stop bypasses for cyclists • Making some side roads entry or exit only to help the safe and timely movement of traffic • Changes to parking and loading bays and hours of operation • Creates new links with eastern developments 	<ul style="list-style-type: none"> • Proposal creates new junctions for cyclists which delays overall journey times • Western side residents have difficulty in accessing the track • No link from resident developments and existing homes in the west to the eastern retail sites • Cycle lane would have to fit in with existing road infrastructure on the eastern side where there are two busy tube stations • More difficult to technically achieve due to local road and site constraints.

Option 4 - Do nothing

9. This proposal is the do nothing options and retains existing advisory cycle lanes.

Pros	Cons
<ul style="list-style-type: none"> • Does not require extensive changes to the existing road infrastructure such as kerb re-alignment 	<ul style="list-style-type: none"> • The scheme does not achieve the Council’s full aspirations for the route in terms of Public Realm or for future segregated cycle lane

<ul style="list-style-type: none"> • Maintains current vehicle lanes • Enables existing pedestrian space on footpaths to be maintained • Maintains existing loading bays. 	<p>infrastructure</p> <ul style="list-style-type: none"> • There are sections of the existing informal cycle lanes where the lanes are removed due to the width of the road • Limited options for additional greening due to no change in usable space • Safety for cyclists of all abilities is compromised • Cyclists heading east and west are unable to cross the road to continue their journey • Sections of the route would not reflect the investment made by developers in new infrastructure • No new crossings would be included in this option • Does not demonstrate the Council's commitment to Climate Change by promoting smarter travel options.
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Background

10. The proposed Wood Lane Cycleway is part of TfL's strategic cycle routes across London and designed to help meet the targets set out in the Mayor's Transport Strategy, where 80 per cent of all London trips are aimed to be made on foot, by bicycle or on public transport by 2041.
11. In June 2017 TfL published the Strategic Cycling Analysis which identified several corridors with suppressed potential or established high demand for cycling. The analysis proposes cycling rates would increase with the introduction of new cycling infrastructure as a key enabler for sustainable journeys to be made.
12. Significant potential for increased cycling in the Wood Lane to Notting Hill Gate section has been identified. In addition, Wood Lane, Shepherd's Bush and Notting Hill Gate areas have some of the highest concentration of pedestrian movements in London and have benefitted from extensive development over the years including the Westfield Shopping Centre contained within the White City Opportunity Area.
13. Proposals are aimed at making the communities of Wood Lane, Shepherd's Bush, Holland Park Avenue and Notting Hill Gate more pleasant places to dwell by enhancing the public realm. This is supplemented by the aims of making it easier to navigate busy roads, reducing capacity for traffic, enabling more cycling and public transport journeys.

14. The proposal includes new segregated spaces for people to cycle; to make cycling more attractive and reduce the dominance of the car. The proposals form part of the borough's emerging cycling network and are intended to create a safer and more appealing street environment for all.
15. TfL and the Council carried out a joint public consultation of proposals from 1 May 2019 to 16 June 2019 and invited a wide range of people and other stakeholders to put forward views (see Appendix 1).
16. The outcome of the consultation on proposed measures were:
- 72% of respondents felt that proposals would mean that more people would cycle
 - 58% of respondents felt that proposals would mean that more people would walk
 - 43% of respondents felt that proposals would mean that more people would use public transport
 - 53% of respondents felt that proposals would mean that fewer people would use private transport for personal journeys
 - 34% of respondents felt that proposals would mean that fewer people would use private transport for business journeys.
17. Following discussions with the Royal Borough of Kensington and Chelsea (RBKC), TfL will not currently progress the outcome of the consultation for a route into RBKC but will continue to develop improvements in Hammersmith & Fulham.
18. Scheme proposals include:
- New and upgraded pedestrian crossings
 - Public space improvements along the route to create more welcoming streets for people and communities to enjoy
 - Two-way segregated cycle track throughout
 - Changes to bus stop locations, with removal of some, and layout changes throughout, including new bus stop bypasses for cyclists
 - Making some side roads entry or exit only to help the safe and timely movement of traffic
 - Changes to parking and loading bays and hours of operation.
19. To consider in the design, a new junction layout of South Africa Road for the Depot Road access to Imperial College.
20. To consider in the design, the section of the route outside Wood Lane underground station called the 'Hub' to reflect the tie in with local developments such as the BBC and Westfield sites.

Funding

21. There remains significant uncertainty with TfL's ongoing financial position. On 13 December 2021 an interim extension was announced following a funding settlement being granted by the Department for Transport (DfT) until 17 December 2021.

22. The most recent position of the extraordinary funding and financing agreement between TfL and the DfT has been extended to 4 February 2022. There thus remains an urgent need to ensure financing can be unlocked in accordance with irregular funding schedules and to secure future funding for the boroughs intended scheme.

Monitoring

23. The scheme will have an agreed monitoring strategy developed in conjunction with TfL.

24. Traffic counters will be installed along the route to gather data on a 24/7 basis. The counters will be able to gather data on traffic, cycle and pedestrian movements at key sections of the route.

25. Officers will work with TfL to collect and review data post scheme implementation, and this data will be supplemented with historic traffic data, and journey time information for the route.

Reasons for Decision

26. The development of a safe cycle network is a key aspiration of the administration and aligns with both regional and local transport policies. Segregated cycle infrastructure is a key enabler to achieve the climate change agenda. The scheme also supports the realising of several cross-disciplinary policies on economy, health and wellbeing.

27. There is significant scope to enable change in behaviour and achieve modal shift to sustainable forms of transport by providing and investing in cycling infrastructure. This is a key means to achieve net zero carbon from transport by 2030.

28. In liaison with TfL scheme sponsors, Option 1 has been previously consulted upon and is being prioritised for delivery by TfL. The Council have also secured s106 funds to help achieve aspirations for the Shepherds Bush Green area that helps to address some long terms concerns and conflicting priorities between residents, business and general traffic demand in the area.

29. The Council have secured funding from businesses and developments whom are keen to enhance the public realm, this broad ambition is broadly mirrored alongside residents' views; to achieve the realisation of more greening, flood mitigation and enhanced public spaces.

30. The scheme has been divided to be delivered in phases where, subject to obtaining TfL funding, Phase 1 can be achieved as a high priority with much of the design complete. Phase 2 of the scheme allows for further scope to enhance the route with the Council's s106 funding being made available to fund the concept design and complementary public realm works. The Phase 2 segment would allow the Council to progress coproduction with local stakeholders such as the DRT resident group and the residents cycling and walking commission.

31. Co-production remains a high priority for the Council and therefore ongoing engagement with resident led working groups and the DRT will continue throughout design development for the scheme.

Equality Implications

32. On the approach to consultation, TfL and the Council have demonstrated due regard to the public sector equality duty under the Equality Act 2010 and the need to consider any impacts of proposals on people with protected characteristics.

33. Measures taken to ensure groups could participate in the consultation included:

- Identifying and emailing relevant stakeholders such as British Dyslexia Association, Age UK London, Guide Dogs for the Blind, Royal London Society of Blind Children, Action on Hearing Loss and Inclusion London, and inviting them to respond to the consultation
- Ensuring that materials were written in plain English, and available on request in different formats (for example, Braille, large print, other languages)
- Ensuring that consultation events were held in accessible locations and at different times of the day, and that large-scale materials were available to review at events
- Considering how best to reach target audiences and tailoring the way of communicating with them. For example, by preparing hard copies of online material for those not able to access the website
- Producing an “easy-read” version of consultation materials, on request
- Sending copies of leaflets to local GP surgeries, libraries and places of worship
- Publishing an Equality Impacts Assessment within consultation materials - this allowed consultees to identify any significant gaps in thinking and bring to attention any impacts which had not already been identified.

34. An EQIA (Appendix 2) has also been completed for design and delivery which has assessed the adverse impact rating to be low but the overall impact of the Proposed Scheme upon Protected Groups to be positive.

35. The EQIA will be kept under review and updated throughout the decision-making process. Any identified issues relating to equalities will need to be considered in the development of proposals, with mitigation for adverse impacts considered and actioned.

Risk Management Implications

36. Although there are no financial impacts arising from the decision, there is a risk in the loss of opportunity to secure funds for bringing forward a scheme that aligns with Council and TfL policies. The need to ensure the scheme is progressed on time and in partnership with sponsors is central to securing funds, particularly within the context of ongoing financial uncertainty.

37. There remains an inherent risk when carrying out design and implementation of infrastructure works on the Highway. These will need careful managing during

the design and construction phases of the scheme as would be ordinarily conducted for works related schemes.

38. There are emerging limitations on the extent to which community led design can be carried out on highways infrastructure schemes. The Council will need to manage the expectation of stakeholders and ensure the parameters and constraints are clearly conveyed to any resident led stakeholder groups during design development.

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

Climate and Ecological Emergency Implications

39. The Wood Lane Cycle Scheme and proposals for improvements to the Shepherds Bush Green area are considered to make a positive contribution towards tackling the Climate and Ecological Emergency due to an expected reduction in traffic volumes, enabling modal shift to sustainable forms of transport, resulting in long term improvements to air quality. Introducing a cycleway scheme would enable the realisation of longer-term aspirations of reallocating road space for greening, biodiversity and flood alleviation measures.
40. Route improvements will also include new cycle parking at major travel interchanges, therefore enabling onward journeys by sustainable transport. A segregated route will enable alternative vehicles such as cargo bikes to be safely used to deliver goods, therefore supporting sustainable freight and delivery options in the area.
41. Several climate action plan aims are achieved through the scheme including reducing polluting car journeys, supporting people to use active travel and maintaining accessibility by foot, bike or public transport.
42. A scheme will enable reallocating road space and increasing total green space, by planting of more trees, providing parklets and incorporating Sustainable Drainage Systems (SUDs) within the public realm and road space.
43. The scheme also encourages the topical dialogue around travel behaviour, travel demand, greener, biodiverse and more ecologically responsible public spaces and streets.

*Implications verified by: Hinesh Mehta (Strategic Lead, Climate Change)
Hinesh.Mehta@lbhf.gov.uk*

Consultation

44. A joint consultation was undertaken from 1 May 2010 to 16 June 2019 and a wide range of stakeholders were able to put forward views. There were 5,386 responses to the consultation, including from 56 organisations.

45. Respondents were asked to judge what impact proposals may have on walking, cycling, using public transport, using private transport for personal journeys or using private transport for business journeys. Full details of the consultation can be found in Appendix 1.
46. A resident cycling and walking commission have conducted significant work on considering overall design principles for cycle schemes in Hammersmith & Fulham. Although, the specific focus of the work was on the King Street and Hammersmith Road, Safer Cycle Pathway; the findings from the commission remains relevant when considering any new cycle schemes of comparable scale. Final recommendations arising from the group will need to be considered in due course.
47. The Council's continuing engagement and coproduction with a Disabled Residents Team (DRT) working group for the safer cycle pathway has provided detailed insight on specific user groups and barriers faced with navigating new infrastructure. The ongoing work of the DRT will need to be considered during the implementation of Phase 1 and also the scheme development of the Shepherds Bush Green and Holland Park segment of the scheme.
48. In addition, to local community engagement, the Council will need to consult and engage all statutory consultees such as emergency services, neighbouring authorities and Transport for London.

LIST OF APPENDICES

Appendix 1 – Cycleway 10 Consultation Report

Appendix 2 – EQIA – Wood Lane and Shepherds Bush Green Cycleway

APPENDIX 1



Proposed improvements between Wood Lane and Notting Hill Gate

Consultation Report
November 2019

Contents

Table of figures	4
Executive summary.....	5
1. About the proposals.....	7
1.1 Introduction	7
1.2 Purpose	7
2. About the consultation.....	8
2.1 Purpose	8
2.2 Consultation history.....	8
2.3 Who we consulted	8
2.4 Dates and duration	8
2.5 What we asked.....	8
2.6 Methods of responding	9
2.7 Consultation materials and publicity	9
2.8 How we considered equalities in the consultation.....	11
2.9 Analysis of consultation responses	12
3. About the respondents	14
3.1 Respondent type.....	14
3.2 List of responding stakeholders	14
3.3 How respondents heard about the consultation	16
3.4 Distribution of respondents across Greater London	16
3.5 Demographics	18
4. Summary of all consultation responses	22
4.1 Question 1: Effect of proposals as a whole on the way people choose to travel	22
4.2 Question 1 (open question) & Question 3 (open question): Effect and impact of proposals as a whole	24
4.3 Question 2: Neighbourhoods of interest selected by respondents.....	25
4.4 Question 4: Frequency of travel	26
4.5 Quality of Consultation.....	27
5. Initial responses to issues raised	29

6. Next steps 61

Table of figures

Figure 1 Public drop-in events: dates, times and venues	11
Figure 2 Public and stakeholder respondents to the consultation.....	14
Figure 3 Respondent types	14
Figure 4 How respondents heard about the consultation	16
Figure 5 Map to show the location of all respondents to the consultation	17
Figure 6 Map to show respondents to the consultation in the Royal Borough of Kensington & Chelsea, London Borough of Hammersmith & Fulham and City of Westminster	18
Figure 7 The gender of respondents to the consultation	19
Figure 8 The age of respondents to the consultation	19
Figure 9 The ethnicity of respondents to the consultation	20
Figure 10 The sexual orientation of respondents to the consultation	21
Figure 11 Faith of the respondents to the consultation	21
Figure 12 Respondents who considered that their day-to-day activities were limited	21
Figure 13 Effect of proposals on the way people choose to travel (walking, cycling and public transport)	22
Figure 14 Effect of proposals on the way people choose to travel (motor vehicles) ..	23
Figure 15 Top 10 most frequently raised issues	25
Figure 16 Respondents selection of the neighbourhoods their comments related to	26
Figure 17 Frequency of travel by walking, cycling and public transport	27
Figure 18 Frequency of travel by motor vehicles	27
Figure 19 Assessment of the quality of this consultation.....	28
Figure 20 Table of TfL's responses to some of the issues raised by respondents to the consultation.....	31

Executive summary

We worked with the Royal Borough of Kensington & Chelsea and the London Borough of Hammersmith & Fulham to develop proposals to help people walk and cycle more often in the neighbourhoods of Wood Lane, Shepherd's Bush, Holland Park Avenue and Notting Hill Gate. Our proposals are an important part of the [Mayor's Transport Strategy](#) and were guided by the [Mayor's Healthy Streets Approach](#), which aims to encourage more sustainable travel and to make London greener, healthier and more pleasant.

We held a consultation on our proposals from 1 May – 16 June 2019 and invited a wide range of people and other stakeholders to give us their views.

Summary of results

There were **5,386 responses** to the consultation, including from **56 organisations** or individuals we would consider to be stakeholders.

We asked respondents to judge what effect our proposals might have on walking, cycling, using public transport, using private transport for personal journeys or using private transport for business journeys. We provided a range of effects for respondents to choose between, ranging from 'Many more people would choose to travel in this way', to 'Fewer people would choose to travel in this way'. We also provided the option 'I am unsure what effect the proposals might have'. Of those respondents who provided a view¹, we found that:

- 72 per cent of respondents felt that our proposals would mean that more people would cycle
- 58 per cent of respondents felt that our proposals would mean that more people would walk
- 43 per cent of respondents felt that our proposals would mean that more people would use public transport
- 53 per cent of respondents felt that our proposals would mean that fewer people would use private transport for personal journeys
- 34 per cent of respondents felt that our proposals would mean that fewer people would use private transport for business journeys

We also received a range of written comments about our proposals. We have analysed these to identify the issues raised and have described them later in this report.

¹ We have omitted from the results as presented in this section those proportions of respondents who did not answer the relevant question in our questionnaire

Next steps

The London Borough of Hammersmith & Fulham has made clear to us that they supported our proposals, and we are now working to finalise our plans. We are not yet in a position to confirm the final designs but will update our website tfl.gov.uk/wood-notting with a summary of the changes once they are agreed.

We have developed a series of improvements that could be made to our proposals in Kensington & Chelsea, and which we believe would satisfy and resolve the concerns that some people had with our proposals. We have had initial discussions with the Royal Borough about these improvements, and intend to discuss them with key local stakeholder groups. No decisions have yet been made on whether our proposals with these improvements incorporated could be introduced within the Royal Borough, and discussions will continue with the Royal Borough and local stakeholders.

1. About the proposals

1.1 Introduction

Our proposals were designed to make the communities of Wood Lane, Shepherd's Bush, Holland Park Avenue and Notting Hill Gate more pleasant places to be; for example by making it easier for people to cross busy roads, or by removing through traffic on some residential roads. Our proposals also included new segregated spaces for people to cycle; to make cycling more attractive and reduce the dominance of the car. Our proposals form part of London's emerging cycling network and are intended to create a safer and more appealing street environment for everyone to enjoy.

The proposals included:

- New and upgraded pedestrian crossings
- Public space improvements along the route to create more welcoming streets for people and communities to enjoy
- Two-way segregated cycle track throughout
- Changes to bus stop locations, with removal of some, and layout changes throughout, including new bus stop bypasses for cyclists
- Making some side roads entry or exit only to help the safe and timely movement of traffic
- Removal of some trees in Notting Hill Gate and Holland Park Avenue to accommodate the facilities with new trees planted nearby
- Changes to parking and loading bays and hours of operation

1.2 Purpose

The proposed improvements were designed to help us meet the target set out in the Mayor's Transport Strategy that 80 per cent of all London trips be made on foot, by bicycle or on public transport by 2041. Changing how space is allocated to different road users throughout London is an important way of helping more people travel sustainably.

In June 2017 we published our [Strategic Cycling Analysis](#). This identified several 'corridors' with potential or already high demand for cycling, including in West London, where cycling rates could be increased with the introduction of new cycling infrastructure. Amongst other routes, this analysis identified the potential for increased cycling in the Wood lane to Notting Hill Gate area. In addition, the Wood Lane, Shepherd's Bush and Notting Hill Gate areas have some of the highest concentration of pedestrians in London.

2. About the consultation

2.1 Purpose

The objectives of the consultation were to:

- Give stakeholders and the public easily-understood information about the proposals and allow them to respond
- Allow us to understand any issues or impacts that might affect the proposals of which we were not previously aware
- Allow respondents to make suggestions to us

2.2 Consultation history

In February 2016 we held a consultation on proposals to extend the [East-West Cycle Superhighway to Acton](#) along the A40 Westway, including along the elevated sections of this route. Some respondents to the consultation raised concerns about the suitability of the elevated section of the A40 Westway as a cycle route. Having reviewed all of the issues raised we decided not to proceed with the proposed alignment from Wood Lane to Paddington. The consultation did however show strong support for the provision of new protected cycle facilities in West London in principle, so we decided to progress with a new cycle route which linked Acton to Wood Lane along the A40, but which did not include the elevated section.

2.3 Who we consulted

Our consultation was open to anyone who had a view about our proposals; although we primarily contacted relevant residents, businesses and stakeholders in the London Borough of Hammersmith & Fulham and the Royal Borough of Kensington & Chelsea. We also consulted stakeholders in the neighbouring wards in Westminster City Council. We worked closely with each local authority to ensure information about the consultation reached as wide an audience as possible.

2.4 Dates and duration

The consultation ran for six weeks, from 1 May to 16 June 2019.

2.5 What we asked

Our website included a questionnaire for respondents to complete, although they were also free to send us their thoughts by letter or email. We asked people who completed our questionnaire to tell us how they thought the proposals might impact how people would travel, and additionally to explain their reasoning for their assessment in free text.

We also asked respondents to tell us whether our proposals would positively or negatively affect their journeys, and additionally to tell us how we might mitigate any negative impacts they foresaw. Respondents were also asked to give us their name, email address and postcode, along with information about their travel habits, and certain demographic information; although all of these questions were voluntary. Our consultation questionnaire is included in Appendix A.

Our consultation was intended to enable us to learn what issues respondents might have with our proposals, together with any suggestions they might have for how these issues could be mitigated (or respondents suggestions for other changes or improvements they felt might be made to the proposals). We developed our consultation questionnaire accordingly, and included within it a set of questions we felt would encourage respondents to consider specifically what issues they foresaw with our proposals. We made clear on our consultation website that respondents could also submit their views to us in writing to our Freepost or email address.

2.6 Methods of responding

People were able to respond to the consultation by:

- answering the questions in the survey on our consultation website at tfl.gov.uk/wood-notting
- sending a letter to FREEPOST TfL CONSULTATIONS
- emailing us at consultations@tfl.gov.uk
- contacting our Customer Service team. The team were briefed on the consultation to ensure they could answer questions and take responses. They forwarded any questions they were unable to answer to the Consultation Team for response
- completing a questionnaire at one of the public drop-in sessions (or posting a questionnaire to the address above)

Foreign language translations, large print, Braille or audio versions of our consultation materials could be requested from our Customer Services team.

2.7 Consultation materials and publicity

We used a range of channels to raise awareness of the consultation and ensure that members of the public and stakeholders were aware of its purposes.

All materials encouraged interested parties to visit our website or contact us to find out more about the scheme and how to respond.

2.7.1 Website

Our website tfl.gov.uk/wood-notting provided detailed information about the consultation, including overview maps, drawings and computer-generated images. It was divided into pages which:

- provided an overview of the scheme,
- explained the separate neighbourhoods of the route,
- gave in-depth information about journey impacts for motor traffic, pedestrians, cyclist and bus services
- included 'Healthy Street' assessments for each neighbourhood as well as our Equality Impacts Assessment

2.7.2 Letters and leaflets

We sent letters to 28,093 local residents and businesses (i.e. all those properties situated within 400m either side of the route). Our letter made clear that the consultation had launched and included an overview of the proposals and map. If our letter distribution partner could not gain access to a property to post a letter then they posted the letter first class the next day. Copies of the letters and a map of the distribution area can be found in Appendix A.

We produced A5 leaflets to explain our proposals for each neighbourhood in summary. We sent multiple copies to GPs, hospitals, places of worship, community centres and libraries. We also gave out copies of the leaflet at advertised sessions at tube stations (see section 2.8.4). Copies of the leaflets are included in Appendix A.

2.7.3 Emails to public and stakeholders

We sent an email about the consultation to 58,539 people who use public transport or cycle in the area. The data for the distribution list was extracted from our master database of those who have registered their details with us – for example Oyster Card and Contactless customers. The text of the email is included in Appendix A.

We also sent an email to a wide range of stakeholders likely to be interested in the proposals. This email is included in Appendix A, together with the list of stakeholders we approached.

2.7.4 Public drop-in events

During the consultation we held four public drop-in events at times and locations intended to be convenient for as many people as possible. At each event, staff from TfL and the relevant local authorities were available to answer questions.

Venue	Date and time
St George's Church, Aubrey Walk, London W8 7JH	Monday 13 May 2019, 17:30 - 21:00

St George's Church, Aubrey Walk, London W8 7JH	Tuesday 28 May 2019, 13:00 - 17:00
The Bush Theatre, 7 Uxbridge Road, London W12 8LJ	Wednesday 5 June 2019, 17:00 - 21:00
The Bush Theatre, 7 Uxbridge Road, London W12 8LJ	Saturday 8 June 2019, 11:00 - 15:00

Figure 1 Public drop-in events: dates, times and venues

We also distributed leaflets on four occasions at local London Underground stations, and encouraged people to stop and have a chat with the team. The sessions were held at the following times and locations:

- **Wood Lane and Notting Hill Tube stations** - Tuesday 14 May 2019, 16:00 - 19:00
- **Shepherd's Bush and Holland Park Tube stations** - Thursday 23 May 2019, 16:00 - 19:00

2.7.5 Press and media activity

A Press Release was distributed to local and regional media at the time the consultation launched. A copy of our Press Release is included in Appendix A.

2.7.6 Print advertising

We advertised the consultation in local print newspapers appearing in the consultation area. Our advertisement is included in Appendix A.

2.7.7 Digital Advertising

We advertised the consultation digitally to mobile devices on 3/4G and Wi-Fi (home and business). Users could click through from the advertisement to find out more. A copy of the advertisement is included in Appendix A.

2.8 How we considered equalities in the consultation

In deciding on who to consult, we had regard to our public sector equality duty under the Equality Act 2010 and the need to consider any impacts (positive or negative) of the proposals on people with protected characteristics. To ensure that any such impacts were brought to our attention through the consultation, we took steps to ensure that a number of groups representative of people with protected

characteristics in the community; including elderly, disabled persons or faith organisations, were made aware of our consultation. The measures we took to ensure these groups could participate in the consultation included:

- Identifying and emailing relevant stakeholders such as British Dyslexia Association, Age UK London, Guide Dogs for the Blind, Royal London Society of Blind Children, Action on Hearing Loss and Inclusion London, and inviting them to respond to the consultation
- Ensuring that the materials were written in plain English, and available on request in different formats (for example, Braille, large print, other languages)
- Ensuring that consultation events were held in accessible locations and at different times of the day, and that large scale materials were available to review at the events
- Considering how best to reach our target audiences and tailoring the way of communicating with them. For example, by preparing hard copies of our online material for those not able to access our website
- Producing an “easy-read” version of the consultation materials, on request
- Sending copies of leaflets to local GP surgeries, libraries and places of worship
- Publishing an Equality Impacts Assessment within our consultation materials - this allows consultees to identify any significant gaps in our thinking and bring to our attention any impacts which we have not already identified

We are fully aware of our obligations under the Equality Act 2010, in particular the importance of the public sector equality duty on our decision-making. Some responses to consultation raised issues relating to equalities and these will be taken into account in the development of our thinking on the proposals, with mitigation of any adverse impacts being considered. The EQIA will be kept under review and updated throughout the decision-making process.

2.9 Analysis of consultation responses

We commissioned 2CV, an independent social research agency to analyse the consultation responses.

All closed questions were reviewed and the results tabulated and reported. The results are set out in the next chapter.

The open questions, where respondents provided comments, were read and analysed in detail. All comments and suggestions received, whether by email, letter or through our online questionnaire were reviewed in order to identify common themes raised by respondents.

2CV developed a ‘code frame’ for the open questions. A code frame is simply a list of the issues raised during the consultation; together with the frequency each was raised. Every open text response was analysed and either a new code was created or the response was added to one or more of the existing codes within the code frame. Each response could be coded into multiple codes, depending on the number of issues raised by the individual. Where it was determined that a comment was providing context to an issue (rather than forming a separate point), these did not form a separate code.

We were keen to ensure that the code frame be kept to a manageable length, to avoid the most prevalent issues becoming obscured by large numbers of points of detail raised by respondents individually. To this end, a code was created only for those issues which had been raised by at least one per cent of respondents to the consultation. Issues raised by fewer respondents were captured collectively and labelled 'Other' in the code frame by 2CV. We reviewed all those comments which 2CV identified to us as having been raised by fewer than one per cent of respondents to the consultation, to identify any specific suggestions or concerns which we might resolve or address with a change to the proposals. We have reviewed these issues in exactly the same way as all the other issues identified by 2CV.

Quality was paramount in the coding process. Coding was carried out by highly experienced coders with many years of experience. To ensure consistency in the way coding was approached and to minimise subjectivity, the number of coders working on each question was limited. Checks were carried out on a regular basis by 2CV and TfL to ensure quality and consistency of coding.

3. About the respondents

This section provides information about the consultation respondents, including how they heard about the consultation and in what capacity they responded.

Respondents have been classified into two categories: Members of the public and Stakeholders.

Respondent type	Total	%
Member of the public	5,330	99%
Stakeholder	56	1%
Total	5,386	100%

Figure 2 Public and stakeholder respondents to the consultation

3.1 Respondent type

Respondents were asked to select which of the following respondent types best described them. Respondents were free to select as many options as they felt were appropriate.

	Total	
	Count	%
A resident living close to the proposed scheme	2,292	43%
A cyclist who might use the proposed route, or who cycles in the area currently	2,041	38%
A business located close to the proposed scheme	342	6%
Someone who uses public transport in the area around the proposed scheme	2,100	39%
Someone who uses private transport in the area around the proposed scheme	1,269	24%
Not local, but interested in the proposals	525	10%
Other	165	3%
Not stated	1,191	22%

Figure 3 Respondent types

3.2 List of responding stakeholders

We received 56 responses from organisations or individuals we would consider to be stakeholders. We identified as a ‘stakeholder’ all those respondents we judged are notable and reasonably well known amongst the public. This includes London’s local

authorities, major transport groups, local neighbourhood or residents associations, major charities, businesses and business groups and industry associations.

We have listed below all those stakeholders who responded to the consultation. We have included in Appendix B a summary of each of the responses we received from these organisations or individuals.

Association of British Drivers	London Cycling Campaign
Avonmore Residents Association Committee	London Living Streets
Campden Hill Lawn Tennis Club	London Tourist Coach Operators Association
Campden House Court Ornamental Garden	London TravelWatch
Canal & River Trust	Lord Russell of Liverpool
Cardinal Vaughan Memorial School	Nevern Mansions Committee
Caroline Russell AM	Norland Conservation Society
Chartwell House Residents Association	Norland Place School
Clarendon Cross Residents Association	Norland Square Mansions Residents Association
Cllr Dori Schmetterling	Patel Taylor (representing St James Berkeley Group)
Cllr Julie Mills	Pedal Me
Cllr Laura Round	Queensdale Walk Residents Association
Confederation of Passenger Transport	Quod (representing Notting Hill Gate KCS Ltd)
Ealing Cycling Campaign	Royal Borough of Kensington & Chelsea
Emma Dent Coad MP	Royal National Institute for the Blind
Freight Transport Association	SIAL Primary School
Friends of Hyde Park & Kensington Gardens	St Quintin & Woodlands Neighbourhood Forum
Hillgate Village Residents Association	Stagecoach in Oxfordshire
Holland Park Residents Association	Stop Killing Cyclists
Imperial College London	Sustrans
Kensington Society	TfL Youth Panel
Kildare Gardens and Terrace Residents Association	The Coronet Theatre
Knightsbridge Association	The Hammersmith Society
Ladbroke Walk Neighbourhood Watch	The Ladbroke Association
Licensed Taxi Drivers Association	The Pembridge Association
Lidgate Farm Shops Ltd	The Ramblers Inner London Area
London Borough of Hammersmith & Fulham	URW (Owners of Westfield London)
London Breast Institute	Westminster City Council

3.3 How respondents heard about the consultation

We asked respondents how they had heard that the consultation was taking place, and provided a variety of options for them to choose from.

	Total	
	Count	%
Received an email from TfL	487	9%
Received a letter from TfL	444	8%
Read about in the press	454	8%
Saw it on the TfL website	205	4%
Social media	1,589	30%
Other	879	16%
Not stated	1,328	25%
Total	5,386	100%

Figure 4 How respondents heard about the consultation

3.4 Distribution of respondents across Greater London

We asked respondents to provide us with their home postcode. 3,730 respondents did so and we have plotted these on the following map.

Of the respondents who provided us with a valid postcode, 1,553 respondents were 'mapped' to the London Borough of Hammersmith & Fulham, Royal Borough of Kensington & Chelsea or City of Westminster. The majority (1,169 respondents) were mapped to the Royal Borough of Kensington & Chelsea.

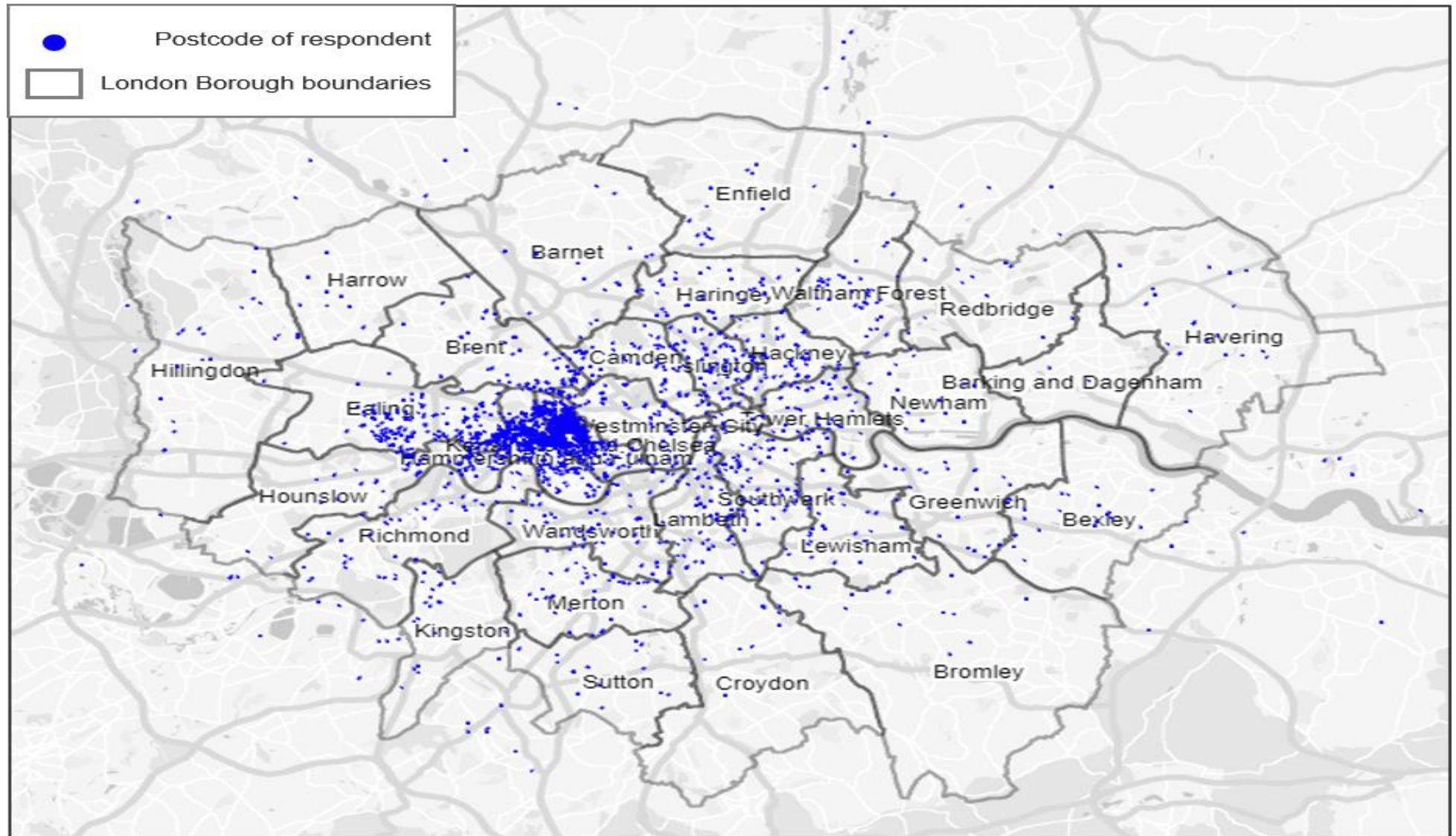


Figure 5 Map to show the location of all respondents to the consultation

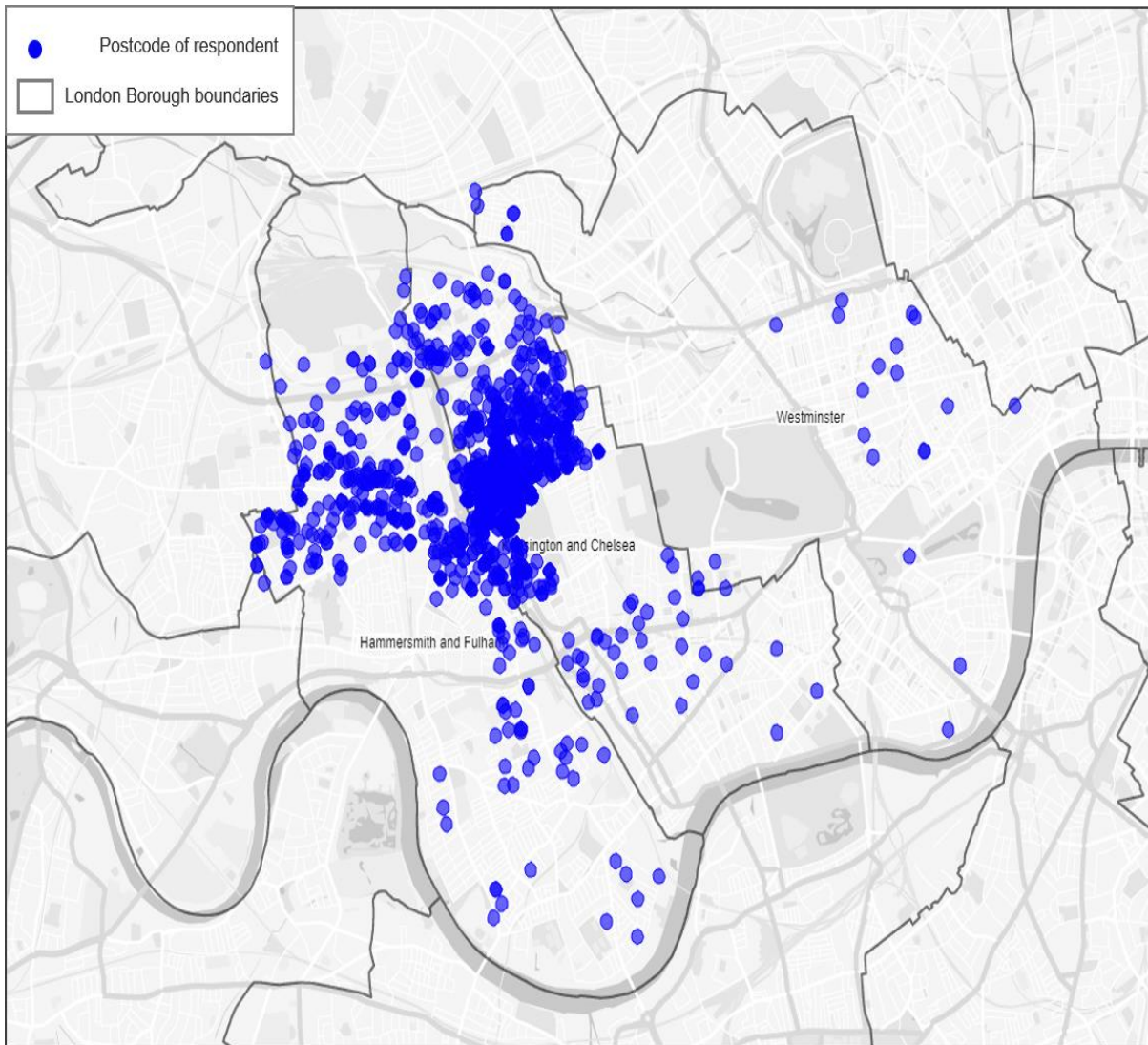


Figure 6 Map to show respondents to the consultation in the Royal Borough of Kensington & Chelsea, London Borough of Hammersmith & Fulham and City of Westminster

3.5 Demographics

We asked respondents to tell us about themselves, although respondents were under no obligation to provide any particular demographic information to us. The following tables set out the information respondents gave us on their gender, age, ethnicity, sexual orientation and faith.

We also asked respondents whether they considered their day-to-day activities were limited because of a long-term health problem or disability.

	Total	
	Count	%
Male	2,301	43%
Female	1,249	23%
Gender Neutral	7	0%
Trans Male	12	0%
Trans Female	28	1%
Prefer not to say	417	8%
Not answered	1,372	25%
Total	5,386	100%

Figure 7 The gender of respondents to the consultation

	Total	
	Count	%
Under 15	7	0%
16-20	35	1%
21-25	161	3%
26-30	284	5%
31-35	373	7%
36-40	426	8%
41-45	472	9%
46-50	424	8%
51-55	448	8%
56-60	290	5%
61-70	230	4%
71+	144	3%
Prefer not to say	226	4%
Not answered	497	9%
Total	5,386	100%

Figure 8 The age of respondents to the consultation

	Total	
	Count	%
Asian or Asian British – Bangladeshi	14	0%
Asian or Asian British – Chinese	30	1%
Asian or Asian British – Indian	53	1%
Asian or Asian British – Other	31	1%
Asian or Asian British – Pakistani	13	0%
Black or Black British – African	22	0%
Black or Black British – Caribbean	30	1%
Black or Black British – Other	11	0%
Mixed – Other	70	1%
Mixed – White and Asian	43	1%
Mixed – White and Black African	7	0%
Mixed – White and Caribbean	13	0%
Other Ethnic Group	33	1%
Other Ethnic Group – Arab	15	0%
Other Ethnic Group – Kurdish	0	0%
Other Ethnic Group – Latin American	11	0%
Other Ethnic Group – Turkish	2	0%
White – British	2,166	40%
White – Irish	154	3%
White – Other	603	11%
Prefer not to say	675	13%
Not answered	1,390	26%
Total	5,386	100%

Figure 9 The ethnicity of respondents to the consultation

	Total	
	Count	%
Heterosexual	2,580	48%
Gay man	65	1%

Lesbian	147	3%
Bisexual	30	1%
Other	33	1%
Prefer not to say	1,053	20%
Not answered	1,478	27%
Total	5,386	100%

Figure 10 The sexual orientation of respondents to the consultation

	Total	
	Count	%
Christian	48	1%
Muslim	1,059	20%
Jewish	21	0%
Hindu	72	1%
Buddhist	15	0%
Sikh	65	1%
Other	61	1%
No religion	1,549	29%
Prefer not to say	1,038	19%
Not answered	1,458	27%
Total	5,386	100%

Figure 11 Faith of the respondents to the consultation

	Total	
	Count	%
Yes, limited a lot	103	2%
Yes, limited a little	297	6%
No	3,116	58%
Prefer not to say	480	9%
Not answered	1,390	26%
Total	5,386	100%

Figure 12 Respondents who considered that their day-to-day activities were limited

4. Summary of all consultation responses

This chapter summarises the outcomes of the consultation, including what issues were raised by respondents in their written comments. This includes responses we received by letter or email, and those submitted by people who completed our online consultation questionnaire.

4.1 Question 1: Effect of proposals as a whole on the way people choose to travel

We asked respondents to tell us what effect they felt the proposals would have on the way people choose to travel. We also asked them to explain their answers to this question, and the issues they raised are described in section 4.2.

We have split the responses we received which related to walking, cycling and using public transport from using private vehicles for business or personal journeys. The percentage scores in this and the following tables additionally account for those respondents who did not answer the relevant question in our consultation questionnaire, for completeness.

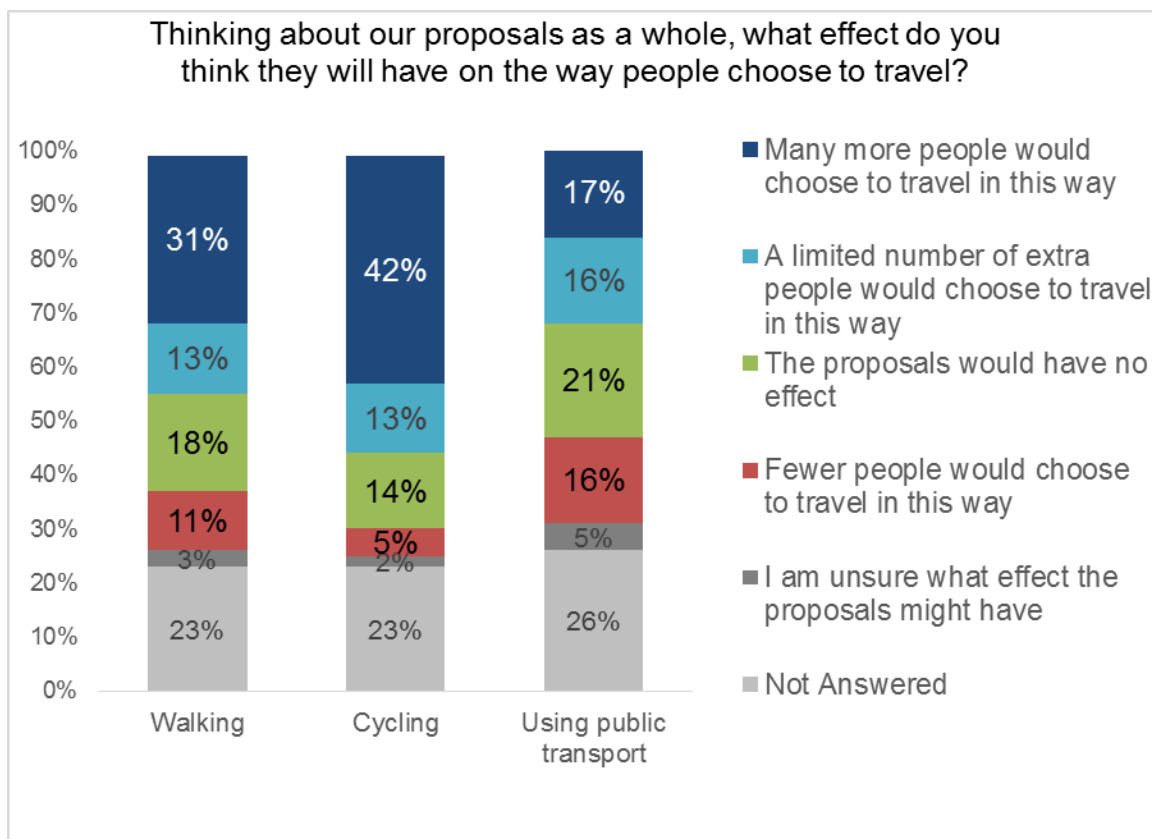


Figure 13 Effect of proposals on the way people choose to travel (walking, cycling and public transport)

Respondents felt that our proposals would have the greatest positive impact on people choosing to cycle: 55 per cent agreed that many or a limited number of extra people would choose to travel this way. Respondents also agreed that walking would become a more common choice of travel mode, with 44 per cent saying that many or a limited number of extra people would choose to walk. A slightly lesser proportion of respondents felt that our proposals would lead to greater use of public transport, with 33 per cent saying that our proposals would mean more people would travel in this way.

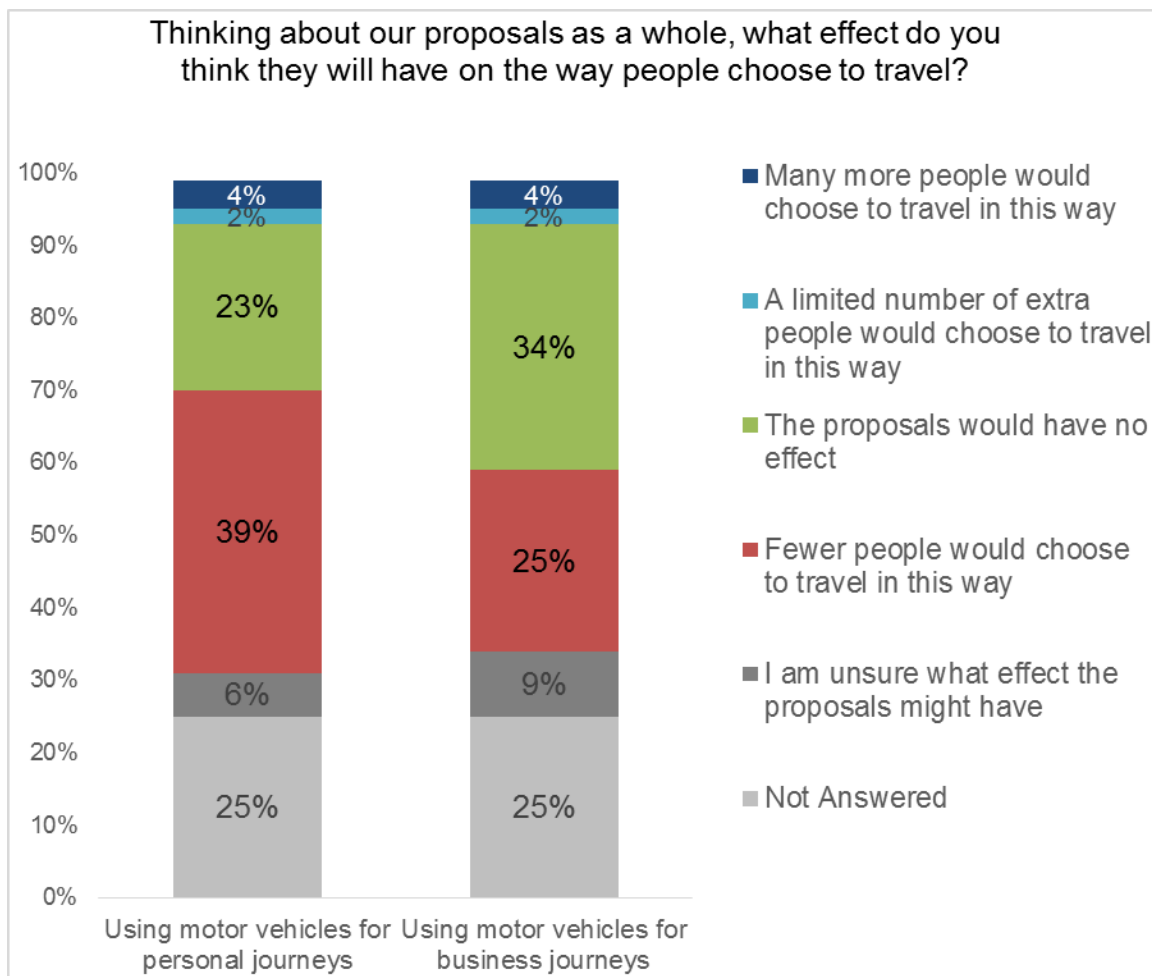


Figure 14 Effect of proposals on the way people choose to travel (motor vehicles)

A statistically significant number of respondents felt that our proposals would discourage more people to use a motor vehicle for personal journeys, and to a slightly lesser extent, for business journeys: 39 per cent of respondents felt that our proposals would mean that fewer people would choose to use a motor vehicle for personal journeys, and 25 per cent felt that fewer people would choose to use a motor vehicle for business journeys.

A significant number of respondents felt that our proposals would have no effect on people choosing to use a motor vehicle: 34 per cent felt that our proposals would have no effect on people using a motor vehicle for business journeys and 23 per

cent felt they would have no effect on people using a motor vehicle for personal journeys.

4.2 Question 1 (open question) & Question 3 (open question): Effect and impact of proposals as a whole

We asked respondents to explain their reasoning behind their assessment of the effects of our proposals on the way people might choose to travel. We also asked whether our proposals would have a positive or negative effect on respondents' travel, and how any negative impacts could be minimised. The wording of both questions is included below for reference.

Full question text (open question 1): It would help us if you could use the space below to explain your answers to the question above. If you are commenting on a particular location, please mention it to help us analyse the responses.

Full question text (open question 3): Please let us know if the proposals would have a positive or negative impact on you or the journeys you make. Please explain how we could minimise any negative impacts. Please also let us know if you have feedback about the specific effects our proposals might have on particular junctions or areas.

We found that respondents raised similar issues in the comments they made to both open questions in our questionnaire, and in the letters and emails we received. For this reason we developed a single 'code frame'², which listed all of the issues raised by respondents across the open questions in the online questionnaire and in the letters or emails we received. We have also grouped the issues raised thematically, to make the code frame more manageable and easy to understand.

We identified more than 200 individual issues raised by respondents to the consultation. This section provides details of only the most frequently raised issues, for ease of reading. The complete code frame is included in Appendix B.

4.2.1 Open responses: Specific issues raised

The chart below lists the 10 most frequently issues, including the number of times each issue was raised by respondents.

² A code frame is simply a list of the issues expressed by respondents to a consultation; together with the frequency each was raised. Each code describes an issue raised by respondents in a common and consistent way.



Figure 15 Top 10 most frequently raised issues

The most frequent positive comment made was that the new proposals would benefit cyclists or encourage cycling, raised by more than a quarter of respondents making this comment (26%).

4.3 Question 2: Neighbourhoods of interest selected by respondents

We asked respondents to tell us which neighbourhood their responses to the consultation were related to, or whether their comments referred to the entire scheme.

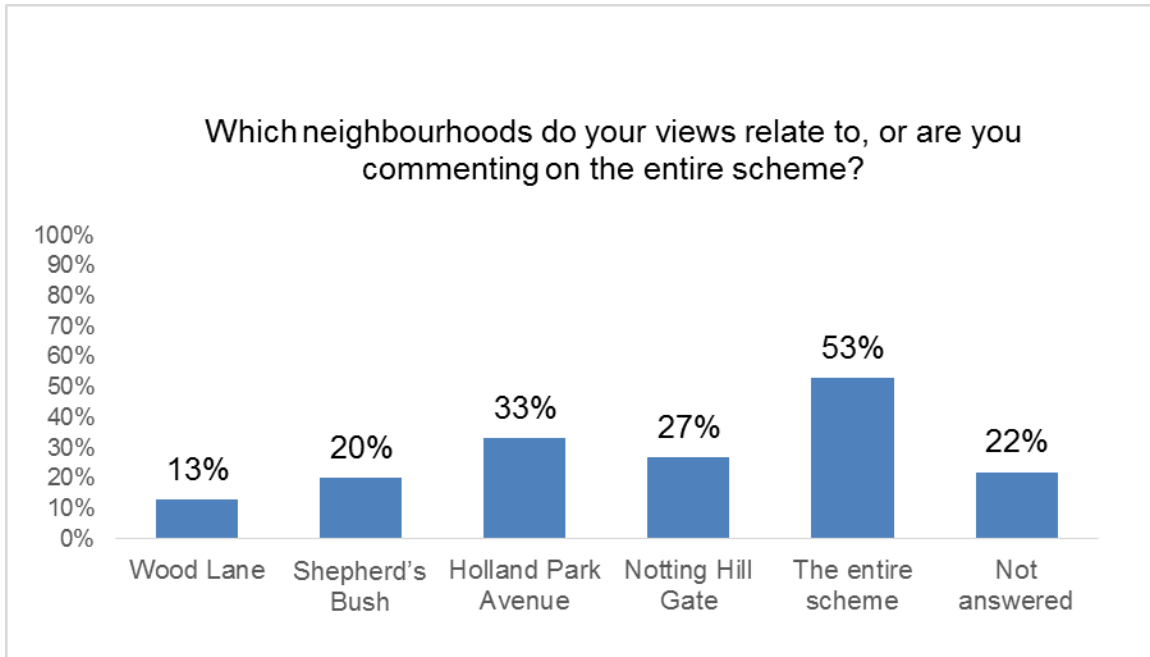


Figure 16 Respondents selection of the neighbourhoods their comments related to

Respondents were most likely to state that their comments related to the entire scheme (53%), followed by Holland Park Avenue (33%) and Notting Hill Gate (27%).

4.4 Question 4: Frequency of travel

We asked respondents how often they currently use different forms of transport in the area affected by the proposals. The results are shown below.

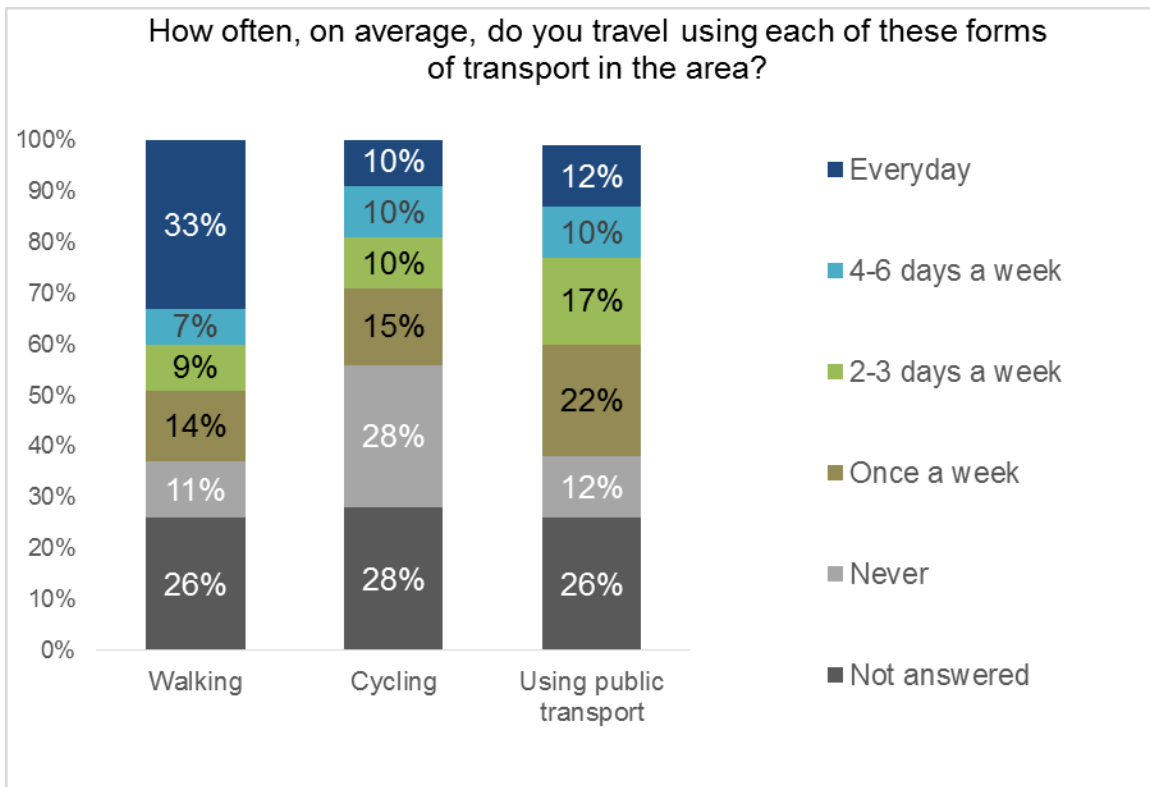


Figure 17 Frequency of travel by walking, cycling and public transport

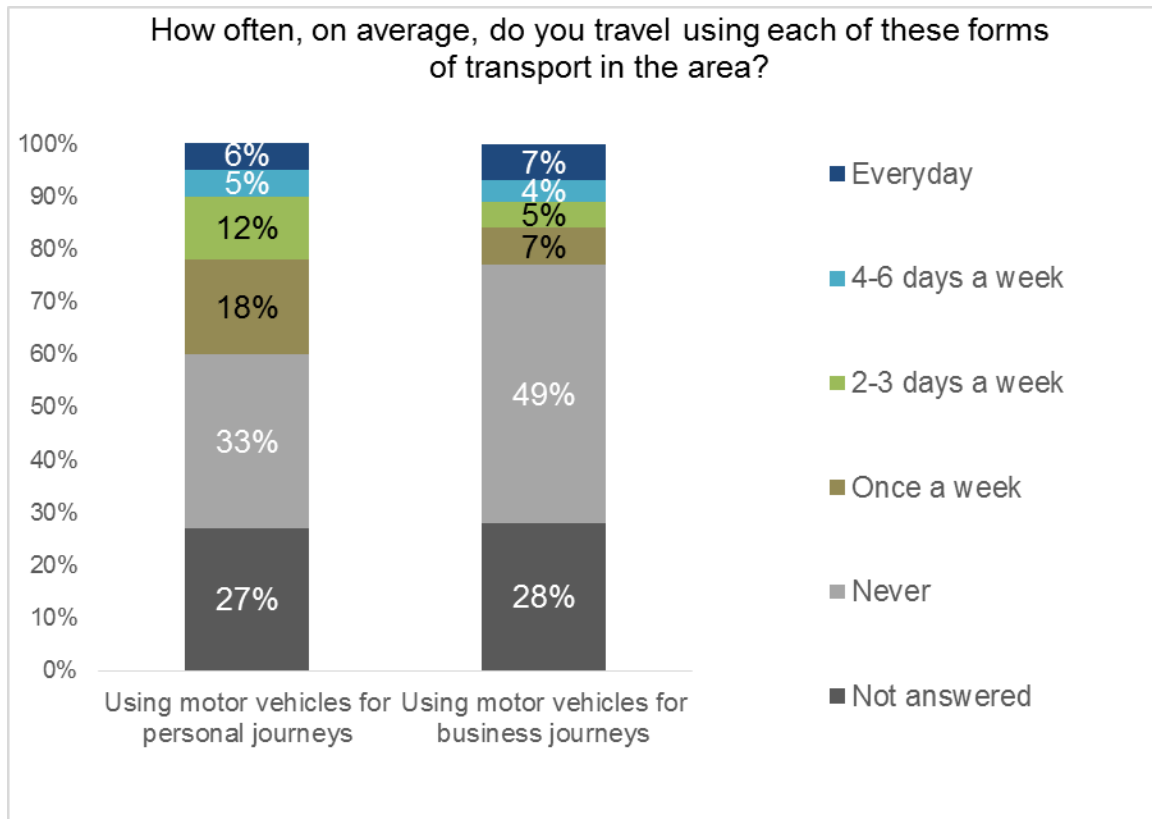


Figure 18 Frequency of travel by motor vehicles

4.5 Quality of Consultation

We asked respondents to rate the quality of various aspects of the consultation. The results are shown in the chart below.

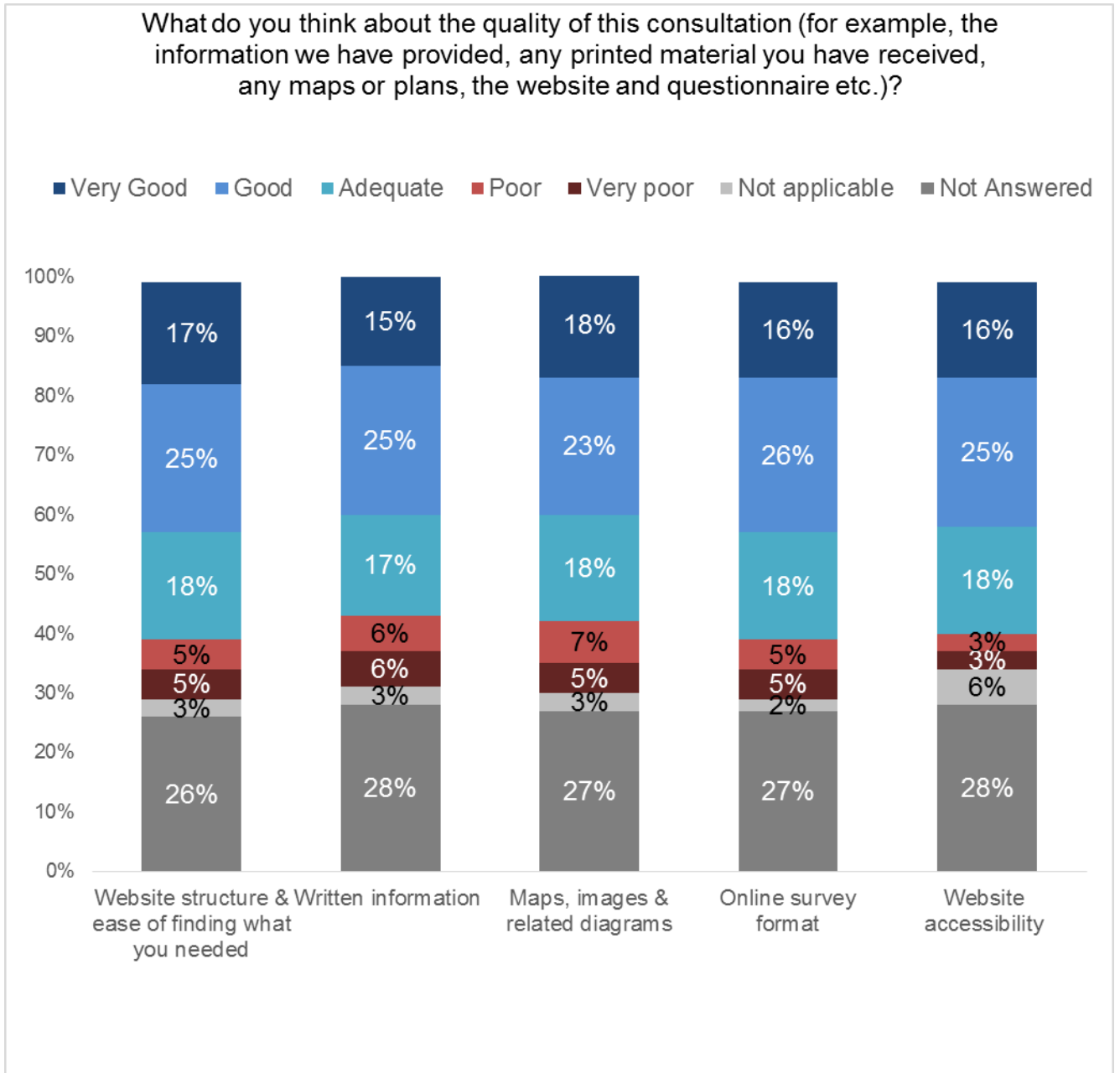


Figure 19 Assessment of the quality of this consultation

5. Initial responses to issues raised

This chapter sets out our response to the issues raised by respondents to the consultation. We have grouped the issues raised by respondents into broad themes, to make this section of the report easier to read and to provide a more readily understood overview of the issues raised.

Who will make a decision on whether to implement the proposals?

The majority of improvements we proposed in the consultation would be introduced on roads for which either the Royal Borough of Kensington & Chelsea, or the London Borough of Hammersmith & Fulham, is the highway authority. This means that only the relevant Borough could decide whether or not to proceed with the proposals on those roads for which they have responsibility, either as they were proposed or with amendments to them.

We have worked with both boroughs to develop proposals that aim to deliver safety and active travel improvements in line with the Mayor's Transport Strategy and we are reviewing the designs in light of the feedback we received during this consultation.

Potential improvements to the scheme

Some respondents to the consultation were very positive, and made comments in support of the proposals. Others however had significant concerns about the proposals, and either commented that they should not be introduced at all, or they highlighted particular aspects which they objected to and wished to be changed. There were also a range of suggestions for changes or improvements which some respondents felt should be made to the proposals.

We have identified a series of concerns raised by respondents who were opposed to the proposals which we consider were the principal areas of concern, and which we believe we may be able to address. These were:

- Concerns about how loading and unloading on Uxbridge Road might affect traffic flow if our proposals were introduced
- The effect on traffic flow throughout the area of a proposed banned left turn at Royal Crescent
- The proposed removal of a bus stop on Norland Square
- The effect of a new signalised pedestrian crossing between Portland Road and Clarendon Road
- The proposed removal of trees on Holland Park Avenue opposite Ladbrooke Grove and on the central reservation at Notting Hill Gate

About our responses

The following table provides our response to the issues raised during the consultation. Some respondents provided a range of positive comments about the proposals, all of which we have noted. We have not included our response to these positive issues in the table in order to make it more manageable, and to avoid unnecessary repetition.

Figure 20 Table of TfL's responses to some of the issues raised by respondents to the consultation

Theme	Issue	TfL's response
Proposal Disapproval (Net)	Dislike proposal/negative impact/ruins London	The Mayor, as part of the Mayor's Transport Strategy, has a goal to eliminate deaths and serious injuries from London's roads by 2041. It is neither inevitable nor acceptable that anyone should be killed or seriously injured when travelling in London. When we leave our homes each day, we should feel safe and confident about the journey ahead.
	Leave as is/no changes needed/will have no effect	
Negative Impacts on Road Users (Net)	Not beneficial for cyclists/fewer people will cycle/cycling will become less desirable	Londoners' experiences of using our streets will help determine whether they decide to walk, cycle and use public transport, whether they choose to visit their local high street or drive to an out-of-town shopping centre, and even whether they feel they need to own a car at all. We have developed our proposals to take account of the nature of the neighbourhood as it is today, as well as being mindful of the way it will continue to grow and evolve in the future into a place where high streets are designed for people and the neighbouring streets are pleasant to be in. By doing this we can deliver the economic benefits increased numbers of people walking and cycling bring to the high street While we propose designs to enable the safe movement of everyone who uses London's roads, we understand not everyone will be happy. We consulted on a design which aims to balance the needs of all users along the highway. This includes pavements and safe crossing points for pedestrians, protected facilities for cyclists and roads for public transport and traffic with their associated movements, as well as trees, businesses and parking and loading facilities.
	Not beneficial for public transport/few people will use public transport (bus)	
	Not beneficial for walkers/fewer people will walk/walking will become less desirable	
	Will not change motor vehicle usage for business transport	
	Will not change motor vehicle usage for personal journeys	
	Will not change motor vehicle usage/travel mode - unspecified if personal or business	
Disadvantages to Local Regions (Net)	Difficult to access surrounding areas (Westfield/A40)	The locations along our proposed route tend to feature roads which are difficult to cross, where there is additionally no or very little protection for people cycling. Cyclists and pedestrians must therefore interact with fast flowing or congested traffic. Our scheme
	Not good for Addison Avenue/area	

Theme	Issue	TfL's response
	Not good for Bayswater/area	is intended to provide substantial safety and other improvements, for example to encourage and enable people to cycle more often. Some of our plans would change the ways that users experience the area but with, on balance, significant benefits.
	Not good for Hammersmith/Need to reopen	
	Not good for Holland Park Avenue/area	
	Not good for Hyde Park/area	
	Not good for Kensington area (Imperial College/Abbotsbury)	
	Not good for Ladbroke Grove/Terrace	
	Negative effect of similar proposal in Lancaster Gate	
	Not good for Norland Square/area	
	Not good for Notting Hill Gate/area	
	Not good for Queensdale Road/area	
	Not good for Shepherd's Bush/area	
	Not good for West London/area	
	Not good for Wood Lane/area	
	Will not improve area/less appealing area	
Congestion/Traffic (Net)	Cycle lanes are underused (few hours/roads used instead)	

Theme	Issue	TfL's response
		<p>However, a lack of segregated cycle routes is often identified as a key barrier to cycling which is being addressed by this scheme. Data from segregated cycle routes that have recently opened shows that uptake from cyclists is high in terms of the numbers of the cyclists using routes and the proportion of traffic they make up. Where segregated facilities are provided, we have also observed very high proportions of cyclists using these compared with those remaining in the road. Cycle counts undertaken in the autumn of 2017 on Blackfriars Road show that during the peak hours, the number of cyclists has increased from 1,995 to 4,462 since 2014; a rise of 124 per cent.</p> <p>Overall, there has been an increase in cycling of over 150 per cent in the capital since 2000 with new cycling infrastructure playing a key role in this transport mode change. To build on this cycling growth further, it is clear that dedicated facilities are a key factor.</p> <p>High volumes of cyclists currently use the eastern sections of the proposed route where there are no protected facilities for them. Providing them with these segregated facilities will help to remove barriers and build on these volumes by encouraging new and less confident cyclists. Our Strategic Cycling Analysis shows high current and future potential demand along the route alignment.</p>
	Will cause congestion issues at peak times	We have carried out detailed traffic modelling on the proposals to understand how our proposals might affect journey times for general traffic, buses, cyclists and pedestrians.
	Will cause more congestion/traffic or cause delays	
	Will cause people to avoid routes/use other routes	To understand the impacts, we have assessed how London's roads would operate in 2021, considering population growth, committed developments and other road improvements. We then tested how London's roads would operate in 2021 with the changes proposed as part of this scheme. This allows us to isolate the predicted impacts of this proposed scheme from other changes which are not part of this

Theme	Issue	TfL's response
		<p>consultation.</p> <p>As a result of road capacity reductions at the junction of Uxbridge Road with Holland Park roundabout, we predict that less traffic would travel around Shepherd Bush Green and Holland Park Roundabout under our proposals. This is expected to result in some vehicles taking alternative routes including some additional traffic travelling northbound on Wood Lane and eastbound on Ariel Way.</p> <p>Traffic reassignment modelling assumes a perfect knowledge of the network and that users will also choose the fastest route. The proposed change to road layout along Holland Park Avenue and Notting Hill Gate as well as Ladbrooke Terrace becoming northbound only is predicted to lead to some traffic taking alternative routes. The modelling indicates that traffic from the Paddington area and further east would take alternative routes such as the A40 (westbound).</p> <p>Due to the proposed changes at Holland Park West (entry only) and Holland Park East (exit only) north and southbound traffic would switch between these two approaches, but it is expected that overall number of vehicles using these roads would remain broadly the same.</p> <p>There is predicted to be increases of up to 10 minutes for vehicles travelling westbound from Lancaster Gate to Du Cane Road, north of the A40. While this is the largest proposed increase there are some localised decreases in journey times predicted such as around Shepherd Bush Green, these decreases can be felt across all modes of transport.</p>
Accessibility (Net)	Don't eliminate/ban left turns	Early assessments showed that the number of vehicles turning left

Theme	Issue	TfL's response
	(Royal Crescent/Holland Park)	out of Royal Crescent onto Holland Park Avenue was low, with a desire for cyclist to travel between Addison Road and Addison Avenue. A number of respondents raised this as an issue during the consultation and as such we are now considering an alternative location for the toucan crossing which enables cyclists to make this movement. Should an alternative location be suitable, we may be able to retain the left turn onto Holland Park Avenue from Royal Crescent and an informal pedestrian crossing across the eastern arm of the junction.
	Don't want to lose bus stops/less bus stops	<p>An efficient and reliable bus network is an important part of the Mayor's Healthy Streets Strategy, which aims to prioritise walking, cycling and public transport. As part of our proposals, the majority of bus stops are being retained. However, we are proposing to relocate six bus stops a short distance away from their current locations to make way for new pedestrian crossings, new parking bays and to allow bus stop bypasses to be created.</p> <p>We've also proposed to remove a total of three bus stops along the route owing to road and pavement space constraints. The bus stops are:</p> <ul style="list-style-type: none"> • Uxbridge Rd / Westfield Shopping Centre (Stop T) • Norland Square (Stop HC) • Holland Park (Stop HA) <p>An Equality Impact Assessment has been completed to assess the impact of these changes, which can be found here.</p>
	Need improved pedestrian crossings (no locations specified)	<p>Making streets easier to cross is important to encourage more walking and to connect communities. People prefer direct routes and being able to cross streets at their convenience, with physical barriers and fast moving or heavy traffic making streets difficult to cross. As part of the scheme, we are proposing to create 15 new pedestrian crossings and upgrade over 20 others. These upgrades include</p>

Theme	Issue	TfL's response
		<p>signalising crossings, widening them to increase capacity, and realigning them to make them more direct. This would be supported by other improvements to the street environment, including decluttering the pavement, improving pavement materials and ensuring there are places to stop and shelter.</p>
Road Space (Net)	Dislike one/two way/segregated lanes/system	<p>The Healthy Streets approach, which prioritises walking, cycling and public transport, directly interacts with Londoner's through the streets they use every day. An important measure of success will be positive changes to the character and use of the city's streets.</p>
	Don't need/want more cycle lanes	
	Don't reduce/narrow road space/open them up instead	<p>We can provide high-quality environments with enough space for dwelling, walking, cycling and public transport use. We can enhance our streets with seating, shade and greenery, and reduce the dominance of vehicles by designing for slower vehicle speeds. As London's population continues to grow, space is becoming less available. Cycle lanes provide an efficient use of road space by transporting more people in a smaller space.. All of these measures will improve Londoners' experience of individual streets, encouraging them to live active lives.</p>
	Poor use of pavement (shared with cyclists/raised/width)	
	Will worsen/ruin roads	<p>We are proposing to make changes to the parking and loading facilities along the route.</p> <p>Rather than removing loading bays, we are proposing to create three new loading bays on Wood Lane, Holland Park Avenue and Notting Hill Gate. We are also currently assessing further loading provisions on Uxbridge Road.</p> <p>In terms of parking, our proposals seek to strike a balance between providing amenity for access by car, whilst continually seeking to improve levels of access by more sustainable modes of transport. While we are proposing to remove 3 parking bays on Ladbroke</p>
Would reduce parking/loading bays		

Theme	Issue	TfL's response
		Grove, Addison Road and Norland Square, we are proposing to install eight new parking bays as part of the scheme. This means that there will be no net loss of parking facilities across the scheme as a whole.
Miscellaneous Infrastructure (Net)	Will cause more road work/construction	Construction will be planned carefully to minimise disruption to those who live, work and travel through the areas. We will also aim to minimise construction impacts as much as possible. We will carry out communication and engagement with local residents, cyclist groups, businesses and other stakeholders to ensure they have the information they need to plan ahead and adapt their travel arrangements where necessary, reducing any impact on their journeys and operations during the construction period. We also provide road traffic information to help people better plan their journeys and make informed choices about how, where and when they travel.
Other Suggestions/Improvements Needed (Net)	Need to improve/maintain public transport	Bus stops are conveniently located in both the existing and proposed designs to provide users with an easy interchange between modes. On top of the specifics with this scheme, the TfL Business Plan (available at http://content.tfl.gov.uk/tfl-business-plan-2019-24.pdf) describes the various initiatives we are taking to improve public transport in London.
	Should reroute/to other/back/quieter streets	The route alignment was considered at length by TfL and the local boroughs over many years with detailed assessments undertaken to inform this. The aim of the scheme is to encourage more people to choose sustainable travel over motorised options to contribute towards the Mayor's aspiration for 80% of trips to be made by cycling, walking and public transport by 2041. To be successful, the scheme must be an attractive route for cyclists with useful connections to local amenities, such as shops, restaurants and places of work, health and education facilities and connections to public transport facilities, including train and underground stations, and address

Theme	Issue	TfL's response
		<p>current barriers such as safety. This is why the current route was chosen, as opposed to running it down back streets in a more indirect route.</p> <p>The chosen alignment is through the neighbourhoods of Wood Lane, Shepherd's Bush, Holland Park Avenue and Notting Hill Gate. These are thriving residential and local rail centres, which also serve as an important link between central and inner London. Improving walking and cycling within these neighbourhoods would increase connectivity to key attractions, new developments, transport hubs and the London wide cycling network. Our Strategic Cycling Analysis supports this route alignment. It sets out potential corridors and locations where current and future cycling demand could justify investment and where demand for cycling, walking and public transport is most needed to improve all sustainable transport modes together.</p>
	Speed issues/need to reduce/set speed limits for cyclists	<p>TfL's approach is to promote the message that the Highway Code must be adhered to by all road users, and we are strongly in favour of promoting the ethos of 'responsible cycling' and mutual respect between people cycling and other road users. This means working to eliminate offences such as jumping red lights, cycling on the pavement, unless permitted, and cycling at night without adequate lighting. Enforcement activity is conducted in a balanced way, targeted most at those causing danger.</p> <p>New cycle infrastructure in London is designed to encourage a diverse range of users to consider taking up cycling. Segregated facilities enable people to cycle more comfortably at slower speeds by being separate from general motor traffic, allowing them the space and time to manoeuvre at their own pace.</p>
	Cyclists ignoring traffic lights/compliance issues/needs improvement	
Environment (Net)	Don't remove trees	When proposing the removal of trees, TfL has to also consider the operation of the road to ensure it still has the capacity to handle the

Theme	Issue	TfL's response
	Removing trees causes wind issues/loss of shade/protection from sun	<p>volume of traffic that wishes to use it. The trees proposed for removal opposite Ladbroke Grove enable us to retain the right turn into Ladbroke Grove. The trees in the central reservation in Notting Hill Gate have been proposed to be removed to ensure the cycle lane, traffic lanes and park & loading can be retained in a street lined on both sides with businesses.</p> <p>We understand the concern about the loss of trees in our initial proposals. We have carried out some high-level design work and believe that we could bring forward a design that could retain a significant number of the trees that we originally proposed to remove.</p>
	Will cause more pollution/worsen air quality	<p>Air pollution is one of the most significant challenges facing London. A number of schemes aimed at improving London's air quality are planned including taking steps to reduce air pollution from our bus fleet and reducing emissions from taxis and private hire vehicles. This includes setting up 'Low Emission Bus Zones' and expanding the electric vehicle charging network. We have also implemented the T-Charge, and introduced the Ultra Low Emission Zone (ULEZ) in April 2019. We are investing to make London's streets healthy, safe and attractive places to walk and cycle. We hope that enabling more journeys to be made on foot or by bike will encourage people to choose more sustainable modes of transport in the area.</p> <p>We have undertaken independently assessed environmental evaluations of the impacts of our schemes including Noise and Air Quality Assessments. Based on current levels of mode share, these indicate that noise and air quality are not expected to change significantly. We hope that enabling more journeys to be made on foot or by bike will encourage people to choose more sustainable modes of transport in the area. Although not a traffic generating</p>
	Bad/not good for public health conditions	
	Bad/not good for the environment	

Theme	Issue	TfL's response
		<p>scheme, our proposals would change how traffic moves around the area, which may result in some associated and localised changes to air quality and noise levels.</p> <p>There are small to medium improvements in noise due to traffic reductions predicted on A4020 (Uxbridge Road and Shepherd's Bush Green) and A402 (Notting Hill Gate). There is also a small improvement on Wood Lane due to the segregated cycle lane moving some of the traffic further from adjacent building façades. Conversely, increases due to traffic increases on some local roads lead to a medium increase in noise levels along Lansdowne Road and small increases (i.e. a minor adverse effect) along Holland Park and Ladbrooke Road. The results of the air quality and noise assessment suggest that the overall impact of the scheme is considered to be not significant on air quality and noise across the majority of the study area, with a few areas predicted to experience benefits and worsening.</p>
	Will cause noise	<p>Walking, cycling and using public transport more provides the easiest and most affordable way for us all to get more active and live healthier lives. In addition to these health benefits, all the evidence shows that more active travel will reduce air and noise pollution, help combat social isolation, ease congestion, make us safer and bring economic benefits to businesses – large and small – across the Capital.</p>
	Not safe for all transport modes (cycling/walking/those taking public transport)	<p>Minimising danger on our roads is fundamental to delivering streets where everyone feels safe walking, cycling and using public transport. Safety concerns are the main reasons people give for not cycling more and for being unwilling to let their children walk unaccompanied. Road danger disproportionately affects people travelling on foot, by cycle or by motorcycle. Adopting a Vision Zero</p>

Theme	Issue	TfL's response
		approach – working towards the elimination of road traffic deaths by reducing the dominance of motor vehicles on our streets – will serve to put the needs of vulnerable road users first.
Will Cause Negative Effects For Key Groups (Net)	Inconvenient effect - unspecified	The Healthy Streets approach, which prioritises walking, cycling and public transport, directly interacts with Londoner's through the streets they use every day. An important measure of success will be positive changes to the character and use of the city's streets. Our consulted design aims to make moving along and across the road easier for all users with new and improved crossings in informed locations, segregated cycle facilities along the entirety of the route, bus stops in informed locations and lanes for traffic maintained throughout.
	Will cause stress/negative effect for all journeys/road users	
	Will cause stress/negative effect for businesses	
	Will cause stress/negative effect for emergency vehicles (ambulance/fire)	
	Will cause stress/negative effect for motorised travel	
	Will cause stress/negative effect for parents/children/school runs	
	Will cause stress/negative effect for people with disabilities	
	Will cause stress/negative effect for pets/dogs being walked	
	Will cause stress/negative effect for residents	
	Will cause stress/negative effect for the elderly	
	Will cause stress/negative effect for working people	
	Will cause stress/negative effect for tourist/visitors	
	Negative Miscellaneous (Net)	
Poorly planned/poorly		

Theme	Issue	TfL's response
	considered/not properly consulted schemes	<p>regarding consultation quality believed the materials provided suitable information to enable an informed position to be made on the proposals.</p> <p>The chosen alignment is through the neighbourhoods of Wood Lane, Shepherd's Bush, Holland Park Avenue and Notting Hill Gate. These are thriving residential and local rail centres, which also serve as an important link between central and inner London. Improving walking and cycling within these neighbourhoods would increase connectivity to key attractions, new developments, transport hubs and the London wide cycling network. Our Strategic Cycling Analysis supports this route alignment. It sets out potential corridors and locations where current and future cycling demand could justify investment and where demand for cycling, walking and public transport is most needed to improve all sustainable transport modes together.</p>
	Waste of time/money	<p>The proposed improvements are designed to help us meet Mayor's Transport Strategy target that 80 per cent of all London trips be made on foot, bicycle or public transport by 2041, up from 64 per cent today. Changing how space is allocated to different road users throughout London is an important way of helping more people travel sustainably.</p> <p>Wood Lane, Shepherd's Bush and Notting Hill Gate have some of the highest concentration of pedestrians in the city. In addition, over 2000 trips are already being made daily by people who cycle on some of the streets where improvements are proposed. Across London, there are now more than 670,000 cycle trips a day, an increase of over 130 per cent since 2000, making cycling a major mode of transport in the capital.</p>

Theme	Issue	TfL's response
		Walking, cycling and using public transport more provides the easiest and most affordable way for us all to get more active and live healthier lives. In addition to these health benefits, all the evidence shows that more active travel will reduce air and noise pollution, help combat social isolation, ease congestion, make us safer and bring economic benefits to businesses – large and small – across the Capital.
Issues identified during TfL's review of the issues raised by fewer than one per cent of respondents to the consultation (For an explanation of this additional level of review we undertook, please see section 2.9)	Provide more points of access to/from the cycle way	Although space is not available to provide dedicated space at all side roads, we have provided where available. We are reviewing whether we can add informal access points in other locations
	Reconsider the banned left turn at Royal Crescent - concerns about rat running	Our assessments showed that the number of vehicles turning left out of Royal Crescent onto Holland Park Avenue was low, with a desire for cyclist to travel between Addison Road and Addison Avenue. A number of respondents raised this as an issue during the consultation and as such we are now considering an alternative location for the toucan crossing which enables cyclists to make this movement. Should an alternative location be suitable, we may be able to retain the left turn onto Holland Park Avenue from Royal Crescent and an informal pedestrian crossing across the eastern arm of the junction.
	Reconsider the banned left turn at St Annes Villas	We have assumed this comment relates to the proposed banned left turn out of Royal Crescent and as such the above response therefore relates to this issue.
	Reconsider making Norland Square one way - concerns it will lead to rat running	Transforming road layouts is not without impacts, and there are difficult choices to be made in determining the layout for roads. We have therefore carried out detailed traffic modelling on the proposals to understand how our proposals might affect journey times for general traffic, buses, cyclists and pedestrians. Norland Square (east) has been proposed to be exit only to coordinate with the proposed north-south cycle route between Norland Square and Holland Park (W) using shared space and toucan crossings. It also

Theme	Issue	TfL's response
		mitigates the risk that westbound traffic wishing to turn into Norland Square could block traffic back through the junction. Our traffic modelling shows that despite concerns there is expected to be no rat running on Norland Square. However additional modelling will be carried out following changes made to the design from comments received during consultation.
	Reconsider the banned left turn at Ladbroke Terrace	Ladbroke Terrace is proposed to be converted to entry only to allow the inclusion of a new 'Toucan' pedestrian crossing on the western arm. This would allow cyclists using an existing cycle route on Ladbroke Terrace access to and from the cycle track.
	Allow cyclists to turn right at Linden Gardens	Unfortunately, the junction doesn't have capacity to provide cyclists with a separate signal to turn right directly onto the cycle path. Cyclists can make the movement with traffic exiting Linden Gardens or dismount and use the upgraded signalled controlled crossing on the western arm of the junction to join the cycle track.
	Expand the footway west of Linden Gardens by removing a lane of traffic, and replant some trees there	Some requests were made to expand the western pavement on Linden Gardens by removing a lane of traffic. Removing a lane of traffic would narrow the road, which would in turn affect the parking facilities. While we would be planting new trees to replace any ones we have proposed to remove, it wouldn't be possible to replant any of these trees on Linden Gardens. The tree canopy is already high at this location, which means that any new trees planted here would be shaded by the canopy and would not grow properly.
	Provide a filter lane (or signage) to indicate that a turn into Linden Gardens from Notting Hill Gate is permitted	The exiting and proposed facilities provide line markings and a turning pocket to facilitate this movement.
	Introduce a cycle way along 'back streets/quiet streets/side roads'	The route alignment was considered at length by TfL and the local boroughs over many years with detailed assessments undertaken to

Theme	Issue	TfL's response
	(eg.Ladbroke Road and Queensdale Road, or within parks) instead of the proposed route	<p>inform this. The aim of the scheme is to encourage more people to choose sustainable travel over motorised options to contribute towards the Mayor's aspiration for 80% of trips to be made by cycling, walking and public transport by 2041. To be successful, the scheme must be an attractive route for cyclists with useful connections to local amenities, such as shops, restaurants and places of work, health and education facilities and connections to public transport facilities, including train and underground stations, and address current barriers such as safety. This is why the current route was chosen, as opposed to running it down back streets in a more indirect route.</p> <p>The chosen alignment is through the neighbourhoods of Wood Lane, Shepherd's Bush, Holland Park Avenue and Notting Hill Gate. These are thriving residential and local rail centres, which also serve as an important link between central and inner London. Improving walking and cycling within these neighbourhoods would increase connectivity to key attractions, new developments, transport hubs and the London wide cycling network. Our Strategic Cycling Analysis supports this route alignment. It sets out potential corridors and locations where current and future cycling demand could justify investment and where demand for cycling, walking and public transport is most needed to improve all sustainable transport modes together.</p>
	Build a new cycle way on Goldhawk Road or Hammersmith Road	Some people suggested extending the cycle route to various other locations such as Goldhawk Road, Hammersmith Road, Kensington Gardens, Lancaster Gate, Bayswater, Hyde Park, Westminster and Portobello Market.
	Extend the cycle way to Kensington Gardens or Lancaster Gate	The current route alignment was chosen as it was identified in our Strategic Cycling Analysis (published June 2017) as an important corridor for existing and potential cycling journeys, and it can facilitate
	Extend the cycle way to Bayswater and Hyde Park	

Theme	Issue	TfL's response
	Extend the cycle way to CS3, Westminster and Portobello Market	<p>wider improvements as part of the Healthy Streets approach.</p> <p>Our Strategic Cycling Analysis has also identified potential north-south cycle routes in West London which would link directly to Wood Lane. As both Wood Lane itself and nearby areas such as Old Oak Common are undergoing significant development and regeneration, the demand for improved pedestrian and cycle facilities and dedicated routes between new town centres and public transport hubs in West London will greatly increase. There is also potential to provide a direct link to the proposed Cycleway route 9 between Brentford and Kensington Olympia at Hammersmith.</p> <p>During design development we have held discussions with Westminster City Council with an aim of connecting the proposed cycle route with C3 at Lancaster Gate.</p> <p>We continue to work with the London Borough's to improve the cycling network across London as part of the growing Cycleway network.</p>
	Reconsider the contraflow cycle lane - concerns about safety	<p>Some people were concerned that the two-way cycle track is a safety risk.</p> <p>Two-way cycle tracks were proposed along the majority of the route as they provide significant advantages in these locations. A two-way track on one side of the road allows for more efficient use of road space than with-flow tracks which would require twice the amount of segregation and more space for the cycle track as kerbs on both sides reduce the usable width of the track. Among other disbenefits, this would mean less space for vehicles and therefore greater delays to journeys, including buses.</p>

Theme	Issue	TfL's response
		<p>Two-way cycle tracks provide further flexibility where cycle flows are tidal for morning and evening peaks. Cyclists going in the 'peak' direction would have more available space compared within a two-way track compared to a one-way track. A two-way track allows cyclists to overtake whilst remaining segregated from motor traffic, which is important when providing for different types of cyclists of different abilities. We have considered current and potential future flows of cyclists along each part of the route to inform the width of the cycle track.</p> <p>It is also more efficient to manage cycle movements through signalised junctions with a two-way cycle track. The two-way track contains cyclists in one area, making it easier to hold left turning traffic back for example, reducing the number of signal stages required. Cyclists can also receive a green light at the same time as ahead traffic which increases the amount of green time they get as the ahead traffic is generally the larger flow. Making signalised junctions work as efficiently as possible has benefits to all road users.</p> <p>A number of measures are proposed at all uncontrolled side roads, to address concerns raised over the potential conflict between cycles and motor traffic. These include:</p> <ul style="list-style-type: none"> • Raising the carriageway of the junction to pavement level (known as a side road entry treatment), to reduce motor vehicle speeds, and provide a level crossing point for pedestrian • Contrasting surface materials and cycle logo road markings across the cycle track part of the junction to highlight the presence of cyclists to motor traffic

Theme	Issue	TfL's response
		<ul style="list-style-type: none"> • Tightening of junction radius, and reduction of junction width where possible, to reduce vehicle entry and exit speeds and minimise crossing distances for cycles and pedestrians • Give Way markings where motor traffic meets the cycle track to provide clarity over priority at the junction <p>Two-way cycle tracks have significant practical advantages over one-way tracks, pavement with signalised crossing points provided to allow pedestrians to cross them safely. There are also zebra crossings, raised to pavement level, across the cycle track at bus stop bypasses, which directs cyclists behind the bus stop; enabling pedestrians to safely access the bus stop.</p> <p>We will make the cycle facilities clearly recognisable through defined infrastructure and road markings to reduce the likelihood of vehicles mistakenly driving or parking in the cycle track. We will provide cycle logo markings and 'cycle only' signs at all significant entrances and exits. Cycle tracks provide right of way for cyclists under Section 65 of the Highways Act (1980) and anyone that is found to be parking within a designated cycle track can be issued with a fixed penalty notice as this is prohibited.</p>
	Reconsider shared use areas - safety concerns for cyclists and pedestrians	<p>There were some concerns from respondents about the safety of the shared use areas, with requests being made for this to be reconsidered.</p> <p>The shared use areas have been kept to a minimum along the route, with them being used in small sections to allow safe access to transition points.</p> <p>The proposed shared use areas proposed are below:</p>

Theme	Issue	TfL's response
		<ul style="list-style-type: none"> • Wood Lane (next to Imperial College London) – shared use area to allow cyclists to access the college, and to allow cyclists travelling southbound to use the Toucan crossing to access the segregated cycle track on the other side of the road • Wood Lane (A40 Westway Slip Road) – shared use area to provide a connection to pedestrian and cycle improvements along the A40 (https://tfl.gov.uk/travel-information/improvements-and-projects/acton-to-wood-lane-improvements) • Shepherds Bush Green (by the junction with Wood Lane) – shared use footway to accommodate all cycle and pedestrian movements at this transition point • Holland Park Avenue (between Royal Crescent and Addison Avenue) - here the cycle track switches from the northern pavement to the south kerblines. The area of shared use is necessary to allow cyclists to safely access the crossings, and to allow a safe route for cyclists who want to travel between Addison Avenue, Royal Crescent or Addison Road • Holland Park Avenue (Norland Square and Holland Park west) - allows cyclists to safely use the toucan crossings and access Holland Park and Norland Square. This north south cycle route, designed to complement TfL's scheme, was consulted on by RBKC in May-June 2019 – more information on the consultation can be found at https://www.rbkc.gov.uk/parking-transport-and-streets/kensington-high-street-notting-hill-cycleway-consultation • Holland Park Avenue (Holland Walk) – provides a safe connection to Holland Walk • Holland Park Avenue (Ladbroke Terrace) – provides a safe connection to Ladbroke Terrace • Potential shared use space through Holland Park Roundabout (plans subject to discussions with Thames Water)

Theme	Issue	TfL's response
		<p>Whilst the shared use areas are necessary, we will work with the borough to clearly delineate areas for cyclists and pedestrians within these shared use areas where appropriate (e.g. the shared use area by Royal Crescent). This includes potentially using different surfacing, indicated either by colour or texture, to mark out clear areas for cyclists and pedestrians within the shared use space.</p>
	<p>Make Palace Gardens Terrace two-way for cyclists</p>	<p>In order to do this, the road would need to be widened to enable the current heavily used bus facilities and traffic lane to remain while also providing a safe space for cyclists travelling in the opposite direction. The road is constrained by buildings on both sides and therefore this would not be possible.</p>
	<p>Allow cyclists to use the footway from Shepherds Bush to Notting Hill Gate</p>	<p>Some suggestions were made to allow cyclists to use the pavement from Shepherds Bush to Notting Hill Gate.</p> <p>If this was to be done, it would result in a large shared use area along Shepherds Bush, Holland Park and Notting Hill Gate, particularly at points where the pavement is narrow.</p> <p>Additionally, for the scheme to be successful it must contribute to the Healthy Streets approach to improving streets for the benefit of all road users, including cyclists and pedestrians. Large areas of shared use may have a negative impact on pedestrians and make walking more difficult, particularly for those with accessibility requirements. Additionally, a lack of segregated cycling facilities is often identified as a key barrier to cycling. Dedicated facilities are therefore a key factor in increasing cycling growth in London, which is why we are proposing to have a segregated cycle lane.</p>
	<p>Reduce the footway width to make way for the cycle way</p>	<p>We received comments about reducing the width of the pavement to make space for the cycle lane, as opposed to removing lanes of traffic.</p>

Theme	Issue	TfL's response
		<p>The scheme is an important part of the Mayor's Healthy Streets Approach, which aims to make London greener, healthier and more pleasant by encouraging walking, cycling and the use of public transport. We therefore have to consider the effects of any changes on pedestrians, as London's streets should be welcoming places for everyone to walk or spend time in. If the pavement widths were reduced, it would affect the comfort levels of pedestrians and the pavements wouldn't be sufficiently wide to accommodate the number of people using them (both present and future use). Narrowing the pavement would also require the removal of more trees in the Royal Borough of Kensington & Chelsea.</p> <p>We would only reduce the pavement in locations where there is sufficient space to do so and the impact on pedestrians is minimal.</p>
	Widen the footway on Shepherds Bush Green	<p>Although the project reduces the pavement by a small amount in some locations on the northern pavement, we will consider how the reduction of clutter can be used to ensure as much pavement is available for pedestrians as possible.</p>
	Retain only one footway for pedestrian use. Turn the other footway on the opposite side of the road into a dedicated cycle lane	<p>Some people suggested that one pavement be converted to a cycle lane, with the other pavement being used by pedestrians.</p> <p>The scheme is an important part of the Mayor's Healthy Streets Approach, which aims to make London greener, healthier and more pleasant through encouraging walking, cycling and the use of public transport. If a pavement was removed and turned into a cycle lane, it may discourage people from walking. The pavement would not be wide enough for the amount of people using it, and it would have a negative impact on those with mobility issues. It would also impact the provision of bus stops, and access issues could be caused if non-project works or construction activity were to take place on the pavement.</p>

Theme	Issue	TfL's response
	Segregate the cycle way from the footway, but allow access from the cycle way into the highway	Cyclists are able to access the highway at dedicated access points along the route, and we are reviewing whether further informal access points can be added.
	Reduce the number of traffic lanes to two throughout the entire scheme area	Transforming road layouts is not without impacts, and there are difficult choices to be made in determining the layout for roads. Reducing the number of lanes to two throughout the scheme was modelled before the consultation. However, it was found that it would adversely affect the journey times for buses. An important part of the Heathy Streets Approach is to encourage to walking, cycling and the use public transport. If the lanes were to be reduced to two throughout the scheme, the journey times for buses would see a large increase which would make taking buses in this area a less effective mode of transport and a less desirable option for customers.
	Provide a zebra crossing near the Sainsbury's on Shepherds Bush Road	<p>We are not able to provide a zebra crossing at this location as it would impact the efficiency of the junction. Zebra crossings reduce the efficiency of the traffic flow because the traffic is required to stop for pedestrians wishing to cross the road as soon as they arrive at the crossings. At the locations where pedestrian flows are high, demand for the crossing is likely to be high and traffic stopped at the crossing may not be able to proceed through. This increases waiting times for other traffic and causes congestion.</p> <p>There is already a crossing on the western arm of the junction with Wood Lane and a signalised pedestrian crossing further east. We considered implementing a further signalised crossing on the eastern arm however, this would reduce the efficiency of the junction and impact the parking and loading facilities on Uxbridge Road.</p>
	Create a new crossing outside the Kensington Hilton	Crossings have been provided both east and west of the Kensington Hilton-. If we were to install another crossing, it would affect access to the hotel and it would require the Royal Crescent bus stop (HD) to be moved. Due to the proximity to Holland Park Roundabout it would be

Theme	Issue	TfL's response
	Retain the pedestrian crossing at the junction of Ladbroke Grove/Holland Park Avenue	difficult to move the bus stop to a suitable and safe location nearby. If the two trees are saved at Ladbroke Grove (by banning the right turn), it may be possible to retain the pedestrian crossing on the western arm. The design team will review this option.
	Create a new zebra crossing in front of the Holland Park entrance to the Greek Embassy	There is a pedestrian island already in place at this location which provides access to the park. We are not able to convert this into a zebra crossing as it doesn't fall within the scope of this project.
	Provide new pedestrian crossings on Shepherds Bush Green	The project has proposed a number of new crossings in the Shepherd's Bush Green neighbourhood. These include new and improved crossing outside the tube station and improved crossings at Rockley Road and Uxbridge Road. The project in coordination with the borough will consider crossing points, including materials across the cycle track on the Green.
	Retain the pedestrian crossing outside Holland Park LUL station	Some requests were made to reconsider moving the crossing outside Holland Park London Underground station. The pedestrian crossing outside Holland Park station will be relocated 24 metres west of its current location. This has been proposed due to the relocation of Holland Park station bus stop (HB) 62 metres west of its current location, adjacent to the Underground Station, this enables TfL to retain the current parking and loading provision, and propose the installation of two new parking bays.
	Provide a pedestrian phase at the crossing near Cardinal Vaughan Memorial School	We proposed a new signal-controlled parallel pedestrian and cycle crossing on the eastern arm of the junction with Royal Crescent and Addison Road. We received a number of comments on this proposed crossing and as such TfL are reviewing the location. Alternative north south crossings are available on the western arm of the junction with Royal Crescent and Addison Road, and on the eastern arm of the junction with Addison Avenue.

Theme	Issue	TfL's response
	Provide additional loading bays (to Uxbridge Road, Shepherds Bush Green and other non-specific locations)	The project is considering further options for parking and loading provision along Uxbridge Road whilst maintaining an efficient bus service.
	Ban loading/unloading at peak times	We will discuss this with the London Borough of Hammersmith & Fulham and Royal Borough of Kensington Chelsea this with both boroughs should they indicate to us that they would be supportive of us revisiting our proposals.
	Remove parking bays in front of the Royal Garden Hotel	We received requests to remove the parking bays in front of the Royal Garden Hotel. The hotel is located on Kensington High Street. As the proposed scheme does not extend to this location, it is out of the scope of the project to remove these parking bays.
	Remove parking bays at Holland Park Avenue	We received requests to remove the parking bays on Holland Park Avenue. We have reallocated parking bays on Holland Park Avenue, with a total of 10 parking bays being proposed on this road. Our proposals seek to strike a balance between providing amenity for access by car, whilst continually seeking to improve levels of access by more sustainable modes of transport.
	Provide a yellow box junction at Rockley Road/Shepherds Bush Green	We will investigate whether this is possible, should the London Borough of Hammersmith & Fulham and the Royal Borough of Kensington & Chelsea indicate to us that they would be supportive of us revisiting our proposals.
	Improve access to Shepherds Bush Road from Uxbridge or Goldhawk Road	It's not within the scope of the project to make improvements to Goldhawk Road or Uxbridge Road to enable access into Shepherds Bush Road to be improved.
	Introduce traffic calming on	As the proposed scheme does not extend to this location, it is out of

Theme	Issue	TfL's response
	Clarendon Cross	the scope of the project to introduce traffic calming measures on Clarendon Cross.
	Make improvements to Campden Hill Road (north side) - traffic calming, new cycle way added, pavement widening, tree planting, road narrowed	<p>Suggestions for improvements down Campden Hill Road were made. Some of these included traffic calming, adding a new cycle way, widening the pavement, planting trees and narrowing the road.</p> <p>As the proposed scheme does not extend down Campden Hill Road, it is out of the scope of the project to introduce these improvements at this location.</p>
	Introduce traffic calming in Norland Square	The project has proposed raised entry treatments at the entrance/exit to Norland Square. The project will discuss measures with the borough for consideration along the length of Norland Square.
	Retain the Norland Square bus stop	We understand the concern about the proposed removal of the Norland Square bus stop (stop HC) and we have carried out high-level design work to assess whether the stop could be maintained.
	Introduce 24/7 bus lanes	<p>The proposed operating hours for the new bus lane on Uxbridge Road are as follows:</p> <p>Monday – Saturday 7am - 10am 4pm - 7pm</p> <p>We consider that these find an appropriate balance between ensuring bus journey times are consistent and reliable, whilst allowing for off-peak loading opportunities and evening and Sunday parking for businesses and visitors.</p>
	Relocate stops for tourist buses and the Oxford Tube	There are three bus stops along the route that are served by the Oxford Tube coach service, as well as TfL bus services. These bus stops are:

Theme	Issue	TfL's response
		<ul style="list-style-type: none"> • Royal Crescent bus stop (HD) • Royal Crescent bus stop (HJ) • Palace Gardens Terrace bus stop (N) <p>There is not sufficient space to allow for the creation of new bus stops in the area which would be only served by the Oxford Tube services.</p>
	Make all buses zero emission by 2020	<p>We are taking bold action to tackle air pollution, with London already having the largest zero-emission bus fleet in Europe. All new double deck buses in London are now hybrid or zero emission, and from next year every single-deck bus operating in central London will be zero-emission. Through launching an £85m programme to upgrade around 5,000 buses, the entire London bus fleet will meet cleaner EURO VI standards in 2020.</p> <p>We've also successfully launched 10 Low Emission Bus Zones since 2017, with the remaining two zones due to be launched by the end of 2019. The zones are designed to tackle the worst air quality hotspots outside central London by concentrating cleaner buses on the most polluting routes, helping people to breathe cleaner air and our city to flourish. All scheduled TfL buses travelling within the zone will need to meet or exceed latest Euro VI emissions standards. The Low Emission Bus Zones are reducing NOx emissions from buses by up to 90 per cent in parts of London with some of the worse levels of air pollution, with it being an important part of cleaning up London's air.</p>
	Make improvements to Shepherds Bush Green - safe, clean etc.	<p>The cycle track crosses Shepherds Bush Green as part of the scheme, but it's not within the scope of the project to make any further changes to this location. However we will work with the London Borough of Hammersmith & Fulham to understand whether ambience improvements on Shepherds Bush Green could be made.</p>
	Impose a speed restriction on cyclists	<p>The speed limits for motor vehicles set out in Rule 124 of the Highway Code does not apply to cycles. However, while people</p>

Theme	Issue	TfL's response
		<p>cycling who breach the speed limit may not be prosecuted for a speeding offence, they can be prosecuted for the offense of "cycling furiously".</p> <p>TfL's approach is to promote the message that the Highway Code must be adhered to by all road users, and we are strongly in favour of promoting the ethos of 'responsible cycling' and mutual respect between people cycling and other road users. This means working to eliminate offences such as jumping red lights, cycling on the pavement, unless permitted, and cycling at night without adequate lighting. Enforcement activity is conducted in a balanced way, targeted most at those causing danger.</p> <p>New cycle infrastructure in London is designed to encourage a diverse range of users to consider taking up cycling. Segregated facilities enable people to cycle more comfortably at slower speeds by being separate from general motor traffic, allowing them the space and time to manoeuvre at their own pace.</p>
	Introduce licensing of cyclists/other requirements (e.g. requirement for insurance)	<p>Any change to the law that would require people to register their cycles, or to carry insurance, would require legislation at a national level and lies outside of the Mayor's jurisdiction.</p> <p>Many people cycling in London do have third party insurance, including those who are members of Cycling UK (the national cycling charity) and the London Cycling Campaign (LCC). Even where people cycling do not have such insurance, other roads may still claim compensation for injury caused by an uninsured person.</p>
	Make the cycle way peak-time only (or time restricted in other ways)	<p>Cycling infrastructure is designed to make cycling safer and more appealing for everyone, so that cycling becomes a genuine alternative to car travel for more Londoners. Because car journeys that could be switched to cycling are made throughout the day, and</p>

Theme	Issue	TfL's response
		<p>for a range of different journey purposes, it is important to provide high-quality conditions for cycling throughout the day.</p> <p>For example, analysis of private vehicle trips made in London that could be reasonably cycled instead shows that 25% of all such journeys are made for the purpose of leisure activities such as going to the cinema, and a further 29% are made for the purpose of shopping or personal business. Just 15% are made for travel to a regular workplace.</p> <p>Therefore, to enable more journeys to be made by cycle instead of car, it is important to ensure that high-quality cycling infrastructure is available throughout the day, and not just for commuters.</p> <p>Furthermore, the Mayor has introduced Vision Zero for road danger in London, which means taking action to eliminate deaths and serious injuries from our roads by 2041. To achieve this, it is crucial that people are able to cycle in safer conditions no matter what time of day they are travelling.</p>
	Provide cycle parking near the Shepherd's Bush Green cycle path	The project is yet to consider locations of cycle parking across the whole scheme however, this location along with others will be discussed with the borough.
	Introduce a 20mph limit	The roads on which the scheme is proposed are borough roads, it is therefore the decision of the borough to amend the speed limit. The project will speak to the boroughs to consider whether this is an aspiration.
	Build a cycle overpass (location unspecified)	Our proposals are guided by the Mayor's Healthy Streets Approach, which aims to encourage walking, cycling and public transport and make London greener, healthier and more pleasant. Building a two-way segregated cycle track is an important part of the proposals to encourage cycling and make it safer. Alongside this, our proposals

Theme	Issue	TfL's response
		<p>create a more appealing street environment for everyone to enjoy by installing new and upgraded pedestrian crossings, making public space improvements along the route, making changes to the parking and loading facilities and making some side roads entry or exit only to help the safe and timely movement of traffic.</p> <p>The proposed cycle path has multiple entry and exit points, so that cyclists can join the route and exit it where they choose. Not all cyclists will be starting and ending their journeys in the same location, so this allows them flexibility. Due to the nature of a cycle overpass, it would have very limited entry and exit points, which would make it less effective at these locations. Any works to build a cycle overpass would also be a large undertaking, as whole new structure would have to be built. Compared to this, building a cycle lane is more cost effective and the works could be completed in a quicker manner.</p>
	Build a tunnel underneath Notting Hill Gate for traffic	<p>Underneath London's roads there is a network of utilities providing power, gas, phone lines, water and waste to and from properties. Underneath Holland Park Avenue and Notting Hill Gate there is also the Central Line. These facilities mean space is therefore limited.</p> <p>Similarly to an overpass, a tunnel underneath Notting Hill Gate would also experience reduced resilience as users could access from identified points only.</p>
	Prepare contingency plans for the scheme in the event of the annual flooding of Holland Park Avenue	There have been occasions in the past where there has been flooding on Holland Park Avenue due to issues such as burst water mains. While these are isolated incidents, appropriate drainage will be considered during the detailed design stage of the project.
	Tackle the risk of collision from vehicles accessing the terrace opposite Norland Square (potential for these vehicles to hit	This private access accommodates approximately 16 properties. The frequency of vehicles entering/ exiting this site would be very low and therefore the likelihood of a collision between a cyclist and vehicle is considered low. Line markings and cycle logos have been provided

Theme	Issue	TfL's response
	cyclist when pulling out)	across the mouth of the private access to increase drivers' awareness to the presence of cyclists.
	Tackle the congestion at Tesco on Holland Park Avenue	The project has proposed a 20m long loading bay in the vicinity of Tesco, the bay is expected to operate in the off peak hours.
	Give more incentives for electric cars, and install more charging points for them	We are already working with partners to develop a network of charging points for electric vehicles in London. Further details are on our website: https://tfl.gov.uk/modes/driving/electric-vehicles-and-rapid-charging
	Increase the congestion charge	This is out of scope of our proposals. Any proposals to vary the Congestion Charging scheme would be subject to a separate consultation.

6. Next steps

We have discussed the outcomes of the consultation with the London Borough of Hammersmith & Fulham and the Royal Borough of Kensington & Chelsea.

We firmly believe that it is vital that we invest in measures to enable and encourage people to use sustainable transport more often in London. Doing so would improve Londoners health and well-being, improve air quality and reduce congestion. We hope that both Boroughs will recognise the potential of the scheme and give us their support.

The London Borough of Hammersmith & Fulham has made clear to us that they supported our proposals, and we are now working to finalise our plans. We are not yet in a position to confirm the final designs but will update our website tfl.gov.uk/wood-notting with a summary of the changes once they are agreed.

We have developed a series of improvements that could be made to our proposals in Kensington & Chelsea, and which we believe would satisfy and resolve the concerns that some people had with our proposals. We have had initial discussions with the Royal Borough about these improvements, and intend to discuss them with key local stakeholder groups. No decisions have yet been made on whether our proposals with these improvements incorporated could be introduced within the Royal Borough, and discussions will continue with the Royal Borough and local stakeholders.

But has the Royal Borough of Kensington & Chelsea not already decided that they oppose the scheme?

The Royal Borough responded to the consultation with a position statement which explained that they could not support the proposals in their original form, and which highlighted several areas of concern they had. The Borough also made clear that there were several aspects of the proposals that they potentially would be supportive of; and that they would like to continue to discuss the scheme with us.

The Royal Borough subsequently confirmed that they had not made a formal decision about the scheme, and that they would do so after they had considered the outcomes of the consultation.

APPENDIX 2 - Equality Analysis / Impact Assessment (EQIA)

Wood Lane Cycleway and Shepherds Bush Green Public Realm Scheme

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2021 Quarter 3
Name and details of initiative	<p>Title of EIA: Implementation of cycleways</p> <p>Short summary: This EQIA relates to aims to install segregated cycle tracks and considers the Wood Lane Cycleway and public realm improvements to the Shepherds Bush Green area</p>
Lead Officer	<p>Name: Richard Duffill</p> <p>Position: Borough Cycling Officer</p> <p>Email: Richard.Duffill@lbhf.gov.uk</p>
Date of completion of final EIA	16 th December 2021

Revision History	
Version	P01
Date	16/12/21
Authors	Mat Bonomi (LBHF) Richard Duffill (LBHF)

	Agreement, publication, and monitoring
Chief Officers' sign-off	Name: Bram Kainth Position: Chief Officer (Public Realm)
Key Decision Report (if relevant)	TBC

Summary and recommendations of equality analysis / impact assessment

Implementation of protected cycle lanes within Wood Lane and Shepherds Bush Green

Summary:

The public health emergency resulting from the Covid-19 pandemic transformed the context for transport and brought into focus some of the inherent limitations in the way space is allocated on the public highway and in public spaces generally.

The way people travel to access employment, education, leisure and retail facilities will be different as we emerge out of lockdown. Public transport facilities such as tube and bus services are likely to remain reduced for some time and the need to enable more sustainable journeys and greater mode choice for travel is paramount to support local businesses, the community and the economic recovery.

A clear reduction in traffic congestion and improved air quality were observed during lockdown and the need to maintain provision for more sustainable journeys for the long term became even more evident. Dedicated cycle lanes will continue to play a key part in enabling sustainable journeys and will play a key role in the recovery.

Decision-making for interim and permanent cycle lanes

1. The roll out of temporary cycle lanes under emergency powers during the early stages of the pandemic enabled a prompt response to the crisis and adherence to government guidelines.

2. Where required traffic orders are to be used and will continue to be used with the revised guidance issued by the Department for Transport (DfT) on advertising traffic regulation orders.

3. The necessary legal process for emergency, temporary, experimental or permanent schemes will continue to be followed alongside the Council's governance and decision-making process.

Implementation.

As part of post COVID-19 recovery measures, the Council introduced provisional 'with-traffic-flow' segregated cycle lanes made up of water filled barriers on Wood Lane and Shepherds Bush Green with the intention of supporting the local economy and to help people walk and cycle safely, as capacity was reduced on public transport due to social distancing measures.

It is intended to deliver a permanent segregated cycle lane from Wood Lane to Shepherds Bush Green and also develop a concept design for Shepherds Bush Green and the Holland Park Roundabout.

Scope of the Wood Lane and Shepherds Bush Green cycleway

The Wood Lane Cycleway will run along Wood Lane from Du Cane Road up to Shepherds Bush Green as Phase 1. Phase 2 will consider area of Shepherds Bush Green and the Holland Park Roundabout.

The key scope requirements of the permanent scheme are:

- Segregated bi-directional cycle tracks along the western side of Wood Lane up to the junction with Shepherds Bush Green
- Transformation of junctions to separate cyclists from general traffic in space and time
- Introduction of new signal technologies to enable more flexible management of traffic signals for the benefit of all road users. These are low level signals for ease of use.
- New bus stop bypasses to remove conflicts between cyclists and buses and new bus shelters to improve the bus passenger experience
- Retention of all pavement space for pedestrians. There will be no net loss of footway space along the corridor and along the route we will be aiming to gain space due to the temporary design.

Aims / objectives of the Programme / Strategic Context

With a population of 8.7 million, London is now larger than it has ever been and is forecast to grow to 10.8 million by 2041. This growth is expected to generate about 6 million additional trips each day.

London's future must be planned around active and inter-connected lives with a new approach to reducing car dependency and increasing sustainable travel. TfL's £1.82bn Surface Transport investment in the Healthy Streets Portfolio over five years aims to deliver a safe, healthy, resource and space-efficient transport system through investment in walking, cycling and public transport. Cycleways fall under the £0.5bn Cycling Programme within this portfolio. The Mayor of London, Sadiq Khan, pledged his firm commitment to the continuation of investment in cycling from the outset, with pre-election manifesto pledges to "make London a byword for cycling around the world" and "make cycling and walking safer and easier in the capital". He backed the London Cycling

Campaign's aspiration for triple the amount of protected facilities for cyclists and specifically committed to "press ahead with more Cycle Superhighways...learning lessons from the construction of previous tracks

Healthy Streets Approach

TfL's 'Healthy Streets for London' (February 2017) announced that TfL's Business Plan would include 'double the average annual spend on cycling seen under the last Mayor, taking London's spend per head to the same levels as Denmark and the Netherlands'. In this vein, the Mayor's Transport Strategy (MTS, March 2018) sets an ambitious target for 80 per cent of all trips in London to be made on foot, by cycle or using public transport by 2041 (currently 63 per cent).

This is to be delivered under the new 'Healthy Streets Approach' with a focus on being active, safe, green and efficient. The Healthy Streets approach prioritises health and wellbeing, with the overall objective of delivering a transport system where everyone can travel safely by the healthiest and most resource and space-efficient modes, specifically walking, cycling and public transport.

The programme contributes specifically to achieving a number of measures such as reducing the number of people killed and seriously injured on London's roads, 2 x 10 minutes of active travel per day and sustainable mode share targets. In addition to attracting more cyclists and making more efficient use of road space, they also provide valuable connections to other cycle routes, contributing to the new Mayor's aim for 70 per cent of Londoners to live within 400 metres of the strategic cycle network by 2041. As such Cycleways are a cornerstone of the Healthy Streets Approach and will continue to deliver these benefits going forward.

This EQIA reviews the impact of the cycle lanes to be implemented and the upgrade to a permanent scheme.

Summary of equality impact assessment

Overall, the impact of the Proposed Scheme upon Protected Groups is likely to be positive. However there are likely to be a mixture of positive and negative impacts on individuals within Protected Groups resulting from the Proposed Scheme, primarily the following groups:

- Age;
- Disability;
- Sex/Gender;
- Religion;
- Pregnancy/maternity; and
- Deprivation.

Assuming that the mitigation outlined in the sections below is implemented it is judged that the Proposed Scheme can adjust and continue with minor implications on some individuals within Protected Groups and ensure the overall impact to a Protected Group can be assessed as positive.

This EqIA finds the Adverse Equality Impact Rating to be Low.

Part 1 - Screening

Protected Characteristic Profile

Data from the Office of National Statistics (ONS) has been gathered on the following protected characteristics from Section 4 of the Equality Act (Information source: Highways Agency (2011), Guide to Equality Impact Assessment):

- Age;
- Disability;
- Race;
- Religion or belief;
- Sex/gender;
- Sexual orientation; and

There is some limited availability for the publicly available data on certain protected characteristics, including gender reassignment, marriage and civil partnership and pregnancy and maternity and therefore these characteristics have not been included in the assessment. Although not required under the Act, the social profile also includes data for deprivation as it provides a measure of a combination of socio-economic matrices and can be used as an indicator for vulnerable groups.

Ethnicity and Religion Profile

The percentage of each ethnicity in Hammersmith and Fulham as measured by the ONS, and as outlined in the 2011 Census, is presented in the below table. It shows that the percentage of population classified as White British in Hammersmith and Fulham (44.92%) is significantly lower than the England and Wales average percentage (80.5%). The percentages of population for other ethnicities in Hammersmith and Fulham are higher than the England and Wales average. This indicates that Hammersmith and Fulham is more diverse when compared to the general population in England and Wales. This data suggests that there are several minority groups under this protected characteristic group which are more highly represented and need to be given additional consideration within this assessment (for example the proportion of Black African, Black Caribbean, Other Asian, Arab and Other and Irish White people is higher than the national average).

Tabl: Ethnicity breakdown of Hammersmith and Fulham and England and Wales (2011)

Information source: NOMIS (2011), Ethnic Group

Ethnic Group	Hammersmith and Fulham Total Number	Hammersmith and Fulham % of Total*	England and Wales Total Number	England and Wales % of Total*
White: English/welsh/Scottish/Northern Irish/British	81,989	44.92%	45,134,686	80.5%
White: Irish	6,321	3.46%	531,087	0.9%
White: Gypsy or Irish Traveller	217	0.12%	57,680	0.1%
White: Other White	35,695	19.56%	2,485,942	4.4%
Mixed/Multiple Ethnic Groups: White and Black Caribbean	2,769	1.52%	426,715	0.8%
Mixed/Multiple Ethnic Groups: White and Black African	1,495	0.82%	165,974	0.3%
Mixed/Multiple Ethnic Groups: White and Asian	2,649	1.45%	341,727	0.6%
Mixed/Multiple Ethnic Groups: Other Mixed	3,131	1.71%	289,984	0.5%
Asian/Asian British: Indian	3,451	1.89%	1,412,958	2.5%
Asian/Asian British: Pakistani	1,612	0.88%	1,124,511	2.0%
Asian/Asian British: Bangladeshi	1,056	0.57%	447,201	0.8%
Asian/Asian British: Chinese	3,140	1.72%	393,141	0.7%
Asian/Asian British: Other Asian	7,376	4.04%	835,720	1.5%
Black/African/Caribbean/Black British: African	10,552	5.78%	989,628	1.8%
Black/African/Caribbean/Black British: Caribbean	7,111	3.89%	594,825	1.1%
Black/African/Caribbean/Black British: Other Black	3,842	2.11%	280,437	0.5%
Other ethnic group: Arab	5,222	2.86%	230,600	0.4%
Other ethnic group: Any other ethnic group	4,859	2.66%	333,096	0.6%

*Note: Percentages may not sum exactly due to rounding.

The proportion of different beliefs in Hammersmith and Fulham and England and Wales are provided in the table below. It shows that the majority of the population in Hammersmith and Fulham identifies as Christian (54.1%) and the second largest

group is no religion (23.8%). It also indicates that the population in Hammersmith and Fulham has a lower percentage than the England and Wales average (59.3%) that identified as Christian. This data suggests that those of the Muslim faith are more highly represented and need to be given additional consideration within this assessment.

Table: Percentage of people belonging to specific faiths in Hammersmith and Fulham and England and Wales (2011)

Information source: NOMIS (2011), Religion – Information available at: [Religion](#) (Accessed: 13 October 2021).

Religion	Hammersmith and Fulham		England and Wales	
	Total number	% of Total*	Total Number	% of Total*
Christian	98,808	54.1%	33,243,175	59.3%
Buddhist	2,060	1.1%	247,743	0.4%
Hindu	2,097	1.2%	816,633	1.5%
Jewish	1,161	0.6%	263,346	0.5%
Muslim	18,242	9.9%	2,706,066	4.8%
Sikh	442	0.2%	423,158	0.8%
Other religion	857	0.4%	240,530	0.4%
No religion	43,487	23.8%	14,097,229	25.1%
Religion not stated	15,339	8.4%	4,038,032	7.2%

*Note: Percentages may not sum exactly due to rounding.

Age Profile

The age profiles of Hammersmith and Fulham and England and Wales are provided in the table below. Shows that when compared to the England and Wales average, the percentage of the population in Hammersmith and Fulham is lower for ages ranging between 5 and 19, and between 45 and 90+; and slightly higher for ages ranging between 0 and 4, and between 20 and 44. Given these variances to national trends, there is potential for some additional receptors to be impacted by the Proposed Scheme.

Table: Age profile in Hammersmith and Fulham and England and Wales (2011)

Information source: NOMIS (2011), Age Structure – Information available at:

Age Range	Hammersmith and Fulham		England and Wales	
	Total Number	% of Total*	Total Number	% of Total*
0 – 4	11,900	6.5%	3,496,750	6.2%
5 – 7	5,446	2.9%	1,927,039	3.4%
8 – 9	3,113	1.7%	1,208,672	2.2%
10 – 14	7,621	4.2%	3,258,677	5.8%
15	1,550	0.8%	687,994	1.2%
16 – 17	2,883	1.6%	1,391,235	2.5%
18 – 19	3,483	1.9%	1,460,156	2.6%
20 – 24	17,279	9.5%	3,807,245	6.8%
25 – 29	26,021	14.3%	3,836,609	6.8%
30 – 44	52,859	28.9%	11,515,165	20.5%
45 – 59	27,248	14.9%	10,886,135	19.4%
60 – 64	6,677	3.7%	3,377,162	6.0%
65 – 74	9,102	4.9%	4,852,833	8.7%
75 – 84	5,300	2.9%	3,115,552	5.6%
85 – 89	1,297	0.7%	825,671	1.5%
90+	714	0.4%	429,017	0.8%

*Note: Percentages may not sum exactly due to rounding.

Sex (Including Gender) Profile

The below table presents the 2011 Census gender profile in Hammersmith and Fulham and England and Wales. It indicates that the percentage of males (all ages) and females (all ages) in Hammersmith and Fulham is similar with the England and Wales average in 2011. Therefore, there are not likely to be any significant number of additional receptors which could be disproportionately impacted by the Proposed Scheme.

Table: Gender profile in Hammersmith and Fulham and England and Wales (2011)

(Information source: NOMIS (2011), Usual resident population.

Sex/Gender	Hammersmith and Fulham	Hammersmith and Fulham	England and Wales	England and Wales
	Total Number	% of Total	Total Number	% of Total
Male	88,914	48.7%	27,075,912	49.2%
Female	93,579	51.2%	28,502,536	50.8%

Disability

A total of 22,958 (12.6%), of the population in Hammersmith and Fulham are living with a long-term health problem or disability, slightly lower than the England and Wales average 17.9%. A lower proportion of the population in Hammersmith and Fulham (6.3%) identify as having a long-term health problem or disability which limits their day to day activities a lot compared to the England and Wales average (8.5%) (Information source: NOMIS (2011), Long-term health problem or disability

Transport Choices of the Protected Groups

Age

Walking is the most common form of transport for all Londoners. Almost all Londoners walk every week (95 per cent). Disabled Londoners are less likely to walk at least weekly (81 per cent); almost all younger Londoners walk at least once a week (97 per cent).

The bus is the next most commonly used type of transport in the Capital: 59 per cent of Londoners use the bus at least once a week. Only 4 per cent of Londoners aged 65 and over sometimes use a bike to get around London however, younger Londoners are just as likely as all Londoners to use a bike (17 per cent). The proportion of Londoners aged 65 and over who can ride a bike (74 per cent) is lower than the total population of Londoners (81 per cent). The proportion of younger Londoners who can ride a bike is higher at 82 per cent

Disability

Fourteen per cent of Londoners consider themselves to have a disability that impacts their day to day activities 'a lot' or 'a little'.

Eighty-five per cent of disabled Londoners say they never use a bike to get around London, a slightly smaller proportion than among non-disabled Londoners (82 per cent). Disabled Londoners are more likely to say that they cannot ride a bike than non-disabled Londoners (22 per cent compared to 15 per cent) and 73 per cent say they have never thought about cycling or have thought about cycling but decided not to. Sixty-four per cent of disabled Londoners are aware of Cycleways compared to 61 per cent of non-disabled Londoners and 20 per cent say they probably or definitely expect to use Cycleways in future compare with 23 per cent of non-disabled Londoners.

The most commonly used types of transport by Londoners with disabilities are walking (81 per cent walk at least once a week), the bus (58 per cent) and car as a passenger (47% per cent) or driver (24 per cent). Disabled Londoners use transport less frequently than non-disabled Londoners. With the exception of private hire vehicles, a lower proportion of disabled Londoners use each type of transport at least once a week than non-disabled Londoners. Some people with disabilities are heavily reliant on taxi services.

Gender

Women are more likely to use buses than men (65 per cent women compared with 58 per cent men). Women are more likely than men to be travelling with buggies and/or shopping, and this can affect transport choice.

Concerns around crime and antisocial behaviour also have an disproportionate impact upon women's frequency of public transport use: 61 per cent report that the frequency with which they travel is affected 'a lot' or 'a little' because of these concerns, compared with 43 per cent of men.

Walking frequency is very similar for women and men however, women are less likely to cycle than men: 21 per cent of men cycle in London compared with 14 per cent of women and 10% of women cycle regularly (at least once a week) in London and a further 4% cycle occasionally, with the remaining 86 per cent never using bikes as a way of getting around the Capital.

Women are less likely than men to be able to ride a bike. Seventy-nine per cent of women living in London can ride a bike, compared with 88 per cent of men. Fifty-three per cent of women are aware of Cycle Superhighways compared to 70 per cent of men. 14 per cent of men have used a Cycle Superhighway compared with seven per cent of women.

Research shows that women's multiple roles, often encompassing both work and family responsibilities, mean that their travel needs can be far more complex than those of men. Women are likely to be the chief carers of children, elderly, sick and disabled. Therefore their journeys are likely to involve travelling with an additional, dependent and/or vulnerable person: women make 67% of all escorting trips and are almost five times as likely as men to be making trips with children aged under five. In addition women make 77% of all escorted trips to school (TfL: An Action Plan for Women, 2004).

Race

BAME Londoners, both adults and children, are twice as likely as white Londoners to be injured on the roads. BAME Londoners are also less likely than white Londoners to say that they feel safe from road accidents when walking around London at night (60 per cent BAME compared with 74 per cent white).

There is little difference between the frequency of walking among BAME and white Londoners. Ninety-seven per cent of BAME Londoners walk at least once a week, which is very similar to white Londoners where 95 per cent walk at least once a week.

Cycling levels of BAME Londoners and white Londoners are very similar. 18 per cent of BAME Londoners cycle in London at least sometimes compared to 17 per cent of white Londoners. There is also very little difference between BAME and white Londoners in frequency of cycling (at least once a week) in London (14 per cent BAME compared with 13 per cent white). There is little difference between BAME and white Londoners in their ability to ride a bike (83 per cent BAME compared with 84 per cent white).

The same proportion of BAME Londoners and white Londoners report that they have used a Cycleway (10 per cent). BAME Londoners are more likely than white Londoners to say they will definitely/ probably use Cycleways in the future (28 per cent BAME compared with 21 per cent). BAME Londoners are however, less likely to be aware of Cycleways: 53 per cent are aware compared to 65 per cent of white Londoners Other – refugees, low income, homeless people

Despite popular perceptions of cycling, BAME Londoners and white Londoners have very similar levels of cycling activity. Seventeen per cent of BAME Londoners cycle in London at least sometimes compared to 18 per cent of white Londoners.

Sex

We have no formal data on demographics of people who used the cycle lanes, but Transport for London's Attitudes to Cycling report (2014) found that 'regular cyclists are more likely to be men with 20 per cent of men reporting being 'regular' cyclists compared with eight per cent of women.

In England, men travel on average 86 miles per year by bike compared with the average of 21 for women. Women are more likely to use buses than men (63 per cent women compared with 56 per cent men) and women are more likely than men to be travelling with buggies and/or shopping, and this can affect transport choices.

In a survey, sixty-seven per cent of women selected 'cycle lanes separated from traffic' as the number one thing that will get more women cycling (Sustrans, 2013), with just eight per cent of women as 'regular' cyclists compared with 20 per cent for men.

Public Consultation

Extensive formal consultation and public engagement was conducted in partnership between TfL and H&F in 2019. The results of this consultation can be found on TfL’s engagement portal.

The installation of the Cycleway will be undertaken via the appropriate traffic order process, this process does not require a pre consultation period prior to implementation. That said the Borough believe it is important to engage with specific groups to ensure proposals are co-produced where possible and we can mitigate any unintended consequences.

Scoping

Analysis of Impacts and Outcomes of the Proposed Scheme

The following criteria is used to determine whether the impacts of the Proposed Scheme will be positive, negative or neutral. The below table analyses the impact of the Proposed Scheme against protected characteristics. There are three possible outcomes:

- Positive: The EqIA shows the initiative is not likely to result in adverse impact for any protected characteristic and does advance policy/initiative/re-structure/re-organisation in another way;
- Negative: The EqIA shows the initiative is likely to have an adverse impact on a particular protected characteristic(s); and
- Neutral: The EqIA shows the initiative/ is not likely to result in adverse impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils Public Sector Equality Duty (PSED) in another way.

Table: Impacts of the proposed development upon protected characteristics.

Protected characteristic	Analysis	Impact:
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<p>Age</p>	<p>Younger people</p> <p>The implementation of the proposed layout would have a positive impact on younger people specifically in terms of:</p> <ul style="list-style-type: none"> • Reducing road danger. • Improving the environment for walking and cycling and therefore encouraging independent mobility. • Improving walking routes to school in particular by reducing through traffic and therefore roads easier to cross, reducing pedestrian severance. • Safer for cycling with young children either on the same bicycle, with a cargo-bicycle or independently due to the width allowing overtaking and clarity of the layout for other road users. • Safer to walk and cycle along the route with children with less pollution, noise and a generally more pleasant environment. • Encouraging active lifestyles in young children by enabling people to feel safe enough to cycle enough with children who had not cycled along the corridor before. • Easier to cross the roads with children. • Calmer traffic and potentially more considerate drivers as a result 	<p>Positive</p>
<p>Age</p>	<p>Older people</p> <p>The implementation of the proposed cycle lanes layout could have a positive impact on older people in terms of:</p> <ul style="list-style-type: none"> • Allowing older people who are less steady to ride more comfortably and confidently due to the increase in width, and reduction in conflicts due to the cycle lanes being separated. 	<p>Positive</p>

Disability	<p>The implementation of the proposed layout would have a positive impact on disabled people specifically in terms of:</p> <ul style="list-style-type: none"> • Segregated routes provide essential mobility routes for people with disabilities who use cycling as a mobility aid. • Being a location where disabled cyclists feel safe. • Allowing space for disabled people who were previously unable to keep up cycling with the crowd in narrow, crowded, single lane, making it easier for disabled people to participate in the leisure activity of cycling. 	Positive
Disability	<p>The introduction of new bus stop bypasses have the potential create new hazards.</p> <p>Access requirements raised by disabled residents for another cycle route in Hammersmith and Fulham. Specifically, for pedestrians including blind and visually impaired pedestrians these include:</p> <ul style="list-style-type: none"> • Knowing where to cross the cycle lane to get to the central island at the bus stop bypass. • when it is safe to cross cycle lanes both ways: • which way to turn getting from the pavement or bus shelter, across the cycle lane and to the right place at the bus stop bypass to get onto the bus. • the island space on the bus stop bypass is wide enough plus 1500x1500 space for wheelchair users • the bus stop bypass has a kerb (60mm) so a cane user can feel the edge of the island and not step into the road. • which way to turn when they get off the bus: how to navigate their way to the right place to cross cycle lanes to the pavement. 	Negative

	<p>Barriers for mobility impaired people</p> <ul style="list-style-type: none"> • Disabled people who can't cycle, walk or use public transport need to be able to access the area; be dropped off in taxis or other destinations. • Blue badge holders who can only travel by car need to be able to park close to their destination. <p>Collision Risk</p> <ul style="list-style-type: none"> • Increased risk of collision and subsequent injury to some disabled people due to the speed of bikes. There is a perception that all cyclists ride quickly. Those that are visually impaired, blind or have restricted movement due to a disability may have slower reactions and are therefore more likely to suffer from collisions and possibly more significant injuries if they are unable to move out of the path of a cycle in time. 	
Gender	On average non male residents are less likely to cycle within the borough. The implementation of this cycleway and improved safety conditions may go some way to encouraging and increase in non-male use within LBHF.	Positive
Disability	The Proposed Scheme may result in a positive impact upon those with disabilities due to the increased safety of the area as a result of less traffic.	Positive
Gender reassignment	No impact predicted during operation of the Proposed Scheme.	Neutral
Marriage and Civil Partnership	No impact predicted during operation of the Proposed Scheme.	Neutral

Race	No impact predicted during operation of the Proposed Scheme.	Neutral
Religion/belief (including non-belief)	No impact predicted during operation of the Proposed Scheme.	Neutral
Sex	No impact predicted during operation of the Proposed Scheme.	Neutral

Part 2 - Action Plan

As a result of the Screening and Scoping in Part 1, it is concluded that there is a clear potential for residents with a disability to be indirectly impacted negatively. It is anticipated that the following mitigation measures may further limit the impact on these Protected Groups from the Proposed Scheme. Further detail on these is provided in the below action plan. It should be noted that an EqlA is iterative, and should any additional issues be raised through consultation these should be considered further to this assessment.

Table: Equality Impact Action Plan

The council have set up a co-production working group to discuss and evaluate all the issues raised by the Disabled Residents Team. The group meets every four weeks to discuss items on a similar cycle scheme and offer up solutions that can be incorporated in the design when applicable.

A working group also will be shown examples of different layout options and scheme proposals will be discussed group. Phase 1 of the scheme is significantly progressed, however there remains scope for continued co-production in the concept development of Phase 2.

Protected Characteristic	Issues Identified	Action to be Taken	Expected Outcomes	Owner
Disability	General design issues and new impediments	Creation of a Disabled Residents Team, where able will be asked assist with detailed design	Reduce or mitigation of negative impacts of the implementation	London Borough Hammersmith and Fulham
Disability	Blind or partial sighted residents have issues	Design engineers will ensure that all crossings along the	Create a safer and more certain environment for all	London Borough Hammersmith and Fulham

Protected Characteristic	Issues Identified	Action to be Taken	Expected Outcomes	Owner
	navigating the new road layout	route are designed to enable disabled users to access the control mechanisms of the crossing safely and have space to safely wait before a crossing. This is a modernisation of the signals along the route	users	
**This section will continue to be developed as design is progressed and new issues are raised to the design team				

Assuming that the mitigation outlined in this assessment is implemented it is judged that the Proposed Scheme can adjust and continue with minor implications on Protected Groups.

Report to: Cabinet

Date: 10/01/2022

Subject: Council Tax Support Scheme 2022/23

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

Report author: Kirsty Brooksmith, Head of benefits

Responsible Director: Sharon Lea – Strategic Director of 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 Cabinet agree the following recommendations to be approved by full Council:

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.

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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

Appendix 1 - Council Tax Support Scheme 2021/22

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

PART 1 - Introduction	6
1.— Citation, commencement and application	6
PART 2 Interpretation.....	7
Application of scheme: pensioners and persons who are not pensioners	14
Meaning of “couple”	14
Polygamous marriages	14
Meaning of “family”	14
Circumstances in which a person is to be treated as responsible or not responsible for another	15
Households	15
Non-dependants	16
Remunerative work	17
PART 3 Procedural matters	17
Procedure for reduction applications and appeals against reduction decisions	17
PART 4 Classes of person entitled to a reduction under this scheme	17
Class A: pensioners whose income is no greater than the applicable amount	18
Class B: pensioners whose income is greater than the applicable amount	18
Class C: alternative maximum council tax reduction - pensioners	18
Class D: persons who are not pensioners whose income is less than the applicable amount.....	19
Class E: persons who are not pensioners whose income is greater than the applicable amount ..	19
Class F: alternative maximum council tax reduction - persons who are not pensioners	19
Periods of absence from a dwelling - pensioners and persons who are not pensioners	20
Transitional provision	23
PART 5 Classes of person excluded from this scheme	25
Classes of person excluded from this scheme.....	25
Class of person excluded from this scheme: persons treated as not being in Great Britain.....	25
Class of person excluded from this scheme: persons subject to immigration control	26
Class of person excluded from this scheme: capital limit	27
Class of person excluded from this scheme: students	27
PART 6 Applicable amounts	27
Applicable amounts: pensioners	27
Applicable amounts: persons who are not pensioners	27
Polygamous marriages: persons who are not pensioners	28
Applicable amount: persons who are not pensioners who have an award of universal credit.....	29
PART 7 Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction.....	29
Maximum council tax reduction amount under this scheme: pensioners and persons who are not pensioners	29
Non-dependent deductions: pensioners and persons who are not pensioners	29
PART 8 Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction	32
Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners	32
PART 9 Amount of reduction under this scheme	32
Amount of reduction under this scheme: Classes A to F	32
PART 10 Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction	32
CHAPTER 1 Income and capital: general.....	32
Calculation of income and capital: applicant’s family and polygamous marriages	32
Circumstances in which income and capital of non-dependent is to be treated as applicant’s ...	33
CHAPTER 2 Income and capital: pensioners in receipt of guarantee credit or savings credit	33
Applicant in receipt of guarantee credit: pensioners.....	33
Calculation of applicant’s income and capital in savings credit only cases: pensioners	33
CHAPTER 3 Income and capital where there is an award of universal credit	34
Calculation of income and capital: persons who are not pensioners who have an award of universal credit	34
Tolerance of cases where Universal Credit is in payment.	35
CHAPTER 4 Income: other pensioners	35
Calculation of income and capital where state pension credit is not payable: pensioners.....	35
Meaning of “income”: pensioners.....	35
Calculation of weekly income: pensioners	37
Earnings of employed earners: pensioners	39
Calculation of net earnings of employed earners: pensioners.....	39
Calculation of earnings of self-employed earners: pensioners	40
Earnings of self-employed earners: pensioners	40

Notional income: pensioners	41
Income paid to third parties: pensioners	42
CHAPTER 5 Income: persons who are not pensioners	43
Average weekly earnings of employed earners: persons who are not pensioners	43
Average weekly earnings of self-employed earners: persons who are not pensioners	44
Average weekly income other than earnings: persons who are not pensioners	44
Calculation of weekly income of employed earners: persons who are not pensioners	44
Earnings of employed earners: persons who are not pensioners	44
Calculation of net earnings of employed earners: persons who are not pensioners	45
Earnings of self-employed earners: persons who are not pensioners	46
Calculation of income other than earnings: persons who are not pensioners	46
Capital treated as income: persons who are not pensioners	48
Notional income: persons who are not pensioners	48
CHAPTER 6 Income: further provisions applying to pensioners and persons who are not pensioners	51
Calculation of income on a weekly basis	51
Treatment of child care charges	51
Calculation of average weekly income from tax credits	55
Disregard of changes in tax, contributions etc.	55
Calculation of net profit of self-employed earners	56
Calculation of deduction of tax and contributions of self-employed earners	57
CHAPTER 7 Capital	59
Calculation of capital	59
Income treated as capital: persons who are not pensioners	59
Calculation of capital in the United Kingdom	60
Calculation of capital outside the United Kingdom	60
Notional capital	60
Diminishing notional capital rule: pensioners	61
Diminishing notional capital rule: persons who are not pensioners	63
Capital jointly held	65
Calculation of tariff income from capital: pensioners	66
Calculation of tariff income from capital: persons who are not pensioners	66
PART 11 Students	66
CHAPTER 1 General	66
Interpretation	66
Treatment of students	69
Students who are excluded from entitlement to a reduction under this scheme	69
CHAPTER 2	70
Income	70
Calculation of grant income	70
Calculation of covenant income where a contribution is assessed	71
Covenant income where no grant income or no contribution is assessed	71
Relationship with amounts to be disregarded under Schedule 8	72
Other amounts to be disregarded	72
Treatment of student loans	72
Treatment of payments from access funds	73
Disregard of contribution	74
Further disregard of student's income	74
Income treated as capital	74
Disregard of changes occurring during summer vacation	74
PART 12 Extended reductions	74
CHAPTER 1 Extended reductions: pensioners	74
Extended reductions: pensioners	74
Extended reductions (qualifying contributory benefits): pensioners	74
Duration of extended reduction period (qualifying contributory benefits): pensioners	75
Amount of extended reduction (qualifying contributory benefits): pensioners	75
Extended reductions (qualifying contributory benefits)—movers: pensioners	75
Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C	76
Continuing reductions where state pension credit claimed: pensioners	76
CHAPTER 2 Extended reductions: persons who are not pensioners	77
Extended reductions: persons who are not pensioners	77
Extended reductions: persons who are not pensioners	77
Duration of extended reduction period: persons who are not pensioners	77
Amount of extended reduction: persons who are not pensioners	78

Extended reductions—movers: persons who are not pensioners	78
Relationship between extended reduction and entitlement to a reduction by virtue of classes D to F	79
Extended reductions (qualifying contributory benefits): persons who are not pensioners	79
Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners	79
Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners	79
Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners	80
Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to F	80
CHAPTER 3 Extended reductions: movers in the authority’s area	81
Extended reductions: applicant moving into the authority’s area.....	81
PART 13 When entitlement begins and change of circumstances.....	81
Date on which entitlement begins	81
Date on which change of circumstances is to take effect	81
Change of circumstances where state pension credit in payment.....	82
PART 14 Applications (including duties to notify authority of change of circumstances).....	84
Making an application.....	84
Date on which an application is made	85
Applications where an applicant’s Universal Credit ceases an award of Council Tax Reduction	86
Joint claims for Housing Benefit and Council Tax Reduction.....	86
Backdating of applications: pensioners	87
Backdating of applications: persons who are not pensioners.....	87
Information and evidence.....	87
Amendment and withdrawal of application	88
Duty to notify changes of circumstances	89
PART 15 Decisions by authority	90
Decision by authority	90
Notification of decision.....	90
PART 16 Circumstances in which a payment may be made	91
Payment where there is joint and several liability.....	91
PART 17	91
Award or payment of reduction	91
Time and manner of granting reduction under this scheme	91
Person to whom reduction is to be paid	92
Shortfall in reduction	92
Payment on the death of the person entitled	92
Transitional provisions for restrictions on amounts for children and young persons (pensioners).....	92
SCHEDULE 1 Procedural matters	94
Paragraph 11	94
PART 1 Procedure for an application for a reduction under this scheme.....	94
PART 2 Procedure for making an appeal.....	94
Procedure by which a person may make an appeal against certain decisions of the authority	94
PART 3 Procedure for applying for a discretionary reduction	95
Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act	95
PART 4 Electronic communication	95
Interpretation	95
Use of intermediaries	96
Effect of delivering information by means of electronic communication	96
Proof of identity of sender or recipient of information	96
Proof of delivery of information	96
SCHEDULE 2 Applicable amounts:.....	96
PART 1 Persons who are pensioners Paragraph 25	97
Transitional provisions for restrictions on amounts for children and young persons.....	97
2. Child or young person amounts	99
PART 2 Family premium	99
PART 3 - Premiums	100
PART 4 - Amounts of premium specified in Part 3	102
Applicable amounts: persons who are not pensioners Paragraph 26	104
PART 1 Personal allowances	104
Personal allowances.....	104

PART 2 - Family premium	104
PART 3 - Premiums	104
PART 4.....	109
Amounts of Premiums Specified in Part 3	109
PART 5 - The components	110
PART 6 - Amount of Components.....	111
PART 7 - Transitional Addition	111
PART 8 - Amount of Transitional Addition	112
SCHEDULE 3 Amount of alternative maximum council tax reduction: pensioners and persons who are not pensioners	114
SCHEDULE 4 Sums disregarded from applicant's earnings: pensioners.....	116
Paragraph 40	116
SCHEDULE 5 Amounts to be disregarded in the calculation of income other than earnings: pensioners	119
SCHEDULE 6 Sums disregarded in the calculation of earnings: persons who are not pensioners....	123
Paragraph 53	123
SCHEDULE 7 Sums disregarded in the calculation of income other than earnings: persons who are not pensioners	127
Paragraph 54	127
SCHEDULE 8 Capital disregards: pensioners	136
Paragraph 63	136
PART 1 Capital to be disregarded.....	136
PART 2 - Capital disregarded only for the purposes of determining deemed income	142
SCHEDULE 9 Capital disregards: persons who are not pensioners	143
Paragraph 63	143

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;

LB Hammersmith & Fulham Council Tax Reduction Scheme 2021/22

“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 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 no work, those periods but disregarding any other absences); or
 - (b) in any other case, on the basis of—
 - (i) the last two payments if those payments are one month or more apart;
 - (ii) the last four payments if the last two payments are less than one month apart; or
 - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.
- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

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

Earnings of employed earners: pensioners

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

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

(2) Earnings does not include—

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

Date: 10/01/2022

Subject: Council Tax Base and Collection Rate 2022/23 and Delegation of the Business Rate Estimate

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

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

1. Cabinet recommend this report to full council

That full council approve for the financial year 2022/23 -

2. The estimated numbers of properties for each Valuation Band as set out in this report.
 3. An estimated collection rate of 97.0%.
 4. The Council Tax Base of **82,263** Band "D" equivalent properties.
 5. 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

List of Appendices:

None

Agenda Item 7

London Borough of Hammersmith & Fulham

Report to: Cabinet

Date: 10/01/2022

Subject: Capital Programme Monitor & Budget Variations, 2021/22 (Second Quarter)

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

Responsible Director: Emily Hill, Director of Finance

SUMMARY

This report provides a financial update on the council's capital programme and requests approval for budget variations to the capital programme.

RECOMMENDATIONS

1. To note the net forecast decrease in 2021/22 capital expenditure of £29.7m (18.9% of the approved budget). The variations are detailed in Appendix 2.
 2. To approve the updated four-year capital programme 2021-2025 of £473.4m as detailed in Appendix 1.
 3. To note the potential risks regarding the Housing Capital Programme, as summarised in paragraphs 22-24.
-

Wards Affected: All

The capital programme contains schemes and projects which are directly linked to the Council's Business Plan 2018-22 and which deliver across the Council's priorities.

Our Values	Summary of how this report aligns to the H&F Values
Being ruthlessly financially efficient	<p>All capital investment decisions are required to be underpinned by a robust business plan that sets out the full costs and risks and any expected financial return alongside the broader outcomes including economic and social benefits.</p> <p>Officers are responsible for monitoring and delivering projects within approved budgets and reporting variances.</p> <p>This report provides detailed analysis of the Council's capital programme financial position and highlights any potential risks and their impact on the Council's resources.</p>

Financial Impact

This report is wholly of a financial nature.

The headline movements this quarter are:

- forecast capital expenditure over the next 4 years is £15.2m lower than forecast in quarter 1. This is mainly due to the reprofiling of budgets beyond the current 4 year programme for Education City (£16.7m) and Edith Summerskill (£5.5m). The programme also reflects £6m for Hammersmith Bridge stabilisation works approved in August 2021.
- a net decrease in forecast 2021/22 expenditure of £29.7m. The variations are detailed in Appendix 2.

Covid-19 is impacting the previously approved capital programme:

- a number of schemes have experienced delays due to social distancing restrictions.
- the pandemic, and the potential for an economic downturn, may affect the expected costs, market for and viability of schemes – this will be kept under review and mitigating actions will be considered as necessary.

The 2021/22 Headline General Fund (GF) borrowing requirement (CFR) is forecast to increase by £50.3m over the next four years to support capital investment. This would result in an estimated additional revenue budget outgoing of £2.6m per annum by 2025/26.

The Housing Revenue Account 2021/22 borrowing requirement (HRA CFR) is forecast to increase by £25.9m to £258.9m. By the end of 2024/25 the HRA CFR is forecast to be £341.8m.

Legal Implications

There are no direct legal implications in relation to this report. Legal advice will be sought for each Procurement within the programme and will comply with the Council's Contract Standing Orders and the Public Contract Regulations.

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Background Papers Used in Preparing This Report

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report:

- Capital Programme 2021-25 (published February 2021)

CAPITAL PROGRAMME 2021-22 – Q2 OVERVIEW

1. The Council's capital programme as at the end of Quarter 2 is summarised in Table 1. Budgeted expenditure on the four-year programme has decreased, since the start of the year, by £15.2m to £473.4m, primarily due to project timescales now extending beyond the four-year programme.

Table 1 – Capital Programme 2021-25 with proposed 2021-22 Q2 variations

	Analysis of Movements (Q1 to Q2)					Revised Budget 2021/22 (Q2) £'000	Future years indicative budget £'000	Total Budget (All years) £'000
	Revised Budget 2021/22 (Q1) £'000	Slippages from/(to) future years £'000	Addition/(Reduction) £'000	Transfers £'000	Total Variations £'000			
CAPITAL EXPENDITURE								
Children's Services	3,161	249	-	-	249	3,410	7,158	10,568
Social Care	3,447	-	-	-	-	3,447	-	3,447
Environment Department	12,804	(1,394)	2,491	-	1,097	13,901	12,662	26,563
Finance	2,194	-	-	-	-	2,194	4,585	6,779
General Fund Schemes under the Economy Department	67,168	(17,114)	95	-	(17,019)	50,149	143,800	193,949
Sub-total (General Fund)	88,774	(18,259)	2,586	-	(15,673)	73,101	168,205	241,306
Economy Department-HRA Programme	69,117	(13,990)	-	-	(13,990)	55,127	176,945	232,072
Sub-total Economy Department (HRA)	69,117	(13,990)	-	-	(13,990)	55,127	176,945	232,072
Total Expenditure	157,891	(32,249)	2,586	-	(29,663)	128,228	345,150	473,378
CAPITAL FINANCING								
Specific/External Financing:								
Government/Public Body Grants	6,179	15	800	450	1,265	7,444	8,358	15,802
Grants and Contributions from Private Developers (includes S106/CIL)	24,318	(4,586)	(157)	-	(4,743)	19,575	24,623	44,198
Capital Grants/Contributions from Non-departmental public bodies	955	(45)	(73)	20	(98)	857	45	902
Capital Grants and Contributions from GLA Bodies	7,815	(934)	1,008	(20)	54	7,869	18,804	26,673
Leaseholder Contributions (Housing)	900	684	-	-	684	1,584	4,550	6,134
Sub-total - Specific Financing	40,167	(4,866)	1,578	450	(2,838)	37,329	56,380	93,709
Mainstream Financing (Internal):								
Capital Receipts - General Fund	11,179	47	-	(9,599)	(9,552)	1,627	13,884	15,511
Capital Receipts - HRA	6,299	1,330	-	-	1,330	7,629	7,312	14,941
Major Repairs Reserve (MRR)	16,245	-	-	-	-	16,245	47,211	63,456
Earmarked Reserves (Revenue)	1,054	-	113	-	113	1,167	-	1,167
Sub-total - Mainstream Funding	34,777	1,377	113	(9,599)	(8,109)	26,668	68,407	95,075
Borrowing-General Fund	43,878	(14,531)	895	8,167	(5,469)	38,409	137,469	175,878
Borrowing -HRA	39,069	(14,229)	-	982	(13,247)	25,822	82,894	108,716
Total Capital Financing	157,891	(32,249)	2,586	-	(29,663)	128,228	345,150	473,378

- Forecast 2021/22 spend is £29.7m lower than reported in the first quarter. The main adjustments are for the reprofiling of budgets to/from future years, realignment of budgets and inclusion of new budgets approved in the last quarter. Full details are included in Appendix 2. The main programme addition is £6m for Hammersmith Bridge stabilisation works of which £4m is expected to be funded by contributions from the Department for Transport and Transport for London.

GENERAL FUND – MAINSTREAM PROGRAMME AND CAPITAL RECEIPTS

- The General Fund (GF) mainstream programme cuts across the departments and represents schemes which are funded from Council resources (capital receipts, revenue contributions or borrowing). It is the area of the programme where the Council has the greatest discretion. The mainstream programme and quarter 2 movements are summarised in Table 2.

Table 2 – LBHF GF Mainstream Capital Programme 2021-25 with proposed 2021-22 Q2 variations:

	Revised Budget 2021/22 (Q1)	Variations (Q2)	Revised Budget 2021/22 (Q2)	Indicative Budget 2022/23	Indicative Budget 2023/24	Indicative Budget 2024/25	Total Budget (All years)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Approved Expenditure							
Social Care Capital projects [ASC]	129	-	129	-	-	-	129
Invest to Save-Flexible Use of Capital Receipts [FIN]	1,500	-	1,500	4,285	-	-	5,785
Investment in Digital Infrastructure [FIN]	694	-	694	300	-	-	994
Capital Investment in Street Lighting [ENV]	700	(400)	300	800	-	-	1,100
WMC JV Exit Costs [ECD]	1,998	-	1,998	-	-	-	1,998
Carnwath Road [ECD]	1,870	-	1,870	-	-	-	1,870
Hammersmith Bridge Strengthening [ENV]	87	800	887	1,200	-	-	2,087
Other Highways Capital Schemes [ENV]	17	25	42	-	-	-	42
North End Road - Good Growth Fund [ECD]	588	-	588	610	-	-	1,198
HRA Watermeadow adjustment [ECD]	1,432	(1,432)	-	1,432	-	-	1,432
Foster carers' extension [CHS]	-	189	189	-	-	-	189
Planned Maintenance/DDA Programme [ECD]	7,386	-	7,386	2,400	2,400	2,400	14,586
Electric Vehicles [ENV]	384	-	384	-	-	-	384
Footways and Carriageways [ENV]	2,822	(25)	2,797	2,030	2,030	2,030	8,887
Column Replacement [ENV]	382	-	382	346	346	346	1,420
Parks Programme & Libraries [ENV]	448	-	448	-	-	-	448
Hammersmith Town Hall Refurbishment* [ECD]	-	-	-	14,568	-	-	14,568
Hammersmith Town Hall Fit Out* [ECD]	7,256	(7,256)	-	7,256	2,725	-	9,981
Community Schools Programme [ECD]	81	95	176	-	-	-	176
Education City regeneration [ECD]	875	(875)	-	-	3,500	-	3,500
Farm Lane/Mund Street [ECD]	735	(170)	565	1,439	-	-	2,004
Investment in Affordable Housing-Lillie Road Site [ECD]	1,308	(474)	834	910	-	-	1,744
Total Mainstream Programmes	30,692	(9,523)	21,169	37,576	11,001	4,776	74,522
Financing							
Capital Receipts	11,179	(9,552)	1,627	13,403	481	-	15,511
Increase/(Decrease) in Borrowing	19,513	29	19,542	24,173	10,520	4,776	59,011
Total Financing	30,692	(9,523)	21,169	37,576	11,001	4,776	74,522

- The 2021/22 mainstream programme has decreased by £9.5m in comparison to the first quarter.
- The mainstream programme presented in Table 2 does not include self-financing schemes (where the net General Fund revenue borrowing costs are

nil). Appendix 5 details the self-financing schemes and their borrowing requirement.

6. A key financial focus of the capital monitoring report is the potential impact of capital expenditure on future borrowing and its revenue affordability. The Council's underlying need to borrow for a capital purpose is measured through the Capital Financing Requirement (CFR). The current forecast for the General Fund Headline CFR (excluding the self-financing schemes set out in Appendix 5) is £140.3m at the end of 2021/22, an in-year increase of £18.2m.
7. Over the next four years the underlying need to borrow is forecast to increase by £50.3m. By 2025/26 this will increase annual revenue borrowing costs by an estimated £2.6m. This will need to be allowed for within future budget planning and the medium-term financial strategy process.
8. The capital receipts forecast is set out in Appendix 3. It includes the reprofiling of a receipt from Watermeadow Court to 2022/23. The use of capital receipts to fund new capital expenditure reduces the Council's need to borrow and avoids future revenue borrowing costs. The Council also continues to review and consider the potential flexible use of receipts to support invest to save schemes and protect reserves balances.
9. The amendments to the General Fund (GF) capital programme have affected the Council's forecast headline capital debt (CFR) as follows:

	Last forecast (2021/22 Q1)	Current forecast (2021/22 Q2)
General Fund CFR	£m	£m
2020/21 Closing CFR (actual)	122.16	122.16
2021/22 Closing CFR	140.31	140.34
2024/25 Closing CFR	170.56	172.42

10. The increase in the forecast 2021/22 closing CFR largely reflects a timing difference from the reprofiling of the Watermeadow receipt to 2022/23.
11. A budget of £6m was approved, under a Leaders Urgency Decision of 16 August, for Hammersmith Bridge stabilisation works. It is expected that at least £4m (or two thirds) of the expenditure will be funded by contributions from the Department for Transport and Transport for London.
12. The General Fund capital programme includes budgets for several regeneration schemes that are at an early stage. These include £6.3m for Farm Lane, Mund Street and Lillie Road developments, £2.2m for the Community Schools Programme and £3.5m for Watermeadow Joint Venture exit costs. Should these schemes not progress there is a risk that some, or all, of the expenditure may need to be written off to revenue as abortive costs. In line with the arrangements agreed in the Building Homes and Communities Strategy, the Development Board provides a gateway and governance process for these schemes before commitment of funds to manage and mitigate the risk of abortive costs.

13. There are currently no forecast capital receipts beyond 2022/23. However, the Council's Property Transformation Strategy is systematically reviewing all assets as part of asset management best practice and as part of the wider accommodation strategy in light of the Council's 'Hello Hybrid Future' strategy. As part of this programme of work, surplus assets may be identified that cannot be re-purposed for other uses and that could be sold for a capital receipt to support the capital programme. Any decisions on asset disposals will be the subject of a future decision and report.

HOUSING CAPITAL PROGRAMME OVERVIEW

14. Housing capital expenditure for 2021/22 is forecast at £55.1m and for the four-year programme to 2023/24 spend is expected to be £232.1m. The expenditure and funding analysis of the Housing Programme is summarised in Table 3 below.

Table 3 – Housing Capital Programme 2021-25 with proposed 2021-22 Q2 variations:

	Revised Budget 2021/22 (Q1)	Total Variations	Revised Budget 2021/22 (Q2)	Indicative 2022/23 Budget	Indicative 2023/24 Budget	Indicative 2024/25 Budget
	£'000	£'000	£'000	£'000	£'000	£'000
Approved Expenditure						
HRA Asset Management and Compliance Programme	49,152	(8,980)	40,172	57,947	28,142	14,381
Building Homes and Communities Strategy	12,873	(3,749)	9,124	12,754	8,021	28,738
Other HRA Capital Schemes	7,092	(1,261)	5,831	2,067	10,638	14,257
Total Housing Programme	69,117	(13,990)	55,127	72,768	46,801	57,376
Available and Approved Resource						
Capital Receipts - Unrestricted	6,069	1,330	7,399	2,528	2,683	2,101
Capital Receipts - RTB (141)	230	-	230	-	-	-
Capital Receipts - GF	1,432	(1,432)	-	1,432	-	-
Major Repairs Reserve (MRR)	16,245	-	16,245	16,651	17,067	13,493
Contributions Developers (S106)	1,411	(841)	570	841	6,580	9,146
Contributions from leaseholders	900	684	1,584	1,878	1,784	888
Capital Grants from Central Government	-	450	450	-	-	-
Capital Grants and Contributions from GLA Bodies	634	-	634	661	5,177	4,599
RtB GLA Ringfence	2,986	(934)	2,052	2,202	2,098	2,242
Borrowing (HRA)	39,069	(13,247)	25,822	46,575	11,412	24,907
Borrowing (GF)	141	-	141	-	-	-
Total Funding	69,117	(13,990)	55,127	72,768	46,801	57,376

15. Within the Housing Capital Programme there has been a net budget decrease of £14m. Detailed analysis of the budget variances is presented in Appendix 2. The risks associated with funding the future years' Housing Capital Programme are summarised in paragraphs 22-24.

16. The HRA CFR is shown in Table 4 below:

Table 4 – HRA CFR at Q2 2021-22 (including future years forecast):

HRA CFR Forecast	2020/21	2021/22	2022/23	2023/24	2024/25
	£m	£m	£m	£m	£m
Closing Forecast HRA CFR	233.05	258.87	305.44	316.85	341.76

17. The Housing Revenue Account 2021/22 CFR has increased by £25.8m in comparison to 2020/21. This is mainly due to 2020/21 budgets being reprofiled to 2021/22, HRA Asset Management and Compliance Programme budgets being brought forward from the future years due to accelerated works and a reduction in previously forecast funding resources. The HRA CFR is forecast to increase to £341.8m by the end of 2024/25.
18. On 1 July 2019 Cabinet approved the Council's Asset Management and Compliance Programme which has a focus on health and safety works. 2021/22 forecast spend includes £22.2m of expenditure related to Health & Safety, of which £14m is on specific fire safety capital works as detailed in Table 5 below. An updated Housing Revenue Account (HRA) 12 year Asset Management Capital Strategy was approved by Cabinet on 6 September 2021, this will be incorporated into the 2022/23-2025/26 Capital Programme for approval by Full Council in February 2022.

Table 5 – Compliance and Health and Safety forecast spend 2021-22

HRA Capital Programme: Health & Safety budget and forecast as at end of Quarter 2, 2021-22					
	Total Approved Budget £'000	Total Spend Forecast £'000	Approved Budget 2021-22 £'000	Actual Spend 2021-22 £'000	2021-22 Budget Variance £'000
Approved Schemes					
Fire Safety Compliance Programme	22,177	22,177	8,609	4,366	(4,243)
Fire Safety Complex Schemes	27,533	27,533	5,391	94	(5,297)
Safety Works - Electrical	18,283	18,314	6,147	1,083	(5,064)
Safety Works - Other	6,224	6,224	2,015	630	(1,385)
Total	74,217	74,248	22,162	6,173	(15,989)

HOUSING CAPITAL PROGRAMME RISKS

19. The following risks associated with funding of future years' expenditure have been identified within the Housing Capital programme:
20. **S106 Funding:** Currently approved capital schemes (including part of Edith Summerskill development budget reprofiled to future years beyond 2024/25) rely on £20.7m of S106 receipts for affordable housing, of which £16.1m has been received to date with the remainder dependent on the associated developments proceeding in a timely manner. The impact of Covid-19 on the progress of developments and related developer contributions is being monitored jointly with Finance and Planning and mitigating actions will be considered if necessary, such as substituting other funding in the Housing programme, on a temporary or permanent basis.
21. **Right to Buy (RtB) funding (receipts retained by Council):** RtB 1-4-1 receipts need to be repaid with interest to Central Government where these are not used within five years of receipt. There is therefore a financial risk if

affordable housing schemes do not proceed to programme. These receipts are ringfenced to the provision of affordable housing. At 1 April 2021, the Council has £7.8m of retained receipts and the current pipeline of schemes will be sufficient to make use of these receipts if delivered on time.

22. **RtB funding (receipts held by GLA and returned to the council via grants):** The Council has an agreement with the Greater London Authority (GLA) which gives the Council a further three years to use any receipts (plus interest) paid to Central Government after they have been held by the Council for five years (eight years in total). As at 1 October 2021, the GLA held £23.9m of Hammersmith & Fulham RTB receipts which need to be used by Q2 2023/24. This is the equivalent of £80m¹ of capital expenditure where the relevant projects need to have at least started on site within the next two years. The approved schemes and the pipeline² are sufficient to make use of these receipts if delivered on time, however there are risks to meeting these deadlines due to further design work after extensive consultation being undertaken on the schools' regeneration schemes. To mitigate the risk of potential loss of grant funding, the Council is in regular discussion with the GLA about the use of the receipts and their deadlines.
23. **Building Safety Bill and Fire Safety Act:** The Building Safety Bill is going through the Parliamentary process whereas the Fire Safety Act has been enacted. These will significantly impact on the Council in its role as landlord. Whilst the Council has already approved its current Asset Management and Compliance Programme, which is included in the Capital Programme, additional safety requirements and further significant capital requirements will need to be considered. An updated Asset Management Capital Strategy, setting out a 12-year plan, to be incorporated into the 2022/23 Capital Programme was agreed by Cabinet in September 2021. The impact of the proposals has been modelled in the latest HRA 40-year Business Plan and indicates a requirement for additional revenue savings to finance the capital servicing costs involved.

REASONS FOR DECISION

24. This report reports the quarter two position to Cabinet and seeks revisions to the Capital Programme which require the approval of Cabinet in accordance with the Council's financial regulations.

EQUALITY IMPLICATIONS

25. There are no direct equalities implications in relation to this report. This paper is concerned entirely with financial management issues and, as such, the recommendations relating to an increase in capital allocations, will not impact directly on any group with protected characteristics, under the terms of the Equality Act 2010.

¹ The latest MHCLG guidance states that 1-4-1 receipts received in the 2017/18 financial year or later can now fund 40% of the total development expenditure on eligible tenures, with the remaining 60% being funded from a mixture of non-housing receipts, S106 and borrowing. Officers continue to work through the implications of this guidance on the optimal allocation of funding to schemes.

² The housing development pipeline was presented to Cabinet on 3 March 2020 in the report "Financial Plan for Council Homes".

IMPLICATIONS FOR BUSINESS

26. The Council's Capital Programme represents significant expenditure within the Borough and consequently, where supplies are sourced locally, may impact either positively or negatively on local contractors and sub-contractors. Where capital expenditure increases, or is brought forward, this may have a beneficial impact on local businesses; conversely, where expenditure decreases, or is slipped, there may be an adverse impact on local businesses.
27. Projects contained in the capital programme are approved on individual basis and the business implications for each of them are considered in more detail in their specific reports.
28. Implications completed by Nicki Burgess, Business and Enterprise Manager, Economic Development, Tel:07796610094.

RISK MANAGEMENT

29. In the initial stages of any development, major capital projects will have significant uncertainties. For example, these may relate to the planning process, the views and interest of residents and stakeholders who must be consulted, ground conditions, or the costs of rectifying or demolishing existing buildings (e.g. the cost of asbestos removal). Construction companies and developers contracting with the Council which experience financial instability, particularly an issue following Covid-19 pandemic pressures or Brexit and the impact of cost inflation. They may not be able to raise sufficient finance to cash flow operations, any potential insolvency process could lead to a costly process of changing suppliers without any guarantee of remaining within overall budget, the Council could suffer direct financial loss and any defects or other issues may not be resolvable as anticipated. To mitigate the Council carefully considers the financial robustness of any contractor and requests appropriate financial standing assurance and support wherever possible.
30. Large scale capital projects can operate in environments which are complex, turbulent, and continually evolving. Effective risk identification and control within such a dynamic environment is more than just populating a project risk register or appointing a project risk officer. Amplifying the known risks so that they are not hidden or ignored, demystifying the complex risks into their more manageable sum of parts and anticipating the slow emerging risks which can escalate rapidly are all necessary components of good capital programme risk management.
31. The report identifies a number of risks which may impact on the future funding of the Housing Capital Programme. It is important that strong corporate and directorate oversight and monitoring of these risks is maintained and appropriate ongoing assurances provided to councillors on the management of these risks.
32. The impact to councils of the Grenfell Tower fire are yet to be fully established. It is certain that many councils are/will be undertaking property reviews to determine the levels of improvements required to ensure fire safety arrangements within their buildings meet both the expectations of the residents and that they comply with building regulations and other statutory duties. The

Regulatory Reform (Fire Safety) Order 2005 places specific duties placed on the Council as the Responsible Person for its buildings to assess the risk from fire and put in measures to control those risks.

33. The Dame Judith Hackitt independent review of fire safety, following the Grenfell tragedy, recognises that High Rise Residential Buildings (10 Storeys and above) are a special risk where layers of fire protection must be put in place so as to reduce the risk to as low as reasonably possible, however reducing the risk for all residential accommodation is fundamental. This process is on-going and must be continually reviewed at least annually.
34. All works must comply with the Construction (Design and Management) Regulations. The Council must appoint a Principal Designer and Principal Contractor with the necessary and demonstrable expertise and competence.
35. Proposals set out in this report seek to comply with the Council's legal duties.
36. Implications verified by: David Hughes, Director of Audit, Risk and Insurance, Tel: 020 7361 2389.

VAT IMPLICATIONS

37. The Council needs to carefully consider its VAT partial exemption calculation and the risk of breaching the partial exemption threshold. Capital projects represent the bulk of this risk. A breach would likely cost the Council between £2-£3m per year whilst in breach. Finance are working closely with departments to ensure that partial exemption risks are considered as part of significant capital projects. Further detail on the Council's partial exemption is included in Appendix 4.
38. Implications verified by: Chris Harris, Chief Accountant, Corporate Finance, Tel: 020 8753 6440.

LIST OF APPENDICES:

Appendix 1 – Detailed capital budget, spend and variation analysis by department
Appendix 2 – Analysis of budget variations
Appendix 3 – Capital receipts forecast
Appendix 4 – VAT partial exemption
Appendix 5 – Capital Financing Requirement (CFR) and Minimum Revenue Provision (MRP)

Appendix 1 – Detailed capital budget, spend and variation analysis by department

Children's Services

	Current Year Programme					Indicative Future Years Analysis				
	Analysis of Movements (Q1 to Q2)					Revised Budget 2021/22 (Q2)	2022/23 Budget	2023/24 Budget	2024/25 Budget	Total Budget (All years)
	Revised Budget 2021/22 (Q1)	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements					
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Scheme Expenditure Summary										
SEN sufficiency	200	-	-	-	-	200	650	650	-	1,500
Foster carers' extension	-	189	-	-	-	189	-	-	-	189
Old Oak	-	45	-	-	-	45	-	-	-	45
Caretakers' lodges	-	15	-	-	-	15	-	-	-	15
School Maintenance Programme	2,961	-	-	-	-	2,961	2,929	2,929	-	8,819
Total Expenditure	3,161	249	-	-	-	249	3,579	3,579	-	10,568
Capital Financing Summary										
Specific/External or Other Financing										
Capital Grants from Central Government	3,161	15	-	-	-	15	3,579	3,579	-	10,334
Grants and Contributions from Private Developers (includes S106)	-	45	-	-	-	45	-	-	-	45
Sub-total - Specific or Other Financing	3,161	60	-	-	-	60	3,579	3,579	-	10,379
Mainstream Financing (Internal Council Resource)										
Capital Receipts	-	47	-	-	-	47	-	-	-	47
Sub-total - Mainstream Funding	-	47	-	-	-	47	-	-	-	47
Borrowing	-	142	-	-	-	142	-	-	-	142
Total Capital Financing	3,161	249	-	-	-	249	3,579	3,579	-	10,568

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Social Care Services	Current Year Programme					Indicative Future Years Analysis				
	Analysis of Movements (Q1 to Q2)					Revised Budget 2021/22 (Q2)	2022/23 Budget	2023/24 Budget	2024/25 Budget	Total Budget (All years)
	Revised Budget 2021/22 (Q1)	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements					
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Scheme Expenditure Summary										
Extra Care New Build project (Adults' Personal Social Services Grant)	957	-	-	-	-	957	-	-	-	957
Disabled Facilities Grant	1,342	-	-	-	-	1,342	-	-	-	1,342
Transforming Care (Winterbourne Grant)	300	-	-	-	-	300	-	-	-	300
Social Care Capital Projects	848	-	-	-	-	848	-	-	-	848
Total Expenditure	3,447	-	-	-	-	3,447	-	-	-	3,447
Capital Financing Summary										
Specific/External or Other Financing										
Capital Grants from Central Government	3,018	-	-	-	-	3,018	-	-	-	3,018
Capital Grants/Contributions from Non-departmental public bodies	300	-	-	-	-	300	-	-	-	300
Sub-total - Specific or Other Financing	3,318	-	-	-	-	3,318	-	-	-	3,318
Borrowing	129	-	-	-	-	129	-	-	-	129
Total Capital Financing	3,447	-	-	-	-	3,447	-	-	-	3,447

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Environment Department	Current Year Programme					Indicative Future Years Analysis				
	Analysis of Movements (Q1 to Q2)					Revised Budget 2021/22 (Q2)	2022/23 Budget	2023/24 Budget	2024/25 Budget	Total Budget (All years)
	Revised Budget 2021/22 (Q1)	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements					
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Scheme Expenditure Summary										
Footways and Carriageways	2,799	-	-	(201)	(201)	2,598	2,030	2,030	2,030	8,688
Transport For London Schemes	1,292	-	208	(95)	113	1,405	-	-	-	1,405
Safer Cycle Pathway (TFL/S278 funded)	1,064	-	-	276	276	1,340	-	-	-	1,340
Hammersmith Bridge Existing Works	1,228	-	-	87	87	1,315	-	-	-	1,315
Hammersmith Bridge Stabilisation Works	87	-	2,400	(87)	2,313	2,400	3,600	-	-	6,000
Electric Vehicle Infrastructure	216	-	-	-	-	216	-	-	-	216
Column Replacement	351	-	-	-	-	351	346	346	346	1,389
Other Highways Capital Schemes	2,161	(994)	(168)	18	(1,144)	1,017	994	-	-	2,011
Carbon Reduction and Offset Schemes	127	-	(62)	-	(62)	65	-	-	-	65
Bloemfontein Road (Thames Water/Suds)	3	-	-	2	2	5	-	-	-	5
Public CCTV	285	-	-	-	-	285	-	-	-	285
Capital Investment in Street Lighting	700	(400)	-	-	(400)	300	800	-	-	1,100
Parks Capital Rolling Programme	120	-	-	60	60	180	-	-	-	180
Other Parks Capital Schemes	135	-	-	(60)	(60)	75	-	-	-	75
Fulham Football Club -Bishops Park	370	-	113	-	113	483	-	-	-	483
Containers (Recycling/Food)	44	-	-	-	-	44	-	-	-	44
Electric Vehicles	698	-	-	-	-	698	-	-	-	698
Other (Delivery, RFID, Charge Points)	167	-	-	-	-	167	-	-	-	167
Leisure Centre Capital Investment	957	-	-	-	-	957	50	90	-	1,097
Total Expenditure	12,804	(1,394)	2,491	-	1,097	13,901	7,820	2,466	2,376	26,563

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Environment Department	Current Year Programme					Indicative Future Years Analysis			Total Budget (All years) £'000	
	Analysis of Movements (Q1 to Q2)					Revised Budget 2021/22 (Q2) £'000	2022/23 Budget £'000	2023/24 Budget £'000		2024/25 Budget £'000
	Revised Budget 2021/22 (Q1) £'000	Slippages from/(to) future years £'000	Additions/ (Reductions) £'000	Transfers £'000	Total Transfers/ Virements £'000					

Capital Financing Summary

Specific/External or Other Financing	Revised Budget 2021/22 (Q1) £'000	Slippages from/(to) future years £'000	Additions/ (Reductions) £'000	Transfers £'000	Total Transfers/ Virements £'000	Revised Budget 2021/22 (Q2) £'000	2022/23 Budget £'000	2023/24 Budget £'000	2024/25 Budget £'000	Total Budget (All years) £'000
Capital Grants from Central Government	-	-	800	-	800	800	1,200			2,000
Grants and Contributions from Private Developers (includes S106/S278)	2,802	(949)	(157)	-	(1,106)	1,696	999	90	-	2,785
Capital Grants/Contributions from Non-departmental public bodies	526	(45)	(73)	20	(98)	428	45	-	-	473
Capital Grants and Contributions from GLA	3,582	-	1,008	(20)	988	4,570	1,200	-	-	5,770
Sub-total - Specific or Other Financing	6,910	(994)	1,578	-	584	7,494	3,444	90	-	11,028
Mainstream Financing (Internal Council Resource)										
Capital Receipts	1,056	-	-	(1,056)	(1,056)	-	1,056	-	-	1,056
Use of Reserves	1,054	-	113	-	113	1,167	-	-	-	1,167
Sub-total - Mainstream Funding	2,110	-	113	(1,056)	(943)	1,167	1,056	-	-	2,223
Borrowing	3,784	(400)	800	1,056	1,456	5,240	3,320	2,376	2,376	13,312
Total Capital Financing	12,804	(1,394)	2,491	-	1,097	13,901	7,820	2,466	2,376	26,563

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Finance Department

Current Year Programme

Indicative Future Years Analysis

Analysis of Movements (Q1 to Q2)

Revised Budget 2021/22 (Q1) £'000	Slippages from/(to) future years £'000	Additions/ (Reductions) £'000	Transfers £'000	Total Transfers/ Virements £'000	Revised Budget 2021/22 (Q2) £'000	2022/23 Budget £'000	2023/24 Budget £'000	2024/25 Budget £'000	Total Budget (All years) £'000
Scheme Expenditure Summary									
Invest to Save - Flexible Use of Capital Receipts	1,500	-	-	-	1,500	4,285	-	-	5,785
Investment in Digital Infrastructure	614	-	-	-	614	300	-	-	914
Business Intelligence Infrastructure	80	-	-	-	80	-	-	-	80
Total Expenditure	2,194	-	-	-	2,194	4,585	-	-	6,779
Capital Financing Summary									
Mainstream Financing (Internal Council Resource)									
Capital Receipts	1,580	-	-	-	1,580	4,285	-	-	5,865
Sub-total - Mainstream Funding	1,580	-	-	-	1,580	4,285	-	-	5,865
Borrowing	614	-	-	-	614	300	-	-	914
Total Capital Financing	2,194	-	-	-	2,194	4,585	-	-	6,779

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Economy Department General Fund Managed Schemes	Current Year Programme					Indicative Future Years Analysis			Total Budget (All years) £'000	
	Analysis of Movements (Q1 to Q2)					Revised Budget 2021/22 (Q2) £'000	2022/23 Budget £'000	2023/24 Budget £'000		2024/25 Budget £'000
	Revised Budget 2021/22 (Q1) £'000	Slippages from/(to) future years £'000	Additions/ (Reductions) £'000	Transfers £'000	Total Transfers/ Virements £'000					
Scheme Expenditure Summary										
Civic Campus										
Hammersmith Town Hall Refurbishment *	15,975	-	-	-	-	15,975	18,694	-	-	34,669
HTH Refurbishment -Fit Out	7,256	(7,256)	-	-	(7,256)	-	7,256	2,725	-	9,981
Acquisition of commercial units	10,704	(1,739)	-	-	(1,739)	8,965	17,281	29,560	-	55,806
Equity Loan (Civic Campus)	13,663	(3,759)	-	-	(3,759)	9,904	12,159	-	-	22,063
Subtotal Civic Campus	47,598	(12,754)	-	-	(12,754)	34,844	55,390	32,285	-	122,519
Building Homes and Communities Strategy (GF sites)										
Education City Loan	-	-	-	-	-	-	22,000	12,000	5,000	39,000
Education City -Youth Facility	2,625	(2,625)	-	-	(2,625)	-	765	4,485	-	5,250
Farm Lane	1,211	-	-	-	-	1,211	-	-	-	1,211
Mund Street	1,904	(1,261)	-	-	(1,261)	643	2,530	-	-	3,173
Community Schools Programme	81	-	95	-	95	176	-	-	-	176
Investment in Affordable Housing-Lillie Road Site	1,307	(474)	-	-	(474)	833	910	-	-	1,743
Subtotal Building Homes and Communities Strategy (GF sites)	7,128	(4,360)	95	-	(4,265)	2,863	26,205	16,485	5,000	50,553
Other GF Capital Schemes managed by the Economy										
Sands End Community Centre	129	-	-	-	-	129	-	-	-	129
Planned Maintenance/DDA Programme	7,385	-	-	-	-	7,385	2,400	2,400	2,400	14,585
Carwath Road	1,870	-	-	-	-	1,870	-	-	-	1,870
North End Road - Business Low Emissions Neighbourhood	113	-	-	-	-	113	125	-	-	238
North End Road - Good Growth Fund	1,088	-	-	-	-	1,088	1,110	-	-	2,198
WMC JV Exit Costs	1,857	-	-	-	-	1,857	-	-	-	1,857
Subtotal Other GF Capital Schemes managed by the Economy	12,442	-	-	-	-	12,442	3,635	2,400	2,400	20,877
Total Expenditure	67,168	(17,114)	95	-	(17,019)	50,149	85,230	51,170	7,400	193,949

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

**Economy Department General Fund
Managed Schemes**

Current Year Programme						Indicative Future Years Analysis			
Analysis of Movements (Q1 to Q2)									
Revised Budget 2021/22 (Q1)	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements	Revised Budget 2021/22 (Q2)	2022/23 Budget	2023/24 Budget	2024/25 Budget	Total Budget (All years)
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000

Page 290

Capital Financing Summary

Specific/External or Other Financing										
Grants and Contributions from Private Developers (includes S106)	4,130	(2,841)	-	-	(2,841)	1,289	2,406	435	-	4,130
Community Infrastructure Levy (CIL)	15,975	-	-	-	-	15,975	4,126	-	-	20,101
Capital Grants/Contributions from Non-departmental public bodies	129	-	-	-	-	129	-	-	-	129
Capital Grants and Contributions from GLA Bodies	613	-	-	-	-	613	625	-	-	1,238
Sub-total - Specific or Other Financing	20,847	(2,841)	-	-	(2,841)	18,006	7,157	435	-	25,598
Mainstream Financing (Internal Council Resource)										
Capital Receipts (GF)	7,111	-	-	(7,111)	(7,111)	-	6,630	481	-	7,111
Sub-total - Mainstream Funding	7,111	-	-	(7,111)	(7,111)	-	6,630	481	-	7,111
GF Borrowing	39,210	(14,273)	95	7,111	(7,067)	32,143	71,443	50,254	7,400	161,240
Total Borrowing	39,210	(14,273)	95	7,111	(7,067)	32,143	71,443	50,254	7,400	161,240
Total Capital Financing	67,168	(17,114)	95	-	(17,019)	50,149	85,230	51,170	7,400	193,949

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Economy Department- HRA Capital Programme	Current Year Programme					Indicative Future Years Analysis				
	Analysis of Movements (Q1 to Q2)					Revised Budget 2021/22 (Q2)	2022/23 Budget	2023/24 Budget	2024/25 Budget	Total Budget (All years)
	Revised Budget 2021/22 (Q1)	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements					
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Scheme Expenditure Summary										
HRA Asset Management and Compliance Programme										
Pre Agreed Works	9,103	(1,283)	-	(30)	(1,313)	7,790	7,805	-	-	15,595
Fire Safety Compliance Programme	8,609	(1,293)	-	-	(1,293)	7,316	7,907	4,664	2,290	22,177
Fire Safety Complex Schemes	5,391	(2,787)	-	-	(2,787)	2,604	15,563	9,366	-	27,533
Pre Agreed Lift Scheme	3,475	(300)	-	-	(300)	3,175	2,285	-	-	5,460
Pre Agreed Boiler Scheme	2,762	-	-	-	-	2,762	2,500	2,500	2,270	10,032
Safety Works - Electrical	6,147	(1,455)	-	30	(1,425)	4,722	7,225	5,337	1,030	18,314
Safety Works	2,015	(56)	-	-	(56)	1,959	3,723	542	-	6,224
Void Works	2,489	791	-	-	791	3,280	2,218	-	-	5,498
Neighbourhood, parking & garage improvements	4,711	(2,597)	-	-	(2,597)	2,114	3,971	2,133	666	8,884
Capitalised salaries	2,950	-	-	-	-	2,950	3,200	2,000	1,800	9,950
Capitalised repairs	1,500	-	-	-	-	1,500	1,550	1,600	1,650	6,300
Unallocated budget - Priority schemes to be confirmed	-	-	-	-	-	-	-	-	4,675	4,675
Subtotal HRA Asset Management and Compliance Programme	49,152	(8,980)	-	-	(8,980)	40,172	57,947	28,142	14,381	140,642
Building Homes and Communities Strategy (HRA sites)										
Homes & Communities Strategy	268	(92)	-	-	(92)	176	1,274	-	-	1,450
White City Estate Regeneration	2,994	(80)	-	-	(80)	2,914	1,988	-	-	4,902
Old Laundry Yard	375	(275)	-	-	(275)	100	1,071	-	-	1,171
Education City- HRA element	9,236	(3,302)	-	-	(3,302)	5,934	8,421	8,021	28,738	51,114
Subtotal Building Homes and Communities Strategy (HRA sites)	12,873	(3,749)	-	-	(3,749)	9,124	12,754	8,021	28,738	58,637
Other HRA Capital Schemes										
Housing Development Project	1,117	2	-	-	2	1,119	54	-	-	1,173
Stanhope Joint Venture	1,680	(1,263)	-	-	(1,263)	417	1,263	9,888	13,745	25,313
Affordable Housing Delivery Framework	146	-	-	-	-	146	-	-	-	146
Property Acquisition for Affordable Housing	755	-	-	-	-	755	-	-	-	755
Hartopp & Lannoy	2,971	-	-	-	-	2,971	750	750	512	4,983
Nourish Project (Good Growth Fund)	423	-	-	-	-	423	-	-	-	423
Subtotal Other HRA Capital Schemes	7,092	(1,261)	-	-	(1,261)	5,831	2,067	10,638	14,257	32,793
Total Expenditure	69,117	(13,990)	-	-	(13,990)	55,127	72,768	46,801	57,376	232,072

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Economy Department- HRA Capital Programme

Current Year Programme						Indicative Future Years Analysis			
Analysis of Movements (Q1 to Q2)						2022/23 Budget	2023/24 Budget	2024/25 Budget	Total Budget (All years)
Revised Budget 2021/22 (Q1)	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements	Revised Budget 2021/22 (Q2)				
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000

Capital Financing Summary

Specific/External or Other Financing										
Capital Grants from Central Government	-	-	-	450	450	450	-	-	-	450
Contributions from leaseholders	900	684	-	-	684	1,584	1,878	1,784	888	6,134
Grants and Contributions from Private Developers (includes S106)	1,411	(841)	-	-	(841)	570	841	6,580	9,146	17,137
Capital Grants and Contributions from GLA Bodies	634	-	-	-	-	634	661	5,177	4,599	11,071
RtB GLA Ringfence	2,986	(934)	-	-	(934)	2,052	2,202	2,098	2,242	8,594
Sub-total - Specific or Other Financing	5,931	(1,091)	-	450	(641)	5,290	5,582	15,639	16,875	43,386
Mainstream Financing (Internal Council Resource)										
Capital Receipts (HRA)	6,299	1,330	-	-	1,330	7,629	2,528	2,683	2,101	14,941
Major Repairs Reserve (MRR) / Major Repairs Allowance	16,245	-	-	-	-	16,245	16,651	17,067	13,493	63,456
Capital Receipts (GF)	1,432	-	-	(1,432)	(1,432)	-	1,432	-	-	1,432
Sub-total - Mainstream Funding	23,976	1,330	-	(1,432)	(102)	23,874	20,611	19,750	15,594	79,829
Borrowing(HRA)	39,069	(14,229)	-	982	(13,247)	25,822	46,575	11,412	24,907	108,716
Borrowing (GF)	141	-	-	-	-	141	-	-	-	141
Total Capital Financing	69,117	(13,990)	-	-	(13,990)	55,127	72,768	46,801	57,376	232,072

Appendix 2 – Analysis of budget variations

Variation by department	Amount £000
Children's Services Department	
Foster Carer's Extension – additional budget approved via Cabinet Member Decision in July 2021	189
Caretakers' Lodges – additional budget funded from Schools Condition Allocation grant	15
Old Oak Nursery – additional budget approved in October 2021 and funded by S106	45
Total Children's Services Department variations	249
Environment Department	
Transport for London (TfL) Schemes – additional budget to reflect external grant received	208
Hammersmith Bridge Stabilisation – additional budget approved in August 2021 and reprofiled across 2021/22 and 2022/23	2,400
Other Highways Capital Schemes – net decrease to reflect reduction in budget of £0.168m and reprofiling of £0.994 remaining budget to future years	(1,162)
Street Lighting – budget reprofiled to future years due to the project delays	(400)
Fulham Football Club (Bishops Park) – additional budget to reflect funding received	113
Carbon Reduction and Offset Schemes – budget reduction to reflect current forecast spend	(62)
Total Environment Department variations	1,097
General Fund schemes under Economy Department	
Civic Campus commercial units acquisition – budget adjustment to future years to reflect updated cash flow forecast	(1,739)
Hammersmith Town Hall Refurbishment -Fit Out- budget reprofiled to future years to reflect the updated timing of the works due to be carried out	(7,256)
Civic Campus equity loan – budget adjustment to future years to reflect updated cash flow forecast	(3,759)
Community Schools Programme – additional budget required to fund required RIBA 2 works	95
Mund Street – budget reprofiled to future years due to project delays	(1,261)
Lillie Road Site – budget reprofiled to future years due to project delays	(474)
Education City – Youth Facility – budget reprofiled to future years due to the delays in start on site	(2,625)
Total General Fund schemes under Economy Department variations	(17,019)
Economy Department (HRA) Schemes	
Education City Development – budget reprofiled to future years due to the delays in start on site	(3,302)
Asset Management and Compliance Programme – budget reprofiling to future years to reflect delays in programme of works on various sites/ schemes	(8,980)
White City Estate Regeneration – budget reprofiled to future years due to delay in start of the scheme	(80)
Homes & Communities Strategy – budget reprofiled to future years due to delays	(92)
Old Laundry Yard – budget reprofiled to future years due to delays	(275)
Stanhope Joint Venture – budget reprofiled to future years due to the delays in Edith Summerskill scheme due to call-in of the planning application	(1,263)
Housing Development Project – budget reprofiled from future years to reflect current spend forecast	2
Total Economy Department (HRA) variations	(13,990)
Total 2021/22 Q2 variations	(29,663)

Appendix 3 – General Fund Capital Receipts Forecast

Financial Year	Q1 2021/22	Additions/ reductions	Slippage	Q2 2021/22
2021/22	£'000	£'000	£'000	£'000
Brought forward receipts	2,235	-	(655)	1,580
Forecast capital receipts for the year	13,780	47	(13,780)	47
Cost of Sales (4%)	(551)	-	551	-
Total 2021/22	15,464	47	(13,884)	1,627
2022/23				
Forecast capital receipts for the year	-	-	14,435	14,435
Cost of Sales (4%)	-	-	(551)	(551)
Total 2022/23	-		13,884	13,884
Total All Years	15,464	47	-	15,511

Appendix 4 – VAT Partial Exemption

Partial exemption overview

In general, businesses cannot recover the VAT incurred on purchases made in connection with VAT exempt activities, for example, capital expenditure on properties which are let or leased are exempt from VAT. However, under Section 33 of the VAT Act 1994, local authorities are able to recover this VAT so long as it forms “an insignificant proportion” of the total VAT incurred (input tax) in any year, taken to be 5% or less. Crucially, the de minimis limit is not an allowance; if the 5% threshold is exceeded then all the exempt input tax is lost, not just the excess. A breach would likely cost the Council between £2-3m per year whilst in breach.

LBHF Partial Exemption

The Council’s Partial Exemption position is currently being reviewed. When calculating the exempt input tax annually, the Council considers its revenue and capital activities separately. Revenue activities are more constant, their contribution to exempt input tax is projected to remain at £2m (the impact on the threshold being the VAT incurred on this amount, i.e. £0.4m). Exempt input tax relating to capital activities is more volatile and each project must be considered and judged individually. The Council has a number of capital projects, both in progress and in the pipeline, which could have significant partial exemption implications and finance officers are working closely with colleagues working on these projects to ensure that these risks are identified and mitigated where possible.

VAT Policy

The following policy is in place to manage the partial exemption position:

- In all cases of new or reprofiled projects, the VAT team should be consulted in advance.
- Projects should be 'opted-to-tax' where this option is available and is of no financial disadvantage to the Council.

Appendix 5 - Capital Financing Requirement (CFR) and Minimum Revenue Provision (MRP)

1. The Capital Finance Requirement (CFR) measures the Council's long-term indebtedness. Table 1 below shows the Council's forecast total General Fund (GF) CFR for the period 2021/22-2024/25:

Table 1 - Forecast General Fund CFR 2021/22-2024/25 (Quarter 2)

GENERAL FUND CFR ANALYSIS	2020/21	2021/22	2022/23	2023/24	2024/25
HEADLINE CFR EXCLUDING SELF FINANCING SCHEMES AND LOANS	£m	£m	£m	£m	£m
Opening Capital Finance Requirement (CFR)	114.08	122.16	140.34	162.57	170.43
Revenue Repayment of Debt (MRP)	(1.36)	(1.36)	(1.94)	(2.66)	(2.78)
Mainstream Programme (Surplus)/Shortfall	9.44	19.54	24.17	10.52	4.78
Closing Capital Finance Requirement (CFR)	122.16	140.34	162.57	170.43	172.42
SELF FINANCING SCHEMES AND LOANS	£m	£m	£m	£m	£m
Opening Capital Finance	11.84	21.51	40.20	91.47	132.86
Revenue Repayment of Debt (MRP)	(1.42)	(0.18)	(0.17)	(0.16)	(2.74)
In Year Borrowing	11.08	18.87	51.44	41.56	5.00
Closing Capital Finance	21.51	40.20	91.47	132.86	135.13
Finance leases/PFI/ Deferred costs of	8.91	7.79	7.09	6.39	5.69
Total Closing GF CFR	152.57	195.58	263.86	309.63	313.19

2. The current forecast for the General Fund (GF) headline CFR is £140.3m at the end of 2021/22 and £172.4m by the end of 2024/25. The increase in GF headline CFR puts additional pressures on revenue budgets.
3. The headline CFR figures exclude:
 - £4.4m Schools Windows Replacement Programme
 - £32m equity loan to the Civic Campus joint venture
 - £63m investment in acquisition of Civic Campus commercial units
 - £39m development financing to EdCity Office Ltd
4. Whilst these will have an impact on the Council's CFR, it is assumed that Minimum Revenue Payment (MRP) and interest costs will be fully funded and reimbursed through grant contributions, the charging of a state-aid compliant interest rate, the loan repayment, commercial income or reduction in revenue costs (e.g. lease rental payments).
5. CFR movements related to these schemes are presented under "Self-Financing Schemes and Loans" heading in the Table 1. CFR for these schemes is forecast to increase by £18.7m to £40.2m in 2021/22 and to £135.1m by the end of 2024/25. Table 2 details the CFR movements regarding these schemes:

Table 2 - Self-financing schemes and loans CFR movements 2021/22-2024/25

	Revised Budget 2021/22 (Q1)	Variations (Q2)	Revised Budget 2021/22 (Q2)	Indicative Budget 2022/23	Indicative Budget 2023/24	Indicative Budget 2024/25	Total Budget (All years)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Approved Expenditure							
<i>Ad Hoc Schemes:</i>							
Education City -ARK loan	-	-	-	22,000	12,000	5,000	39,000
Acquisition of commercial units (Civic Campus) [ECD]	10,704	(1,739)	8,965	17,281	29,560	-	55,806
Equity Loan (Civic Campus) [ECD]	13,663	(3,759)	9,904	12,159	-	-	22,063
Total Mainstream Programmes	24,367	(5,498)	18,869	51,440	41,560	5,000	116,869
Financing							
Increase/(Decrease) in Borrowing	24,367	(5,498)	18,869	51,440	41,560	5,000	116,869
Total Financing	24,367	(5,498)	18,869	51,440	41,560	5,000	116,869

6. Minimum Revenue Provision (MRP) is the minimum amount which a Council must charge to its revenue budget each year, to set aside a provision for repaying external borrowing (loans). This is an annual revenue expense in a Council's budget. The MRP will, over time, reduce the CFR.
7. The statutory guidance issued by the Secretary of State (Ministry for Housing, Communities and Local Government) details the ways MRP should be charged capital expenditure. MRP charges presented in the Table 1 follow this guidance and assume the following:
 - MRP charges are deferred for development projects until year after their completion. The rate charged is based on the estimated life of an asset (50 years for new developments).
 - MRP on rolling capital programmes and smaller scale ad hoc schemes is charged the year after the expenditure is incurred. The rate used is based on weighted average life of an assets (currently 3.34%).

Agenda Item 8

London Borough of Hammersmith & Fulham

Report to: Cabinet

Date: 10/01/2022

Subject: 2021/22 Corporate Revenue Monitor - Month 6 (September 2021)

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

Responsible Director: Emily Hill, Director of Finance

SUMMARY

This revenue budget monitoring report is produced as part of the Council's annual budgetary control cycle.

As at month 6, a £2.768m underspend is forecast for the General Fund. This is after the expected application of Covid-19 grant funding of £4.889m. Action plans of £1.930m are proposed to mitigate areas of overspend which, if delivered, would increase the forecast underspend to £4.698m.

RECOMMENDATIONS

1. To note the General Fund forecast underspend of £2.768m.
 2. To note that the forecast draw down from the Housing Revenue Account general balance will be £0.983m less than budgeted.
 3. To note the in-year High Needs Block Dedicated Schools Grant overspend of £2.173m.
 4. To approve the virements of £1.565m as detailed in Appendix 9.
-

Wards Affected: All

Our Priorities	Summary of how this report aligns to the H&F Priorities
Being ruthlessly financially efficient	We need to always confirm that spend fits our council's priorities; challenge how much needs to be spent; and achieve results within agreed budgets. Finance is

	everyone's business and every penny counts.
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Financial Impact

	Forecast Overspend/ (Underspend) £m	Forecast Overspend/ (Underspend) net of mitigating actions £m
Current year – month 6	(2.768)	(4.698)
Current year – month 4	(2.260)	(4.139)
2020/21 outturn	(0.301)	(0.301)

This report sets out the current forecast and action plans to deliver further in-year savings to mitigate against overspends.

Funding for the High Needs Block (HNB) continues to be under pressure although the cumulative overspend on the Dedicated Schools Grant (DSG) reserve reduced to £16.679m at 31 March 2021 following the successful negotiation for additional funding from the DfE, £6m of which was received in 2020/21.

For 2021/22, a further DSG overspend of £2.173m is forecast that will be offset by additional Government funding towards the cumulative deficit of £4m. This will reduce the overall deficit to £14.852 by year end. The additional Government funding is subject to the council managing its DSG recovery plan.

After allowance for the impact of Covid-19, the forecast draw down from the Housing Revenue Account (HRA) general balance will be £0.983m less than budgeted.

Legal Implications

There are no legal implications for this report.

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Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

GENERAL FUND

1. The General Fund forecast at month 6 (September 2021) is a favourable variance of £2.768m (Table 1). This forecast allows for the application of available Covid-19 grant funding and balances.

Table 1 – Month 6 (September 2021): General Fund forecast (underspends in brackets)

Department	Gross variance £m	Covid-19 variance £m	Net variance £m
Children's Services	0.316	0.546	(0.230)
The Economy Department	0.828	0.731	0.097
The Environment Department	0.633	0.536	0.097
Controlled Parking Account	(2.892)	0.550	(3.442)
Finance	0.481	0.250	0.231
Resources	(0.458)	0.318	(0.776)
Social Care	2.555	1.300	1.255
Centrally Managed Budgets	0.000	0.000	0.000
Total	1.463	4.231	(2.768)
Unringfenced & other Covid-19 Grant	(4.231)	(4.231)	0.000
TOTAL	(2.768)	0.000	(2.768)

2. Covid-19 continues to have an impact on the council's revenue streams, such as planning and events. Additional expenditure is also forecast on a range of budgets, such as on additional cleaning staff and deep cleaning of office buildings and enforcement of social distancing in parks and open spaces.
3. For 2021/22, the council has been allocated £6.188m of unringfenced Covid-19 funding. The council has also set aside a one-off Covid-19 contingency of £1.096m. Such funding is sufficient to meet the current forecast Covid-19 pressures. Concern remains that pent-up demand for services will result in additional cost pressures later in the year and the council is experiencing increased demand and costs, particularly in Social Care.
4. For 2021/22, the existing Covid-19 income compensation scheme will continue to operate for lost sales, fees and charges for only the first quarter of the financial year. Authorities must fund the first 5% of income loss but the government will fund 75% of the remaining loss (after allowance for any cost

savings). Not all income qualifies, for example commercial income is excluded. The Covid-19 variance set out in Table 1 is net of the anticipated income grant of £1.5m.

- The underlying budget underspend, net of the financial impact of Covid-19, is £2.768m. This is set out in Table 2.

Table 2 – Month 6 forecast variance excluding the impact of Covid-19

Department	Revised budget £m	Forecast net variance Month 6 £m	Forecast net variance Month 4 £m
Children's Services	51.643	(0.230)	(0.008)
The Economy Department	10.667	0.097	0.078
The Environment Department	67.232	0.097	(0.150)
Controlled Parking Account	(26.639)	(3.442)	(3.279)
Finance	0.871	0.231	0.132
Resources	4.963	(0.776)	(0.479)
Social Care	57.295	1.255	1.446
Centrally Managed Budgets	18.342	0.000	0.000
Total	184.374	(2.768)	(2.260)

- Mitigating action plans of £1.930m have been identified, which if delivered, would increase the forecast underspend to £4.698m.

Table 3: Summary of net forecast outturn variances after action plans

Department	Forecast Outturn Variance	Potential Value of Action Plan Mitigations	Forecast Outturn Variance
	£m	£m	£m
Children's Services	(0.230)	0.070	(0.300)
The Economy Department	0.097	0.000	0.097
The Environment Department	0.097	0.160	(0.063)
Controlled Parking Account	(3.442)	0.000	(3.442)
Finance	0.231	0.600	(0.369)
Resources	(0.776)	0.000	(0.776)
Social Care	1.255	1.100	0.155
Centrally Managed Budgets	0.000	0.000	0.000
Total	(2.768)	1.930	(4.698)
Net impact of Covid	0.000	0.000	0.000
	(2.768)	1.930	(4.698)

7. Financial risks of £8.597m are identified at month 6 and are included in the appendices. In addition:
- National negotiations are on-going regarding the 2021/22 local government pay award.
 - Discussion are on-going regarding the funding of stabilisation and restoration works of Hammersmith Bridge and the council is incurring revenue and capital costs at risk.
 - There are concerns regarding wider inflation and supply chain problems and the potential to increase costs.
8. Action is required to manage these risks. An unallocated contingency of £3m is held within the 2021/22 budget should in-year financial mitigation be required. If all, or part, of the unallocated contingency is not used at year-end the forecast underspend will increase.
9. The main departmental variances are set out in Appendices 1 to 7. Additional information is provided on the delivery of planned savings and the type of expenditure (such as employees).

HOUSING REVENUE ACCOUNT

10. The Housing Revenue Account budget expected a draw on reserves of £7.2m in 2021/22. It is forecast to draw down **£0.983m** less from balances than budgeted. The main variances are detailed in Appendix 8.

Table 4: Housing Revenue Account forecast outturn

Housing Revenue Account (General Reserve)	Forecast Month 6 £m	Forecast Month 4 £m
Balance as at 31 March 2021	(17.563)	(17.563)
Less: Budgeted appropriation from balances	7.187	7.187
Add: underspend	(0.983)	(0.320)
Balance as at 31st March 2022	(11.359)	(10.696)

DEDICATED SCHOOLS GRANT (DSG)

11. Dedicated schools grant (DSG) is paid in support of local authority schools' and is the main source of income for the schools' budget. It is split between central expenditure and the individual schools' budget (ISB) in conjunction with the local schools' forum.

12. Funding for the High Needs Block (HNB) continues to be under pressure with the latest forecast set out in Table 5. For 2021/22, a DSG HNB overspend of £2.173m is forecast (£2.9m in 2020/21) that will be offset by additional Government funding of £4m. This will reduce the overall cumulative deficit to £14.852m by year end. The additional Government funding is subject to the council managing its DSG recovery plan as part of the grant conditions and therefore may be at risk if the council is unable to meet the trajectory set out in those plans.
13. The forecast has continued to deteriorate since month 4 due to increased demand for Education, Health and Care Plans being experienced potentially due to Covid-19.

Table 5: Dedicated Schools Grant – High Needs Block deficit

	Forecast Month 6 £m	Forecast Month 4 £m
High Needs Block DSG deficit brought forward from prior years	16.679	16.679
In-year High Needs Block forecast deficit	2.173	1.810
2021-22 High Needs Block Safety Valve Funding (subject to DfE monitoring)	(4.000)	(4.000)
Forecast cumulative High Needs Block deficit after Safety Valve Funding	14.852	14.489

GENERAL FUND RESERVES

14. The council carried forward general balances and reserves of £144.8m at the start of 2021/22. A review has been undertaken of existing and potential commitments and an updated reserves cashflow produced to 2025. This is summarised in Table 6. Should the current year forecast underspend be realised this will enable an additional contribution to be made to reserves.
15. An annual update of the reserves strategy and action plan will form part of the suite of reports considered at Budget Council in February 2022.

Table 6 – General Fund reserves forecast (all opening balances)

	2021 (£m)	2022 (£m)	2023 (£m)	2024 (£m)	2025 (£m)
General balances	19.3	20.4	20.4	20.4	20.4
Earmarked reserves - unrestricted	63.7	53.0	48.9	50.4	62.9
Earmarked reserves - restricted	10.4	9.6	8.6	8.6	8.6
Covid related	51.4	3.2	4.2	2.1	2.1
Total	144.8	86.2	82.1	81.5	94.0
Revenue developer contributions	46.0	Developer contributions are subject to a separate approval and monitoring process			

16. The most significant forecast movement relates to the Covid-19 related reserve of £51.4m. This will reduce as it is applied to meet expected timing differences relating to known collection fund liabilities (£39m regarding business rate reliefs), and payment of business grants and other commitments.

VIREMENT AND WRITE OFF REQUESTS

17. Virement requests totalling £1.565m are detailed in Appendix 9. They largely relate to use of Covid-19 funding to meet costs regarding enhanced sheltered housing cleaning, additional social distancing measures and an adjustment to corporate property recharges.

REASONS FOR DECISION

18. To report the revenue expenditure forecast and comply with Financial Regulations.

EQUALITIES IMPLICATIONS

19. As required by Section 149 of the Equality Act 2010 (the Act), the Council has considered its obligations regarding the Public Sector Equality Duty and it is not anticipated that there will be any direct negative impact on groups with protected characteristics, as defined by the Act, from the adjustments to the budgets required because of this report.
20. If any such adjustments might lead to a service change and/or changes in staffing structures that could have a negative impact on groups with protected characteristics, then a full Equality Impact Assessment will need to be carried out.

RISK MANAGEMENT IMPLICATIONS

21. The Council has a statutory duty to arrange for the proper administration of its financial affairs and a fiduciary duty to taxpayers with regards to its use of and accounting for public monies. This report assists in the discharge of those duties.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, telephone 020 8753 2587.

List of Appendices:

Appendix	Title
Appendix 1	Children's Services
Appendix 1a	Dedicated Schools Grant (DSG)
Appendix 2	The Economy Department
Appendix 3	The Environment Department
Appendix 3a	Controlled Parking Account
Appendix 4	Finance
Appendix 5	Resources
Appendix 6	Social Care
Appendix 7	Centrally Managed Budgets
Appendix 8	Housing Revenue Account
Appendix 9	Virement Requests

**APPENDIX 1: CHILDREN'S SERVICES
BUDGET REVENUE MONITORING MONTH 6**

Table 1 - Forecast Variance by Subjective			
Subjective	Budget £000	Variance Month 6 £000	Variance Month 4 £000
Employees	26,117	(402)	(273)
Premises-related expenditure	590	59	61
Transport-related expenditure	175	(90)	(82)
Supplies & services	5,746	30	201
Third party payments	49,184	4,377	4,348
Transfer payments	70,191	(1,301)	(1,755)
Support services	(1,809)	97	134
Items excluded from the Cost of Services	0	0	0
Income	(106,339)	(2,454)	(2,097)
Non-controllable expenditure	7,789	0	0
Total	51,643	316	538

Table 2 - Variance by Departmental Division					
Departmental Division	Revised Budget	Forecast Variance Month 6	Forecast Variance Month 4	Forecast Variance due to Covid M6	Forecast Variance (non - Covid) M6
	£000	£000		£000	£000
Children and Young People's Services	32,292	(444)	72	243	(687)
Education	12,027	715	348	303	412
Children's Commissioning	3,216	7	(34)	0	7
Children's Performance & Improvement	2,476	(140)	(83)	0	(140)
CHS Departmental Budgets	1,632	178	236	0	178
School Funding	0	0	0	0	0
TOTAL	51,643	316	538	546	(230)

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Children and Young People's Services		
Placements		
Savings of £400,000 are being delivered as part of the 2021/22 budget. A further £1,150,000 of budget has been reallocated to other demand pressures within the department.	(1,139)	(730)

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Ongoing work by the service to ensure young people are in the most suitable placement has seen a further decrease in the forecast since period 4. The risk of increased case numbers and a small number of high cost placements in second half of the financial year remains, but the cost associated with this risk decreases each month. The placements model contains £433,000 of allowance for new placements with an element to offset known exits and step-downs, and element for growth in numbers.		
<u>Client Related Expenditure</u> Alongside the costs of a placement there are additional costs including travel and subsistence and various statutory allowances. The significant overspend in 2020/21 has been mitigated in 2021/22 by budget growth and a further budget increase facilitated by reduced placement costs. Work to reduce expenditure is being progressed by the service, all of which has led to the minor underspend reported.	(26)	(14)
<u>Legal Costs</u> The 2020/21 overspend on legal services was £638,000. Growth of £300,000 was applied from April 2021 and budget from savings delivered elsewhere in the department has allowed a further legal budget increase of £260,000. Work by the service is looking to reduce care proceedings by 3 cases per year and having completed some detailed analysis of current activity data the forecast has been revised down to a £33,000 underspend.	(33)	100
<u>Staffing</u> A review of the cost apportionment methodology for the fostering service has led to an increase in the Hammersmith & Fulham share of costs with a (£238,000) overspend forecast. The service is shared with Kensington & Chelsea and Westminster with costs based on activity data for the first quarter of the current year. Overspends in the Looked After Children's Service (£143,000), Family Support and Child Protection (£89,000), Contact and Assessment (£87,000), Early Help (£74,000) are due to agency staff covering long term sickness, maternity leave and vacant posts whilst recruitment is taking place. Costs for additional workers for age assessments (£67,000) in Looked After Children Service and additional sessional workers in the Contact Centre (£77,000) have been included in the variance caused by Covid-19.	730	737
Minor variances	24	(20)
Children and Young People's Services total	(444)	72

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Education		
<p><u>Children with disability placements - Short breaks and care packages</u></p> <p>The placements budget as a whole across the directorate is forecast to underspend.</p> <p>The current profile of packages is: Direct payments 133 packages; forecast £663,578 Care Packages (Spot) 95 packages; forecast £787,565 Residential Placements 10 packages; forecast £809,056.</p> <p>A small allowance for new packages of £55,000 is included in the forecast. New packages are being added as the information becomes available.</p> <p>The service is reviewing the impact of Covid-19 – savings were partially reliant on service redesign to deliver increased use of the Stephen Wiltshire Centre for group based activities to reduce reliance on spot purchase individual packages of support. Service capacity has not been available to deliver this redesign due to the impact of Covid-19. Further, due to reduced availability of group based services across the sector there is an increased reliance on individual packages via direct payments and spot purchase.</p>	88	137
<p><u>Education and disabilities</u></p> <p>There is a forecast overspend in staffing within the Education, Health and Care Plan (EHCP) caseworkers team due to the additional cost of agency staff to cover sickness and one supernumerary Team Manager to support the Service Manager.</p> <p>The overspend is partly offset by vacancies in the Disabled Children's Team (DCT) Team. The service has undertaken a mini restructure to realign posts and budgets resulting in a favourable movement in period 6.</p> <p>The above has had an impact on the team being able to provide EHCP assessments within statutory timescales. This has been exacerbated by the Covid-19 pandemic.</p>	74	142
<p><u>The Haven Centre</u></p> <p>The Haven is forecast to overspend primarily due to the expected under achievement of generated income. There are 7 beds at the centre with 5 currently filled. The Covid-19 pandemic continues to have an impact on the centre. There has been a delayed implementation of the new staffing structure. The pandemic has meant that the service requires</p>	210	176

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
a high level of agency and casual cover for Covid-19 outbreaks.		
<p><u>Travel Care and support</u> Net growth has been far higher than forecast. Demand growth at September was 12% both in pupil numbers and costs which was 4% higher than the 8% forecast. There is a net growth of 37 children with a total cost impact of £720k of which this has been partially mitigated by £384k reduction in spend as a result of leavers, destination changes and other efficiencies. Destinations have similarly increased from 76 to 84 of which 71% of the total destinations are to out of borough schools which represents 46% of total spend.</p> <p>Activities to support demand management include referrals to travel training (although net budget effect likely small) as well as a line by line review post October half term to review opportunities for step down transitions and personal travel budgets.</p>	295	16
<p><u>Professional Development Centre (income loss)</u> The centre is unlikely to open during the summer term of the academic year 2020/21 as a result of Covid-19 related closure. The service is due to leave the current building (Lilla Huset) in August 2021 meaning there will be no income generated in 2021/22. The service is relocating to the Pier in early 2022/23. Loss of income may be mitigated by reduced service costs related to vacation of the Lilla Huset site from August 2021.</p>	91	91
Other minor variances	(43)	(198)
Education total	715	348
Children's Commissioning		
Minor variances	7	(34)
Children's Commissioning total	7	(34)
Children's Performance & Improvement		
An underspend is expected due to staffing vacancies.	(140)	(83)
Children's Performance & Improvement total	(140)	(83)
Departmental Budgets		
A reorganisation of Support services is being implemented. Once implemented the forecast overspend of £148,000 will reduce with no impact expected for 2022/23.	178	236
Other minor variances totalling £30,000.		
Departmental Budgets total	178	236

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
School Funding		
Nil variance	0	0
School Funding total	0	0
TOTAL VARIANCE	316	538

Table 4 - Savings Delivery				
Dept	MTFS Target	On Track	Partially Deliverable	Undeliverable
Children's Services	£000s	£000s	£000s	£000s
Total MTFS Savings	748	480	268	
Schemes not On Track	£000s	Reason		
Disabled children care packages	268	This is now expected to be deliverable from 2022/23 against current the Disabled Children's Team placement budget, although placements are forecast to be within budget across the directorate as a whole.		

Table 5 - Key Risks - Detail Items Over £250,000		
Risk Description	Risk At Month 6 £000	Risk At Month 4 £000
Family Services Placements - there is a high degree of risk of increased case numbers later in the year with referrals and demand increasing during the year to date. The placements model currently assumes there will be £433,000 of future spend on new placements.	TBC	TBC
Early Intervention contract risk, the full risk across the contract is £1,000,000 with a potential risk of £250,000 in 2021/22.	250	250
TOTAL RISKS MANAGED	TBC	TBC

Supplementary Monitoring Information
None to report

**APPENDIX 1a: DEDICATED SCHOOLS GRANT (DSG)
BUDGET REVENUE MONITORING MONTH 6**

Table 1 - Variance by Departmental Division					
Departmental Division	Revised Budget	Forecast Variance Month 6	Forecast Variance Month 4	Forecast Variance due to Covid M6	Forecast Variance (non - Covid) M6
	£000	£000	£000	£000	£000
High Needs Block (HNB) Expenditure	25,070	2,173	1,810	0	2,173
Early Years Block Expenditure	17,003	0	0	0	0
Schools Block Expenditure	39,254	(251)	(192)	0	(251)
Central School Services Block Expenditure	3,336	(25)	0	0	(25)
DSG Income	(84,664)	0	0	0	0
TOTAL	0	1,897	1,618	0	1,897

Table 2 High Needs Block (HNB) Deficit	£000
HNB DSG deficit brought forward from prior years	16,679
In-year HNB forecast deficit	2,173
2021/22 HNB Safety Valve funding (subject to DfE monitoring)	(4,000)
Forecast HNB deficit after Safety Valve funding	14,852

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
High Needs Block (<i>Supports provision for children and young people with special educational needs from their early years to age 25 and in addition Alternative Provision</i>)		
The forecast shows an adverse movement versus the month 4 which is a variance of £2,093,570 against the forecast spend in the submitted medium term Safety Valve recovery plan agreed with the Department for Education.		
There are one off mitigations proposed in 2021/22 however the ongoing pressure from 2022/23 to 2025/26 will need further mitigations subject to confirmation of future year funding allocations.	2,173	1,810
Speech and Language Therapy (SALT) The SALT provision is projected to overspend by £167,000. Work is ongoing with special schools, the NHS Clinical Commissioning Group (CCG), and their provider Central London Community Healthcare to co-produce an alternative model for SALT delivery in special schools. It is expected		

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
<p>that all Special Schools will assume responsibility for their therapy delivery by 1 January 2022.</p> <p>The forecast assumes full recovery of 2021/22 SALT income for non-resident pupils of £312,000 in Hammersmith & Fulham maintained schools. Work to recover this income is a priority and the education service is currently working with senior leaders in SEND services and finance in each of the placing authorities to make the necessary arrangements for payment. Initial responses have been positive, and work is being taken to raise invoices.</p> <p>An equivalent amount is also due to be recovered for 2020/21. Placing authorities have been advised that invoices are to be sent out shortly. A provision of £194,000 was made for 2019/20. There remains a risk around the recovery of this income primarily due to the data quality of records provided by the CCG and the time delay in attempting to recover. The Education service has therefore prioritised this income recovery due to a total risk of £312,000 for this financial year and the loss of prior year income which if recovered could benefit the overall position by £506,000.</p>		
<p>Top-up funding</p> <p>The forecast includes top-up spend of £18,221,698 across all provision types compared to 2020/21 spend of £16,251,000 and has increased by £562,000 since month 4. The process for calculating this forecast continues to be manual, primarily due to the delay of the implementation of the SEN case management system (CMS).</p> <p>The Covid-19 pandemic has had a detrimental effect on the ability to process EHCP assessments within statutory timescales and has resulted in a backlog. £428,086 has been included in this forecast to reflect the likely increase in Education and Health Care Plans (EHCP) as a result. Work will be undertaken to further refine this element of the forecast so that pupils can be tracked to predict future year costs, likely numbers of starters and leavers and outstanding assessments.</p> <p>The forecast includes an additional £397,033 of increased costs associated for 118 pupils with either a new placement or setting, an increased fee at their provision or who have been placed as a result of a tribunal. The manual processes in maintaining pupil level data has meant that some unforeseen historic pupil costs of £51,270 are being incurred in 2021/22.</p>		

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
<p><u>Alternative Provision (AP)</u> The local authority intends to commence recovering applicable pupil led budgets from schools for permanently excluded pupils allowable within the school finance regulations. Based on current pupil data, the Council could recover approximately £88,000 for 2021/22. There continues to be collaboration between the AP provider, schools and the Council to regularise the provision of short-term intervention services.</p>	0	0
<p><u>Import and Export adjustment</u> The High Needs funding formula is subject to a net adjustment reflecting the difference between high needs pupils and students living in one local authority and attending a school or college in another. The Council has been informed of a potential error in the data submitted by a further Education college in another borough which could result in a reduction in 2021/22 high needs funding of £144,000. This should be confirmed by November 2021.</p>		
High Needs Block total	2,173	1,810
Early Years Block (<i>Funding for Early Years including Two Year Old funding and Early Years Pupil Premium</i>)		
Nil variance	0	0
Early Years Block total	0	0
Schools Block (<i>Core funding for mainstream maintained schools</i>)		
A review of dedelegated budgets indicates that there will be a £251,000 underspend on schools in financial difficulty. It is proposed to Schools' Forum that this should be carried forward to 2022/23 as part of DSG reserves for deployment on maintained primary schools to be agreed by Schools' Forum at a future date.	(251)	(192)
Schools Block total	(251)	(192)
Central School Services Block (<i>Funding for the Local Authorities ongoing responsibilities</i>)		
Nil variance	0	0
Central School Services Block total	0	0
TOTAL VARIANCE	1,981	1,618

Table 4 - Key Risks - Detail Items Over £250,000		
Risk Description	Risk At Month 6 £000	Risk At Month 4 £000
None to report		
TOTAL RISKS MANAGED	0	0

Supplementary Monitoring Information		
None to report		

**APPENDIX 2: THE ECONOMY DEPARTMENT
BUDGET REVENUE MONITORING MONTH 6**

Table 1 - Forecast Variance by Subjective			
Subjective	Budget £000	Variance Month 6 £000	Variance Month 4 £000
Employees	14,711	366	242
Premises-related expenditure	4,833	2,700	2,309
Transport-related expenditure	10	90	0
Supplies & services	6,899	438	189
Third party payments	21,896	(255)	(163)
Transfer payments	98	0	0
Support services	222	252	172
Items excluded from the Cost of Services	0	(3)	
Income	(30,554)	(2,760)	(1,455)
Non-controllable expenditure	(7,448)	0	(205)
Total	10,667	828	1,089

Table 2 - Variance by Departmental Division					
Departmental Division	Revised Budget	Forecast Variance Month 6	Forecast Variance Month 4	Forecast Variance due to Covid	Forecast Variance (non - Covid) M4
	£000	£000	£000	£000	£000
Housing Solutions	9,136	(151)	79	139	(290)
Economic Development, Skills Service	4,086	4	0	0	4
Planning	1,580	237	339	128	109
Operations	(4,456)	707	640	464	243
Place	84	0	0	0	0
Regeneration & Development	184	31	31	0	31
Head of Finance (GP)	53	0	0	0	0
TOTAL	10,667	828	1,089	731	97

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Housing Solutions		
The forecast for average client numbers (929 units compared to 941 in July 2021 and 950 units in May 2021) is lower than budgeted (978 units) in Private Sector Leased (PSL) temporary accommodation schemes. The unit rent payments to landlords have been increased to reflect inflation on the Local Housing Allowance (LHA), resulting in a net underspend of (£80,000).	(80)	83

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Although there is a forecast reduction in average client numbers in short-term temporary accommodation, higher out of hours (OOH) placements and pre-booking and higher accommodation costs has resulted in a net forecast overspend of £23,000.	23	7
Other minor variances include the forecast overspend on costs of damage bonds on Private Rented Sector accommodation and of supported housing contracts partially offset by saving on vacancies.	87	80
Unallocated Flexible Homelessness Support Grant	(146)	(146)
Unallocated Homelessness Reduction Grant	(174)	(174)
The provision of accommodation and supported housing to rough sleepers and clients needing to self-isolate as part of the response to the Covid-19 pandemic is forecast to cost £139,000 compared to the month 4 forecast of £229,000.	139	229
Housing Solutions total	(151)	79
Economic Development & Skills Service		
	4	0
Economic Development & Skills Service total	4	0
Planning		
Development Management - Unbudgeted exceptional costs associated with judicial reviews and major planning appeals of £201,000 are forecast to be partly offset by a favourable staffing variance of £85,000 as a result of ongoing recruitment.	116	74
Development Management (Covid-19) - Planning Applications income shortfall due to the impact of the Covid-19 pandemic. This is a best estimate based on proxies and will be monitored and updated as patterns emerge over the coming months. This is expected to be offset by Government grant for Covid-19 income loss for the first quarter of the year only	128	276
Planning Management	(3)	(3)
Spatial Planning	(4)	(8)
Planning total	237	339
Operations		
Asset Strategy	19	10
Facilities Management and Corporate Buildings - additional Covid-related costs for additional cleaning staff and deep cleaning of office buildings and a forecast shortfall in rental income of £150,000 from the Lila Huset building due to the withdrawal of Education Services and the intention to	524	506

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
retain the archives within the building. Cabinet approval is requested to fund the shortfall from the corporate property reserve.		
Property Transformation Team - staffing costs are expected to be funded from newly identified revenue streams, but this income is not expected to crystallise until next financial year.	164	124
Operations total	707	640
Place		
	0	0
Place total	0	0
Regeneration & Development		
Following a review of activity, it is expected that the staffing costs of the Development team will be under-capitalised.	31	31
Regeneration & Development total	31	31
TOTAL VARIANCE	828	1,089

Table 4 - Savings Delivery				
Dept	MTFS Target	On Track	Partially Deliverable	Undeliverable
	£000s	£000s	£000s	£000s
Total MTFS Savings	1,100	1,100	0	0

Table 5 - Key Risks - Detail Items Over £250,000		
Risk Description	Risk At Month 6 £000	Risk At Month 4 £000
Housing Solutions - Increase in bad debt provision on Temporary Accommodation rent arrears because of reductions in personal income due to Covid-19.	342	456
Housing Solutions - There is a risk of a further increase in the number of households in Temporary Accommodation - based on an additional 100 households this year above the current forecast.	323	431
Housing Solutions - Inflationary pressures on Temporary Accommodation landlord costs, based on an extra 1.5% rental inflation above the current forecast.	161	215
Housing Solutions - Homelessness Reduction Bill - increase in households in temporary accommodation - extra 70 households this year above the current forecast.	202	270
Economic Development, Skills Service - reduction in adult learning course fee income due to a fall in student volumes	231	111

Table 5 - Key Risks - Detail Items Over £250,000		
Risk Description	Risk At Month 6 £000	Risk At Month 4 £000
as a result of Covid-19 of £270,000 based on actual income raised to date and actual monthly income generated during 2020/21 for the remaining months of financial year 2021/22. This includes an assumption that the service will receive an income loss compensation grant of £39,000 for the first quarter income loss.		
Regeneration & Development - There is a risk of the developments not proceeding. This would mean capital spend incurred to date being written off and charged to revenue.	2,709	2,691
TOTAL RISKS MANAGED	3,968	4,174

Supplementary Monitoring Information
<p>Housing Solutions - In August 2021, the service received 154 homelessness enquiries, a decrease of 36 in comparison with the same period last year. Only 64 homelessness applications were made – a reduction of 45 compared to the same period last year. In September 2021, 189 homeless enquiries were received, with 69 homelessness applications. The number of homeless enquiries was steadily increasing since the start of the 2021/22 financial year until August when enquiries started to drop again in line with a similar pattern last year after the Summer. The lifting of the eviction bans for private rented tenants as well as the introduction of the Domestic Abuse Act are likely to result in an increase in homelessness applications as 2021/22 progresses. Throughout 2020/21, our call volumes on our frontline housing advice line continued to increase. Prior to March 2020, monthly call figures never exceeded 1000. By June 2020, 2000+ calls were received every month except December 2020, peaking at 2,724 in March 2021. This has dropped slightly in recent months with the service receiving 1,884 calls in August 2021 and 1,998 calls in September 2021 but is still well above pre-2020/21 call volumes.</p>
<p>Planning - income in recent years has fluctuated between £3.6m (2018/19), £2.3m (2019/20), £2.2m (2020/21) and is currently forecast to reach £3.0m in 2021/22, some £0.3m short of the budget.</p> <p>The inherent volatility of planning income means it is difficult to predict future income expectations due to several factors including:</p> <ul style="list-style-type: none"> • Covid19 impact on wider economy and on delays in construction projects • Changes to the statutory charging schedule • Economic factors such as the impact of Brexit, concerns about economic recession on developer/investor confidence and planning activity. • Changes in legislation e.g. permitted development rights, Planning Performance Agreement regulation • Changes to pre-application charging fees and Planning Performance Agreement templates • Local and wider market conditions • Availability of development sites in the borough • Developers by-passing the pre-application process as it is not compulsory • Reduction in Planning Performance Agreements

Supplementary Monitoring Information
<ul style="list-style-type: none">• Government schemes to encourage house building, including grant schemes• Developers' responding to current and pipeline housing supply in borough (they don't want to flood the local market)• Adverse weather conditions, and delays in supply chains, delaying construction pipeline

**APPENDIX 3: THE ENVIRONMENT DEPARTMENT
BUDGET REVENUE MONITORING MONTH 6**

Table 1 - Forecast variance by subjective			
Subjective	Revised budget £000	Variance month 6 £000	Variance month 4 £000
Employees	25,111	272	173
Premises-related expenditure	5,292	677	439
Transport-related expenditure	824	6	38
Supplies & services	16,057	376	169
Third party payments	23,621	(227)	821
Transfer payments (e.g. Housing Benefits, Schools funding transfers)	116	0	0
Support services (internal trading)	0	152	77
Items excluded from the Cost of Services (debt management and capital charges)	15,311	(106)	(106)
Income	(30,241)	(517)	(900)
Non-controllable expenditure (technical accounting adjustments e.g. overhead redistribution)	11,142	0	0
Total	67,232	633	712

Table 2 - Variance by departmental division					
Departmental division	Revised budget	Forecast variance month 6	Forecast variance month 4	Forecast variance due to Covid M6	Forecast variance (non - Covid) M6
	£000	£000	£000	£000	£000
Public Realm	36,523	(199)	(229)	180	(379)
Safer Neighbourhoods & Regulatory Services	9,541	513	843	151	362
Leisure, Sport and Culture	6,975	459	259	145	314
Resident Services	14,193	(139)	(162)	60	(199)
Total	67,232	633	712	536	97

Table 3 - Variance analysis		
Departmental division	Month 6 £000	Month 4 £000
Public Realm		
Loss of commercial waste income following the Covid-19 pandemic (business closures), net of compensating grant	53	142
One-off savings due to delayed implementation of service changes	(284)	(507)
Minor variances	32	136
Public Realm total	(199)	(229)

Table 3 - Variance analysis		
Departmental division	Month 6 £000	Month 4 £000
Safer Neighbourhoods and Regulatory Services		
Covid-19 enforcement costs - enforcement of shop closures. Grant funding now applied to enforcement of social distancing in parks and open spaces and protest eviction order.	47	456
Loss of regulatory services income following the Covid-19 pandemic (licensing, markets, building control), net of compensating grant.	104	82
CCTV overspend due to unbudgeted CCTV software upgrade, staffing overspends and income underachievement.	291	274
Noise and Nuisance overspend due to continuation of enhanced 24/7 service and loss of gas safety checks income previously recharged to the HRA (brought in-house by housing)	256	202
Technical Services staffing and supplies and services underspend	(75)	(69)
Minor variances	(110)	(102)
Community Safety and Regulatory Services total	513	843
Leisure, Sport and Culture		
Unbudgeted building works at Askew Road library	110	0
Loss of commercial income following the Covid-19 pandemic (filming and events, leisure and sports bookings), net of compensating grant	163	163
Unachieved commercial income for Shepherds Bush Green market - not progressed due to proximity of the existing permanent market.	50	50
Loss of Boat Race income due to relocation of event as a result of Hammersmith Bridge closure	46	46
Park buildings maintenance	34	34
Minor variances	56	(34)
Leisure, Sport and Culture total	459	259
Resident Services		
Staffing overspends due to Covid-19 pandemic (increased demand for revenues and benefits services and resulting delayed implementation of the planned restructure)	250	250
New Burdens funding to cover Covid-19 service demand pressures	(290)	(290)
Early delivery of REAP savings (external contact centre)	(100)	(100)
Other smaller net variances	1	(22)
Resident Services total	(139)	(162)
TOTAL VARIANCE	633	712

Table 4 - Savings Delivery

Dept	MTFS target	On track	Partially deliverable	Undeliverable
	£000s	£000s	£000s	£000s
Total savings	699	563	65	71
Schemes not on track	£000s	Reason		
Pest Control	35	Due to slow recovery of commercial activities after Covid-19.		
Leisure Contract	101	Due to slow recovery of leisure activities after Covid-19.		

Table 5 - Key risks - detail items over £250,000

Risk Description	Risk at month 6 £000	Risk at month 4 £000
Law Enforcement Team - unconfirmed HRA service contribution	340	340
Law Enforcement Team - unbudgeted one-off implementation costs	500	500
Law Enforcement Team - projected underachievement of income now expected to be offset by part year staffing vacancies	0	350
Highways - lack of externally funded projects to charge officer time to due to withdrawal of TfL grant	462	1,887
Additional street cleansing pressures	250	0
TOTAL RISKS BEING MANAGED	1,552	3,077

Supplementary monitoring information

None to report

**APPENDIX 3A: CONTROLLED PARKING ACCOUNT
BUDGET REVENUE MONITORING MONTH 6**

Table 1 - Forecast Variance by Subjective			
Subjective	Budget £000	Variance Month 6 £000	Variance Month 4 £000
Employees	6,627	11	(21)
Premises-related expenditure	76	2	0
Transport-related expenditure	73	0	0
Supplies & services	719	262	250
Third party payments	2,900	436	136
Transfer payments (e.g. Housing Benefits, Schools funding transfers)	0	0	0
Support services (internal trading)	314	(77)	(62)
Items excluded from the Cost of Services (debt management and capital charges)	0	0	0
Income	(40,349)	(3,526)	(3,032)
Non-controllable expenditure (technical accounting adjustments e.g. overhead redistribution)	3,001	0	0
Total	(26,639)	(2,892)	(2,729)

Table 2 - Variance by Departmental Division					
Departmental Division	Revised Budget	Forecast Variance Month 6	Forecast Variance Month 4	Forecast Variance due to Covid M6	Forecast Variance (non - Covid) M6
	£000	£000	£000	£000	£000
Controlled parking income	(40,349)	(3,526)	(3,032)	550	(4,076)
Controlled Parking expenditure	13,710	634	303	0	634
TOTAL	(26,639)	(2,892)	(2,729)	550	(3,442)

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Controlled Parking Income		
Pay & Display - Higher forecast reflecting current parking patterns.	(3,311)	(3,366)
Penalty Charge Notice – reduced income from penalty charge notices.	1,240	908
Other Income – higher number suspensions than expected. Due to the fluctuating nature of suspensions our forecast is based on slightly increased levels. The assumption is that the	(1,296)	(415)

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
increased activity in the first six months is due to residents and utility companies catching up on planned works post the pandemic.		
Covid-19 fees and charges income loss grant.	(159)	(159)
Controlled Parking Income total	(3,526)	(3,032)
Controlled Parking Expenditure		
Salary Expenditure – movements due to taking account of 1.75% expected salary inflation based on current pay offer.	11	(21)
Other Expenditure - Increased charges from Pay & Display activity, and one-off Conduent (Parking Management System) costs, and processing of backlog debt registrations.	623	324
Controlled Parking Expenditure Total	634	303
TOTAL VARIANCE	(2,892)	(2,729)

Table 4 – Savings Delivery				
Dept	MTFS Target	On Track	Partially Deliverable	Undeliverable
	£000s	£000s	£000s	£000s
Total MTFS Savings	400	400		

Table 5 – Key Risks – Detail Items Over £250,000		
Risk Description	Risk At Month 6 £000	Risk At Month 4 £000
Possibility of a further government Covid-19 restrictions .	2,000	2,000
TOTAL RISKS MANAGED	2,000	2,000

Supplementary Monitoring Information
<p>Parking income has fluctuated this year with a number of one-off income streams such as increased suspensions due to residents, utilities, and developers catching up on activity that would have otherwise taken place during Covid-19.</p>

APPENDIX 4: FINANCE
BUDGET REVENUE MONITORING MONTH 6

Table 1 - Forecast variance by subjective			
Subjective	Revised budget £000	Variance month 6 £000	Variance month 4 £000
Employees	6,390	(482)	(559)
Premises-related expenditure	0	0	0
Transport-related expenditure	2	(2)	(2)
Supplies & services	2,600	99	73
Third party payments	10	251	251
Transfer payments (e.g. Housing Benefits, Schools funding transfers)	0	0	0
Support services (internal trading)	(43)	115	115
Items excluded from the Cost of Services (debt management and capital charges)	0	0	0
Income	(3,247)	500	560
Non-controllable expenditure (technical accounting adjustments e.g. overhead redistribution)	(4,841)	0	0
Total	871	481	438

Table 2 - Variance by departmental division					
Departmental division	Revised budget £000	Forecast variance month 6 £000	Forecast variance month 4 £000	Forecast variance due to Covid M6 £000	Forecast variance (non - Covid) M6 £000
Audit, Fraud, Risk and Insurance	986	14	22	0	14
Assurance, Programmes & Analytics	1,335	(184)	(189)	0	(184)
Corporate Services	547	(72)	(116)	0	(72)
Finance	3,153	269	226	0	269
Managed Services	2,132	21	0	0	21
Commercial and Contracts	(2,441)	433	495	250	183
SUB-TOTAL	5,712	481	438	250	231
Departmental non-controllable budgets	(4,841)	0	0	0	0
TOTAL	871	481	438	250	231

Table 3 – Variance analysis		
Departmental division	Month 6 £000	Month 4 £000

Table 3 – Variance analysis		
Departmental division	Month 6 £000	Month 4 £000
Audit, Fraud, Risk and Insurance		
Small staffing overspends	14	22
Audit, Fraud, Risk and Insurance total	14	22
Assurance, Programmes & Analytics		
The underspends are due to work by the Business Intelligence service to support contact tracing and public health initiatives which is funded by one-off grant, plus recent vacancies within the Programme Management Office service to be recruited to.	(184)	(189)
Assurance, Programmes & Analytics total	(184)	(189)
Corporate Services		
Underspend on staffing budgets	(72)	(116)
Chief Executives Office total	(72)	(116)
Finance		
Forecast overspend due to part year savings delivery arising from the finance service review	269	226
Finance total	269	226
Managed Services		
Small overspend due to one-off legacy system costs	21	0
Managed Services total	21	0
Commercial and Contracts		
The impact of the Covid-19 pandemic has led to a fall in expected income from partner advertising agencies. A number of our sites are on a profit share basis and are forecast to result in a budget pressure for the year as a result.	433	495
Commercial and Contracts total	433	495
TOTAL VARIANCE	481	438

Table 4 - Savings Delivery				
	MTFS Target	On Track	Partially Deliverable	Undeliverable
	£000s	£000s	£000s	£000s
Total MTFS Savings	450	50	200	200
Schemes not on track	£000s	Reason		
Finance	400	Restructure proposals for finance service currently under review for consultation and implementation in Q3 2021/22 which will deliver the saving in full in 2022/23. Offset by Finance vacancies and other departmental staffing underspends in 2021/22.		

Table 5 - Key risks - detail items over £250,000		
Risk Description	Risk at month 6 £000	Risk at month 4 £000
None to report	0	0
TOTAL RISKS MANAGED	0	0

Supplementary monitoring information		
None to report		

APPENDIX 5: RESOURCES
BUDGET REVENUE MONITORING MONTH 6

Table 1 - Forecast variance by subjective			
Subjective	Revised budget £000	Variance month 6 £000	Variance month 4 £000
Employees	14,213	(94)	(255)
Premises-related expenditure	196	(5)	(7)
Transport-related expenditure	4	3	(4)
Supplies & services	9,334	49	617
Third party payments	335	(171)	(265)
Transfer payments (e.g. Housing Benefits, Schools funding transfers)	0	0	0
Support services (internal trading)	36	28	54
Items excluded from the Cost of Services (debt management and capital charges)	683	0	0
Income	(6,217)	(267)	(345)
Non-controllable expenditure (technical accounting adjustments e.g. overhead redistribution)	(13,622)	0	0
Total	4,963	(458)	(205)

Table 2 - Variance by departmental division					
Departmental division	Revised budget	Forecast variance month 6	Forecast variance month 4	Forecast variance due to Covid M6	Forecast variance (non - Covid) M6
	£000	£000	£000	£000	£000
Communications and Communities	567	116	35	101	15
Democratic services, Coroners & Mortuaries	2,372	(123)	(115)	89	(212)
Digital Services	12,488	(457)	(100)	84	(541)
Legal Services	(460)	(100)	(100)	0	(100)
Leaders Office	264	60	60	0	60
Transformation, Talent & Inclusion	2,391	44	13	44	(0)
Procurement	261	(0)	(0)	0	(0)
Departmental costs	19	3	3	0	3
SUB -TOTAL	17,902	(458)	(205)	318	(776)
Departmental non-controllable budgets	(12,939)	0	0	0	0
TOTAL	4,963	(458)	(205)	318	(776)

Table 3 – Variance analysis

Table 3 – Variance analysis		
Departmental division	Month 6 £000	Month 4 £000
Communications and Communities		
Additional communication support to meet the demands of Covid-19 recovery within the service.	116	35
Communications and Communities total	116	35
Democratic services, Coroners & Mortuaries		
Forecast underspends due to one-off income from second post-mortems and small staffing underspends.	(123)	(115)
Democratic services, Coroners & Mortuaries total	(123)	(115)
Digital Services		
As the majority of the workforce continues to work remotely, trend data has shown that demand for service desk and print services are lower than budgeted. A new target operating model has now been implemented and the service has reduced its shared service costs, however there are a number of posts yet to be recruited to and are vacant in the short term.	(457)	(100)
Digital Services total	(457)	(100)
Legal Services		
There has been an increase in demand for legal advice and therefore the service is forecasting one-off income based on prior trend analysis, this income is volatile and therefore there is a risk that this may not materialise should demand decrease.	(100)	(100)
Legal Services total	(100)	(100)
Leaders Office		
Overspend on administrative costs.	60	60
Leaders Office total	60	60
Transformation, Talent & Inclusion		
Small overspend on staffing costs.	44	13
Transformation, Talent & Inclusion total	44	13
Procurement		
	0	0
Procurement total	(0)	(0)
Departmental costs		
	3	3
Departmental costs	3	3
TOTAL VARIANCE	(458)	(205)

Table 4 - Savings Delivery				
	MTFS Target	On Track	Partially Deliverable	Undeliverable
	£000s	£000s	£000s	£000s
Total MTFS Savings	457	457	0	0

Table 5 - Key risks - detail items over £250,000		
Risk Description	Risk at month £000	Risk at month 4 £000
None to report	0	0
TOTAL RISKS MANAGED	0	0

Supplementary monitoring information
None to report

**APPENDIX 6: SOCIAL CARE
BUDGET REVENUE MONITORING MONTH 6**

Table 1 - Forecast Variance by Subjective			
Subjective	Budget £000	Variance Month 6 £000	Variance Month 4 £000
Employees	14,036	(170)	0
Premises-related expenditure	602	0	0
Transport-related expenditure	46	0	0
Supplies & services	1,076	(55)	(59)
Third party payments	72,225	1,480	1,505
Transfer payments	12,800	0	0
Support services	7,829	0	0
Items excluded from the Cost of Services	0	0	0
Income	(56,716)	0	0
Corporate Charges (SLAs and Capital Charges)	5,397	0	0
Total	57,295	1,255	1,446
Covid-19 cost		1,300	1,300
Revised Total	57,295	2,555	2,746

Table 2 - Variance by Departmental Division					
Departmental Division	Revised Budget	Forecast Variance Month 6	Forecast Variance Month 4	Forecast Variance due to Covid	Forecast Variance (non - Covid) M6
	£000	£000	£000	£000	£000
Independent Living, Quality, Performance & Safeguarding	22,281	727	1,062	0	727
Specialist Support & Independent Living	24,028	493	361	0	493
Commissioning	4,945	90	82	0	90
Resources	5,513	0	0	0	0
Social Care Directorate	528	(55)	(59)	0	(55)
Public Health	0	0	0	0	0
TOTAL	57,295	1,255	1,446	0	1,255
Social Care Covid-19	0	1,300	1,300	1,300	
Revised Total	57,295	2,555	2,746	1,300	1,255

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Independent Living, Quality, Performance &		

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Safeguarding		
<p>The 2021/22 budget includes social care savings of £1.950m. The forecast has many variable demands from the on-going impact of Covid-19 such as: 1) the impact of the Hospital discharges placed by the NHS and requiring reassessment of care which is leading to further additional costs in adult social care (ASC); 2) the impact on the care market providers for on-going additional costs from Covid-19 (the department continues to provide a package of measures to support providers); 3) the impact to achieve the full delivery of savings; & 4) market instability following Covid-19.</p> <p>The Independent Living, Quality, Performance & Safeguarding Division is projecting a £727,000 overspend due to the full year effect and additional 146 net increase in care packages numbers costing £2,440,000 and an overspend of £479,000 for 28 new Discharge 2 Assess (D2A) NHS placements. These placements were led by CCG and then transferred (fee non-negotiable) to ASC after a re-assessment of needs. As a result of the CCG sourcing, the costs of these are above H&F fee levels and therefore the full year effect of the additional cost is £940,000 which H&F are looking to recharge the CCG. There is also a significant risk of more patients yet to be assessed and transferred over to ASC and it is believed 80% will transfer to ASC. Partly offsetting the forecast is a projected underspend of (£418,000) in Direct Payments due to changes in residents care needs and returned unspent funds, (£119,000) underspend on supporting living accommodation and additional income of (£355,000) on residential income contributions and funded nursing care as the number of residents increase in Placements. Mitigation plans are in place to address this overspend and the department has assumed (£1,300,000) will be funded from the additional funding from the un-ringfenced Covid-19 government grant as these costs are the medium-term impact of Covid-19.</p>	727	1,062
Independent Living, Quality, Performance & Safeguarding total	727	1,062
Specialist Support & Independent Living		
<p>This Division continues to have budget pressures in Learning Disability (LD) services due to a full year cost effect of new or returning residents commencing from 2020/21 and higher market costs with a projected overspend comprising Home Care £647,000, Placements £545,000 and offsetting underspend in Direct Payment services of (£136,000) and Individual Service Fund contract (£177,000). In Mental</p>	493	361

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Health services the forecast has improved since month 4 with an overall projected overspend down to breakeven due to reduced number of placements and an underspend of (£216,000) in Provided Services resulting from re-opening of day care services from the summer and net staffing underspend of (£170,000) due to delays in recruitment. Mitigation plan are in place to address the remaining overspends.		
Specialist Support & Independent Living total	493	361
Commissioning		
The existing meals contract with Harrow Commercial Services ended on the 31 August 2021 with a new meals and chat service for the remaining residents. The costing of the new spot providers, plus the additional homecare costs and the part year effect of the Harrow contract is expected to result in an overspend of £69,000. However, it is not anticipated that this will be a longer term risk. The remaining variance in the Division of £21,000 relates to additional demand on a supporting housing contract.	90	82
Commissioning total	90	82
Resources		
	0	0
Resources total	0	0
Social Care Directorate		
There is small underspend in the supplies and services budgets.	(55)	(59)
Social Care Directorate total	(55)	(59)
Public Health	0	0
Public Health total	0	0
TOTAL VARIANCE	1,255	1,446
The department has spent £2,354,000 on Covid-19 as at end of September 2021 for hospital discharges, Infection Control and testing measures. The department is assuming all the costs will be funded from a combination of the Government support such as the Infection Control and Rapid Testing grants and from the revised Hospital discharge funding via the CCGs. The department have assumed £1,300,000 additional funding from the un-ringfenced Covid-19 government grant for the additional Hospital discharge costs resulting from the medium-term impact of Covid-19.	1,300	1,300

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
REVISED VARIANCE	2,555	2,746

Table 4 - Savings Delivery					
Dept		MTFS Target £000s	On Track £000s	Partially Deliverable £000s	Undeliverable £000s
Total MTFS Savings		1,950	1,490	460	0
Schemes not On Track	£000s	Reason			
At this stage of the financial year the department is forecasting full delivery of savings.	0	There remains £0.460m (24% of the total savings) to be delivered over the next 6 months and is therefore ahead of the savings target.			

Table 5 - Key Risks - Detail Items Over £250,000		
Risk Description	Risk At Month 6 £000	Risk At Month 4 £000
Learning Disability transitions and other care pressures.	580	1,321
Backlog of Health funded Nursing placements, 25 as at the end of September, on the D2A pathway awaiting joint Continuing Healthcare (CHC) / Care Act assessment to determine funding responsibility. It is estimated that 75 - 80% will transfer to ASC.	257	555
TOTAL RISKS MANAGED	837	1,876

Supplementary Monitoring Information
The Department is projecting an overspend of £1,255,000 as at month six, reduction of (£191,000) in the overspend compared to month four of £1,446,000. The improvement in the forecast is due to tighter management review of care and support needs. The budget pressures are mainly as a result of the Hospital discharge pathway, the full year effect of care support and reductions of care budgets for MTFS savings.

APPENDIX 7: CENTRALLY MANAGED BUDGETS
BUDGET REVENUE MONITORING MONTH 6

Table 1 - Forecast variance by subjective			
Subjective	Revised budget £000	Variance month 6 £000	Variance month 4 £000
Employees (historic past service costs)	3,596	300	0
Premises-related expenditure	271	0	0
Transport-related expenditure	160	0	0
Supplies & services	7,855	0	0
Third party payments	112	0	0
Transfer payments (e.g. housing benefits, schools funding transfers)	96,924	0	0
Support services (internal trading)	1,495	0	0
Items excluded from the Cost of Services (debt management and capital charges)	3,922	(300)	0
Income	(100,584)	0	0
Non-controllable expenditure ((technical accounting adjustments e.g. overhead redistribution)	4,591	0	0
Total	18,342	0	0

Table 2 - Variance by departmental division					
Departmental division	Revised budget	Forecast variance month 6	Forecast variance month 4	Forecast variance due to Covid M6	Forecast variance (non - Covid) M6
	£000	£000	£000	£000	£000
Corporate & Democratic Core	2,284	0	0	0	0
Housing Benefits	(328)	0	0	0	0
Levies	1,560	0	0	0	0
Net Cost of Borrowing	3,715	(300)	0	0	0
Other Corporate Items	5,383	0	0	0	0
Pensions & redundancy	5,728	300	0	0	0
TOTAL	18,342	0	0	0	0

Table 3 - Variance analysis		
Departmental division	Month 6 £000	Month 4 £000
Corporate & Democratic Core		
	0	0
Corporate & Democratic Core total	0	0
Housing Benefits		
	0	0
Housing Benefits total	0	0

Table 3 - Variance analysis		
Departmental division	Month 6 £000	Month 4 £000
Levies		
	0	0
Levies total	0	0
Net Cost of Borrowing		
Analysis of the 2021/22 debt profile indicates that the total cost of borrowing activities will be less than budgeted.	(300)	0
Net Cost of Borrowing total	(300)	0
Other Corporate items		
	0	0
Other Corporate items total	0	0
Pensions & redundancy		
Reduced costs of historic unfunded pension payments	(40)	0
Forecast based on redundancy costs to date netted off against the savings being made from the voluntary redundancy scheme.	340	0
Pensions & redundancy total	300	0
TOTAL VARIANCE	0	0

Table 4 - Key risks - detail items over £250,000		
Risk Description	Risk at month 6 £000	Risk at month 4 £000
None to report	0	0
TOTAL RISKS MANAGED	0	0

Supplementary monitoring information
None to report

**APPENDIX 8: HOUSING REVENUE ACCOUNT
BUDGET REVENUE MONITORING MONTH 6**

Table 1 - Forecast Variance by Subjective			
Subjective	Budget £000	Variance Month 6 £000	Variance Month 4 £000
Employees	20,530	(110)	(870)
Premises-related expenditure	20,084	321	483
Transport-related expenditure	259	(101)	(88)
Supplies & services	11,853	(1,292)	(40)
Third party payments	2,098	488	39
Transfer payments	0	0	0
Support services	577	337	528
Items excluded from the Cost of Services	0	0	0
Income	(82,462)	(43)	212
Non-controllable expenditure	34,247	(583)	(583)
Appropriation From (+)/To (-)HRA General Reserve	7,187	(983)	(320)

Table 2 - Variance by Departmental Division					
Departmental Division	Revised Budget	Forecast Variance Month 6	Forecast Variance Month 4	Forecast Variance due to Covid	Forecast Variance (non - Covid) M6
	£000	£000	£000	£000	£000
Housing Income	(79,527)	(84)	(81)		(84)
Finance & Resources	8,070	(0)	(223)		(0)
Housing Management	6,535	438	71	20	418
Property & Compliance	9,246	(627)	(87)		(627)
Void & Repairs	10,170	374	773		374
DLO (H&F Maintenance)	2,881	22	0		22
Safer Neighbourhoods	712	(0)	0		(0)
Place	10,445	(107)	(56)		(107)
Regeneration & Development	1,061	(304)	(71)		(304)
Operations	4,424	(54)	(5)		(54)
Capital Charges	25,255	(641)	(641)		(641)
Corporate Support Service Recharges	7,915	(0)	0		(0)
Appropriation from HRA General Reserve	7,187	(983)	(320)	20	(1,003)

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Housing Income		
The ongoing impact of the Covid-19 pandemic is predicted to lead to an under-recovery of income from advertising sites of £40,000. Additionally, the latest forecast for dwelling rents and garages income suggests a shortfall of £167,000 this year. However, this is offset by an expected underspend against the bad debt provision of £300,000 due to better than budgeted income collection performance.	(84)	(81)
Housing Income total	(84)	(81)
Finance & Resources		
Net nil variance	(0)	(223)
Finance & Resources Total	(0)	(223)
Housing Management		
A high level of decants is driving a overspend in temporary accommodation and disturbance allowance costs of at least £723,000. In addition, unbudgeted Covid-19 related cleaning and security costs of £20,000 are forecast. These costs are partially offset by an underspend of £230,000 on staffing costs mainly due to delays in recruitment and other minor variances of £75,000.	438	71
Housing Management total	438	71
Property & Compliance		
It has been possible to sustain higher than expected capitalisation of contract costs and lower than budgeted procurement costs associated with a range of mechanical and engineering repairs and maintenance contracts than was assumed at the procurement stage (£706,000). It is also expected that a provision for other repairs and maintenance and project costs will not be fully spent this year (£354,000). Offsetting this is an increase in the forecast for the revenue costs for staff of £359,000 due in part to lower than expected capitalisation, together with an overspend against training costs of £74,000 arising from the need to comply with changes in legislation.	(627)	(87)
Property & Compliance total	(627)	(87)
Void & Repairs		
The council is awarding a higher level of historic compensation claims to support tenants. Offsetting this, analysis of the revenue and capital costs being incurred on the general repairs and maintenance contracts is resulting in a higher than expected capitalisation of those costs, enabling a forecast underspend of (£341,000).	374	773

Table 3 - Variance Analysis		
Departmental Division	Month 6 £000	Month 4 £000
Void & Repairs total	374	773
DLO (H&F Maintenance)		
	22	0
DLO (H&F Maintenance) total	22	0
Safer Neighbourhood		
No variance reported	0	0
Safer Neighbourhood total	0	0
Place		
Pressures on staffing costs due to the need for additional staffing for a pilot concierge scheme and for the repairs customer service centre of £440,000 are offset by underspends within other staffing budgets and a provision for risk and contract penalties of (£483,000). Additionally, forecast overspends on legal and compensation costs of £205,000 are offset by contract penalty and rental income (£206,000) and by other minor running variances (£63,000).	(107)	(56)
Place total	(107)	(56)
Regeneration & Development		
This mainly relates to a forecast underspend on feasibility costs (£321,000), offset by other minor variances of £17,000.	(304)	(71)
Regeneration & Development total	(304)	(71)
Operations		
The underspend is due to a delay in recruitment.	(54)	(5)
Operations total	(54)	(5)
Capital Charges		
The underspend mostly relates to a change in the treasury management and borrowing strategy agreed corporately to defer the replacement of internal borrowing with externally financed debt to future years.	(641)	(641)
Capital Charges total	(641)	(641)
Corporate Support Service Recharges		
	0	0
Corporate Support Service Recharges total	0	0
TOTAL VARIANCE	(983)	(320)

Table 4 - Key Risks - Detail Items Over £250,000		
Risk Description	Risk At	Risk At

	Month 6 £000	Month 4 £000
Income from commercial property: In addition to the variance above, there is a risk of a further loss of income due to the Covid-19 pandemic. The risks is specific to recovery of commercial debt even though invoices have been raised to existing tenants.	250	250
Decanting costs, Housing Management - the full expectation of unbudgeted spend on temporary accommodation and disturbance allowance costs due to the increase in the number of decants driven by repairs activity is reported within the variances as set out in Table 3. No further risk is currently envisaged.	0	300
TOTAL RISKS MANAGED	250	750

Supplementary Monitoring Information
None to report

APPENDIX 9 - VIREMENT REQUESTS – MONTH 6

Details of Virement	Amount (£000)	Department
Use of Corporate Property Reserve to fund the shortfall on corporate buildings income.	150 (150)	Economy CMB
Use of the Covid reserve to fund enhanced sheltered housing cleaning measures and social distancing measures (non-landlord costs).	(315) 315	Economy (HRA) Covid reserve (CMB)
An adjustment in the corporate property recharge to reflect lower office occupancy during the pandemic.	(1,100) 1,100	Economy (HRA) Covid Reserve (CMB)
Total of Requested Virements (Debits)	1,565	

Agenda Item 9



NOTICE OF CONSIDERATION OF A KEY DECISION

In accordance with paragraph 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Authority hereby gives notice of Key Decisions which the Cabinet, Cabinet Members or Chief Officers intend to consider. The list may change from the date of publication as further items may be entered.

NOTICE OF THE INTENTION TO CONDUCT BUSINESS IN PRIVATE

The Authority also hereby gives notice in accordance with paragraph 5 of the above Regulations that it may meet in private to consider Key Decisions going to a Cabinet meeting which may contain confidential or exempt information.

Reports relating to Cabinet key decisions which may be considered in private are indicated in the list of Cabinet Key Decisions below, with the reasons for the decision being made in private. Any person is able to make representations to the Cabinet if he/she believes the Cabinet decision should instead be made in the public at the Cabinet meeting. If you want to make such representations, please e-mail Katia Neale on katia.neale@lbhf.gov.uk. You will then be sent a response in reply to your representations. Both your representations and the Executive's response will be published on the Council's website at least 5 working days before the Cabinet meeting.

KEY DECISIONS PROPOSED TO BE MADE BY THE AUTHORITY FROM DECEMBER 2021 UNTIL JUNE 2022

The following is a list of Key Decisions which the Authority proposes to take from December 2021. The list may change over the next few weeks.

KEY DECISIONS are those which are likely to result in one or more of the following:

- Any expenditure or savings which are significant (ie. in excess of £300,000) in relation to the Council's budget for the service function to which the decision relates;
- Anything affecting communities living or working in an area comprising two or more wards in the borough;
- Anything affecting the budget and policy framework set by the Council.

The Key Decisions List will be updated and published on the Council's website at least on a monthly basis.

NB: Key Decisions will generally be taken by the Executive at the Cabinet, by a Cabinet Member or by a Chief Officer.

*If you have any queries on this Key Decisions List, please contact
Katia Neale on 07776 672 956 or by e-mail to katia.neale@lbhf.gov.uk*

Access to Key Decision reports and other relevant documents

Key Decision reports and documents relevant to matters to be considered at the Authority by Cabinet only, will be available on the Council's website (www.lbhf.org.uk) a minimum of 5 working days before the Cabinet meeting. Further information, and other relevant documents as they become available, can be obtained from the contact officer shown in column 4 of the list below.

Decisions

All Key Decisions will be subject to a 3-day call-in before they can be implemented, unless called in by Councillors.

Making your Views Heard

You can comment on any of the items in this list by contacting the officer shown in column 4. You can also submit a deputation to the Cabinet related to Cabinet Key Decisions only. Full details of how to do this (and the date by which a deputation must be submitted) will be shown in the Cabinet agenda.

LONDON BOROUGH OF HAMMERSMITH & FULHAM CABINET

Leader:	Councillor Stephen Cowan
Deputy Leader:	Councillor Sue Fennimore
Cabinet Member for the Environment:	Councillor Wesley Harcourt
Cabinet Member for Housing:	Councillor Lisa Homan
Cabinet Member for the Economy:	Councillor Andrew Jones
Cabinet Member for Health and Adult Social Care:	Councillor Ben Coleman
Cabinet Member for Children and Education:	Councillor Larry Culhane
Cabinet Member for Finance and Commercial Services:	Councillor Max Schmid
Cabinet Member for Public Services Reform:	Councillor Adam Connell
Cabinet Member for Strategy:	Councillor Sharon Holder

Key Decisions List No. 113 (published 24 December 2021)

KEY DECISIONS LIST – FROM DECEMBER 2021

The list also includes decisions proposed to be made by future Cabinet meetings

Where column 3 shows a report as EXEMPT, the report for this proposed decision will be considered at the private Cabinet meeting. Anybody may make representations to the Cabinet to the effect that the report should be considered at the open Cabinet meeting (see above).

* All these decisions may be called in by Councillors; If a decision is called in, it will not be capable of implementation until a final decision is made.

Decision to be Made by	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
CABINET MEMBER AND OFFICER DECISIONS				
Finance				
Cabinet Member for the Environment	December 2021	<p>Annual Highways Maintenance Programme</p> <p>This report seeks approval of the annual highway maintenance work programme for 2020-2021. A key driver for this work is improving the quality of our street scene to give residents and businesses pride in the borough. This work is planned preventative maintenance, aimed at prolonging the life of the Highway infrastructure within the borough.</p> <p>We aim to improve efficiency and provide maximum value for money co-ordinating as far as possible maintenance works with the implementation of LIP projects. We are coordinating footways with the need to plan more trees so use our planned maintenance on footways to increase opportunities for adding tree pits.</p>	Cabinet Member for the Environment	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for the Environment	December 2021	<p>Highways Planned Maintenance Programme 2020-21</p> <p>Highways Maintenance programme to renew a number of carriageways and footways in the borough as part of the asset management of the boroughs highway network. To ensure safety requirements under the Highways</p>	Cabinet Member for the Environment	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any
	Reason: Expenditure/Income above £300K - Revenue up to £500k		Ward(s): All Wards	

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	and Capital up to 1.5m	Act 1980.	ian.hawthorn@lbhf.gov.uk	supporting documentation and / or background papers to be considered.
Cabinet Member for the Environment	December 2021	Proposals for the Noise and Nuisance team's revised service hours Review of the Hours of operation of the borough's Noise & Nuisance service	Cabinet Member for the Environment	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for Housing	December 2021	Replacement of Spandrel Panels (Medium and Low Risk Properties) Replacement of Spandrel Panels at the identified properties covering the stripping out of existing panels and renewing panels including carrying out, as required, all associated works.	Cabinet Member for Housing	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Strategic Director for the Environment	December 2021	Climate and Ecological Emergency – Expansion of Lamp Column Electric Vehicle Charge Points Having successfully secured £215,175 funding from OLEV for residential lamp column EV charge points, and negotiated the necessary 25% match funding of	Cabinet Member for the Environment	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any
	Reason: Expenditure/Income above £300K - Revenue up to £500k		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
	and Capital up to 1.5m	£72,000 from FM Conway, we are seeking permission to expand the network by a further 152 charge points using the existing LBHF term contract with FM Conway and CityEV.		supporting documentation and / or background papers to be considered.
Deputy Leader	December 2021	Third Sector Investment Fund Report to agree forward plan for 3SIF.	Deputy Leader	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Director Children's Services	December 2021	Climate Education Activity to promote education, awareness and participation in climate change activities among children and young people	Cabinet Member for Children and Education	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Cabinet Member for Health and Adult Social Care	December 2021	Public Health Budget Approval - Primary Care Activity Budget approval report for public health funded services within primary care from April 2021- March 2024.		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any
	Reason: Expenditure/ income - Revenue between £500,000		Ward(s): All Wards	

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	and £5m and Capital between £1.5m and £5m			supporting documentation and / or background papers to be considered.
Chief Executive	December 2021 Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	Collaborative Delivery Agreement Variation This workstream follows the January 2021 Cabinet report on disaggregation from LSCP and Placements. The January report contained a recommendation to delegate authority to the Chief Executive to make variations/extensions to the Collaborative Delivery Agreement from April 21 onwards - this report presents recommendations for both variation and extension.	Ward(s): All Wards Contact officer: Will Parsons Tel: 0776 848 6764 Will.Parsons@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Strategic Director of the Economy Department	December 2021 Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m	Modification of construction Contract of 10 genuinely affordable new homes in Spring Vale Estate Report on the progress of the construction of the 10 new genuinely affordable homes in Spring Vale Estate (which is near completion) and request for approval of Variation of contracts connected to the construction.	Cabinet Member for the Economy Ward(s): Avonmore and Brook Green Contact officer: Matthew Rumble matt.rumble@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Strategic Director for the Environment	December 2021 Reason: Affects 2 or more wards	Healthy School Streets- a public health approach to infrastructure on highways and air quality monitoring This report seeks approval to start a programme of low level infrastructure improvements on the public highway around schools,	Cabinet Member for the Environment Ward(s): All Wards Contact officer: Ian Hawthorn Tel: 020 8753 3058	A detailed report for this item will be available at least five working days before the date of the meeting and will include

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
		undertake air quality audits for a number of schools who are in areas of poor air quality (of which there are 28), install air quality monitors and deliver an education programme to schools about the projects with a focus on STEMs. This would be the first year of the programme, with further reports for future years to recommend and apply mitigations for all schools on the list. The programme will report back to the Cabinet member and there will be continuous monitoring. This is a joint programme working with colleagues in Public Health and Education.	ian.hawthorn@lbhf.gov.uk	details of any supporting documentation and / or background papers to be considered.
Cabinet Member for the Environment	December 2021 Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m	Decarbonising Macbeth and Broadway Centres Public sector decarbonisation grant funding and match funding to implement air source heat pumps and energy efficiency measures at Macbeth and Broadway Centres.	Cabinet Member for the Environment Ward(s): All Wards Contact officer: Hinesh Mehta Hinesh.Mehta@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Chief Housing Officer	December 2021 Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m	Sale of Land next to 2 Effie Place Sale of land next to 2 Effie Place for the construction of block of three flats.	Ward(s): Town Contact officer: Ciaran Maguire Tel: 020 8753 4500 Ciaran.Maguire@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
				considered.
Chief Executive	December 2021	<p>Mass Testing Personnel Support - Global Production Squad</p> <p>The current contract with Global Production Squad (GPS) and Sportgate expired on 31st March 2021. Due to the need to continue community testing, as outlined by DHSC, to ensure the Council provides as much safety as possible in line with the governments lockdown easing plan and the economy re-opening all community testing is to be extended until 30th June 2021.</p>	Cabinet Member for Health and Adult Social Care	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Strategic Director for the Environment	December 2021	<p>Hammersmith Park - Improvements</p> <p>This relates to the possible partnership between H&F and a developer to make improvements to the bowling green (and possibly the play area) within Hammersmith Park to an estimated value of £450k. There may be financial contributions from both sides covered by agreed Heads of Terms / conditions. Once the details and principles are agreed a report will be forthcoming to seek approval to proceed.</p>		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Shepherds Bush Green	
Strategic Director for the Environment	December 2021	<p>Bishops Park - Improvement Programme</p> <p>This relates to a range of projects to be delivered in Bishops Park. The projects are to be funded through s106 contributions and rental / revenue income received in relation to the Fulham FC stadium development. The report will outline how the monies received will be allocated to various improvement projects in the park</p>		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Palace Riverside	

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				papers to be considered.
Strategic Director of the Economy Department	December 2021	Variation of the Land Sale Agreement - Watermeadow Court Variation of the terms of the land sale agreement on Watermeadow Court	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): Sands End	
Resources				
Strategic Director of the Economy Department	December 2021	Procurement Strategy - Roof Repair Programme To repair and replace roofs at 4 locations	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): College Park and Old Oak; Fulham Reach; Hammersmith Broadway; Town	
Cabinet Member for Housing	December 2021	Procurement Strategy – Dry to Wet Riser Conversion Works in Six (6) Blocks To appoint a Contractor to undertake conversion works of Dry Risers to Wet Risers in Six (6) Blocks to enhance fire safety.	Cabinet Member for Housing	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital		Ward(s): All Wards	

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	up to 1.5m			documentation and / or background papers to be considered.
Director Children's Services	December 2021 Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m	Call-off Contract Extensions for Semi-Independent Living Support Providers Decision report recommending short-term extensions of up to six months from 12 April 2020 to 12 September 2020 to 16 call-off contracts to secure continuation of existing provision of semi-independent living (SIL) accommodation arrangements for Looked After Children and Young People leaving care to enable continuity of these valuable services during the current Covid-19 outbreak.	Cabinet Member for Children and Education Ward(s): All Wards Contact officer: Will Parsons Tel: 0776 848 6764 Will.Parsons@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet Member for the Environment	December 2021 Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	Procurement Strategy for Land and Property System The IDOX Group currently provides the Council's land and property-based IT case management system (Uniform) for multiple regulatory services across the authority. The software is highly embedded within the organisation and underpins a large number of business processes and casework management. Its contract has expired and needs to be reproced.	Cabinet Member for the Environment Ward(s): All Wards Contact officer: Josh Hadley, Davina Barton Tel: 020 8753 1980, Josh.Hadley@lbhf.gov.uk, Davina.Barton@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Director Children's Services	December 2021 Reason: Expenditure/Income above £300K - Revenue	Approval to agree contract with Family support Service (FSS) To enable to enter in to a contract with Family Support Service (FSS).	Cabinet Member for Children and Education Ward(s): Contact officer: Lesley Bell	A detailed report for this item will be available at least five working days before the date of the meeting and will include

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	up to £500k and Capital up to 1.5m		Lesley.Bell@lbhf.gov.uk	details of any supporting documentation and / or background papers to be considered.
Cabinet Member for Children and Education	December 2021	Contract Extensions on Family Support (FS) Framework To extend a series of contracts on the Family Support Service (FSS) framework and deliver savings required.	Cabinet Member for Children and Education	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for the Economy, Cabinet Member for Finance and Commercial Services	December 2021	Egyptian House - new housing and community facilities A property transaction that will result in housing units including affordable housing and community facilities PART OPEN PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	Cabinet Member for the Economy, Cabinet Member for Finance and Commercial Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Wormholt and White City	

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Strategic Director of the Economy Department	December 2021	Procurement Strategies for White City Central Approval of two procurement strategies for the White City Central scheme.	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Wormholt and White City	
Cabinet Member for Finance and Commercial Services	December 2021	MFD Reprourement The Council has a contract for the provision of multi-functional devices (printers, scanners and copiers) so that its staff can have access to print services in its offices. The contract is due for renewal in 2021.	Cabinet Member for Finance and Commercial Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Cabinet Member for the Economy	December 2021	Mund Street Site - Contract Award for Design Team This decision is to appoint a Design Team for the redevelopment of Mund Street. In particular, the decision seeks to appoint a Lead Designer and Architect along with specialist technical sub-consultants to allow for the completion of LBHF Development Gateway 2 (planning) and LBHF Development Gateway 3 (procurement).	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): North End	

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Cabinet Member for the Economy	December 2021	<p>Mund Street Site - Contract Award for Control Team</p> <p>This decision is to appoint a Control Team for the redevelopment of Mund Street. In particular, the decision seeks to appoint an Employers Agent and Project Manager along with specialist technical sub-consultants to allow for the completion of LBHF Development Gateway 2 (planning) and LBHF Development Gateway 3 (procurement).</p>	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): North End	
Cabinet Member for the Economy	December 2021	<p>Farm Lane Site - Contract Award for Design Team</p> <p>This decision is to appoint a Design Team for the redevelopment of 11 Farm Lane. In particular, the decision seeks to appoint a Lead Designer and Architect along with specialist technical sub-consultants to allow for the completion of LBHF Development Gateway 2 (planning) and LBHF Development Gateway 3 (procurement).</p>	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Fulham Broadway	
Cabinet Member for the Economy	December 2021	<p>Farm Lane Site - Contract Award for Control Team</p> <p>This decision is to appoint a Control Team for the redevelopment of 11 Farm Lane. In particular, the decision seeks to appoint an Employers Agent and Project Manager along with specialist technical sub-consultants to allow for the completion of LBHF Development Gateway 2 (planning) and LBHF Development Gateway 3 (procurement).</p>	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Fulham Broadway	

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Cabinet Member for the Economy	December 2021	Lillie Road Site - Design Team Award Report This decision is to appoint a Design Team for the redevelopment of Lillie Road. In particular, the decision seeks to appoint a Lead Designer and Architect along with specialist technical sub-consultants to allow for the completion of LBHF Development Gateway 2 (planning) and LBHF Development Gateway 3 (procurement).	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): North End	
Cabinet Member for the Economy	December 2021	Lillie Road Site - Control Team Award Report This decision is to appoint a Control Team for the redevelopment of Lillie Road. In particular, the decision seeks to appoint an Employers Agent and Project Manager along with specialist technical sub-consultants to allow for the completion of LBHF Development Gateway 2 (planning) and LBHF Development Gateway 3 (procurement).	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): North End	
Cabinet Member for Health and Adult Social Care	December 2021	Contract extension for Floating Support Service Agree a contract extension as permitted under the original contract award for plus 2 years to Hestia for floating support services	Cabinet Member for Health and Adult Social Care	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	

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Strategic Director of Social Care	December 2021	Day Opportunities Contract awards Contract awards for three day centres for older people	Cabinet Member for Health and Adult Social Care	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Strategic Director of the Economy Department	December 2021	Procurement Strategy - Caretakers Lodges The aim of the scheme is to generate income by redeveloping caretakers lodges into low rental, short term accommodation for teaching staff employed in H&F schools, after which they will have the option of accessing the Council wider affordable housing offer e.g. Shared Ownership or Help to Buy. The discovery work has enabled a business case for investment in repurposing four lodges as affordable key workers houses to house a first cohort of teachers from September 2021. This is expected to deliver the Council immediate revenue benefits of between £63k and £113k from the schemes launch with a breakeven point from 2025/26 considering the upfront capital invested. Works scheduled for 2021 are estimated to cost £555,481 and be paid for from Capital Planned Maintenance Budget. Due to the high pre-tender estimated costs for		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	

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		<p>refurbishment to two of the lodges, a procurement strategy will be drafted for approval. This will account for £407,481 of the total pre tender estimated value.</p> <p>The Corporate Landlord Board, Children's Leadership Team and Cabinet Member have approved the business case for progression of the first four lodges.</p>		
Cabinet Member for Health and Adult Social Care	<p>December 2021</p> <p>Reason: Affects 2 or more wards</p>	<p>Extension of Incumbent Homecare Contracts</p> <p>This report seeks Cabinet member approval for the extension of the existing homecare contracts for 1year + 6 months + 6months.</p>	<p>Cabinet Member for Health and Adult Social Care</p> <p>Ward(s): All Wards</p> <p>Contact officer: Christine Williams</p> <p>Christine.Williams@lbhf.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet Member for Children and Education	<p>December 2021</p> <p>Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m</p>	<p>Procurement Strategy for Young Persons and Care Leaver's Semi-independent Living</p> <p>The purpose of this strategy is to set out proposed changes to in-borough commissioned supported housing services for young people at risk of becoming homeless and or at risk of entering the care system as a result of becoming homeless.</p>	<p>Cabinet Member for Children and Education</p> <p>Ward(s):</p> <p>Contact officer: Will Parsons Tel: 0776 848 6764 Will.Parsons@lbhf.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
Cabinet Member for Children and Education	December 2021	Semi Independent Living Contract (SIL) Providing the provision of SIL across Care Leavers and Young Persons at Risk Pathway		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for Housing	December 2021	Contract Award, Edward Woods external wall safety works This report seeks approval from the Cabinet Member for Housing to award a contract for the External Wall Safety Works at Edward Woods Estate	Cabinet Member for Housing	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Shepherds Bush Green	
Cabinet Member for Health and Adult Social Care	December 2021	Direct Award to Incumbent Substance Misuse Service Providers This report seeks the approval of a direct award of one year plus six months, (1+6m) to the provision of three substance misuse contracts and two grants to be delivered by the four incumbent providers CGL, Turning Point, Outside Edge and Build on Belief	Cabinet Member for Health and Adult Social Care	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
				considered.
Strategic Director for the Environment	December 2021	Refuge Direct Award Direct award refuge provision - 1st April 2021 - 31st March 2022.	Cabinet Member for the Environment	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Contact officer: Felicity Charles Tel: 02087534311 Felicity.Charles@lbhf.gov.uk				
Strategic Director of Social Care	December 2021	Extension of Healthy Hearts Contract Extension of contract with Thrive Tribe to provide a stop smoking service and a cardio vascular disease prevention programme.	Cabinet Member for Health and Adult Social Care	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Contact officer: Lisa Henry Tel: 07584522952 Lisa.Henry@lbhf.gov.uk				
Cabinet Member for the Environment	December 2021	Contract Award - Revenue and Benefits Contract for the supply of software and associated support		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background
	Reason: Expenditure/ income - Revenue between £500,000 and £5m and Capital between £1.5m and		Ward(s): All Wards	
Contact officer: Graham Pottle Tel: 07733 038 882 graham.pottle@lbhf.gov.uk				

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	£5m			papers to be considered.
Director Children's Services	December 2021	<p>Child and Adolescent Mental Health Services (CAMHS) for 21/22</p> <p>Exceptional circumstances related to the Covid vaccine roll-out mean that NHS partners are not sufficiently resourced at this time to enter into intended Section 75 arrangements. Therefore, in order to remain within governance requirements, this report seeks approval to directly award contracts for CAMHS services for 2021/22.</p>	Cabinet Member for Children and Education	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Strategic Director of the Economy Department	December 2021	<p>Procurement Strategy for direct award of a contract for a multi-disciplinary consultant for the major refurbishment of Charecroft Estate W12</p> <p>The report seeks approval of a procurement strategy proposing a direct award of a contract for multi-disciplinary consultancy services to develop, plan and manage the major refurbishment works at Charecroft estate W12</p>		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Addison	
Cabinet Member for Children and Education	December 2021	<p>Award to the Travel Care Taxi Services Framework</p> <p>Award of providers to the Travel Care Taxi Framework</p>	Cabinet Member for Children and Education	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend		Ward(s): All Wards	

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	over £300K			background papers to be considered.
Cabinet Member for the Economy	December 2021	CONTRACT AWARD REPORT: Responsive Capital reserve contract On 24th March 2021 the Cabinet Member for Housing approved the award of the Responsive Capital contract to Kier Services Limited for five years from 1st May 2021 (with an option to extend for two additional years). Approval is now sought to appoint a reserve contractor to deliver the Responsive Capital contract.	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for the Environment	December 2021	Procurement strategy - Contract for Parking Suspension System This is a procurement strategy for a Parking Suspension System to replace the existing system that has come to its end of life.	Cabinet Member for the Environment	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Strategic Director of the Economy Department	December 2021	White City Central redevelopment - Contract Award Mechanical, Electrical and Public Health Engineer (MEP) Consultant to support the White City Central redevelopment project	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Wormholt and White City	

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				background papers to be considered.
Leader of the Council	December 2021	<p>Request for a Re-Purposing of the Stock Condition Capital Budget for the IHMS</p> <p>The purpose of the report is to request approval for the re-purposing of the Capital Budget for the Stock Condition surveys to meet the cost of implementing the new Integrated Housing Management System for The Economy.</p>	Cabinet Member for Housing	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for Children and Education	December 2021	<p>Caretaker Lodges- Letting Agency Procurement</p> <p>To lease the four caretaker lodges in the first phase of the Caretaker Lodge project to a letting agency to manage the tenancies & properties in partnership with H&F- details of allocations of responsibilities to be agreed. This is part of the Caretaker Lodges Project to provide local low rent teacher accommodation to increase teacher retention in LBHF and maintain outstanding education provision in the borough.</p>	Cabinet Member for Children and Education	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Deputy Leader	December 2021	<p>Award for Violence Against Women and Girls Services</p> <p>Award report for VAWG services - Integrated Support Service</p>	Deputy Leader	A detailed report for this item will be available at least five working days before the date of the meeting and will include
	Reason: Expenditure/Income - Revenue between £500,000		Ward(s): All Wards	

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	and £5m and Capital between £1.5m and £5m		Felicity.Charles@lbhf.gov.uk	details of any supporting documentation and / or background papers to be considered.
Strategic Director of the Economy Department	December 2021	Relief contractor for Housing Repairs Procurement Strategy for procuring a contractor from a framework to address a backlog of disrepair cases, voids and major repairs.	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for Housing	December 2021	Procurement Strategy for H&F Maintenance 'DLO' Roofing Subcontractor This report seeks approval to procure a roofing subcontractor to carry out roofing repairs, on behalf of H&F Maintenance 'the DLO', via a restricted tender process to Small and Medium-sized Enterprises (SME's). This is permitted for high-value contracts under contract standing order 4.8. The DLO has responsibility for carrying out repairs to communal areas for the majority of our council housing stock and requires a subcontractor to refer roofing repairs to, due to the specialist nature of these works, in order to fulfil our duties as landlord to keep our buildings safe and in good repair.	Cabinet Member for Housing	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	

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Cabinet Member for Housing	Before 1 Dec 2021	<p>Procurement strategy for DLO vehicle supplier</p> <p>Hammersmith and Fulham Maintenance and the Fire Safety Works team, aka the 'DLO' has been delivering communal repairs and maintenance across the borough since April 2019. It's initial procurement approval for vehicle hire expired in June 2020. However, it has continued to lease vehicles from Northgate Vehicles on a flexi-contract since then. This paper seeks approval to note and ratify that use, and to approve procurement of a new contract going forward</p>	Cabinet Member for Housing	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Cabinet Member for Strategy	1 Dec 2021	<p>Grounds Maintenance Procurement</p> <p>Grounds maintenance procurement strategy was approved by Cabinet on 1st June 2020. This procurement has 4 Lots: Lot 1 Parks, Highways and Cemeteries, Lot 2 Housing (Economy department), Lot 3 Wormwood Scrubs, Lot 4 Trees. Each lot will need approval to accept the best tendered offer.</p>	Cabinet Member for Strategy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Cabinet Member for Health and Adult Social Care	December 2021	<p>Procurement Strategy for a Sexual Health Promotion, Information and Advisory Service</p> <p>The recommissioning of a Sexual Health Promotion and Advisory service that: promotes good sexual health and educates residents to enable them to make informed decisions, provides tailored prevention and support services to all the diverse communities resident in Hammersmith and Fulham,</p>		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

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		provides within the services, elements that specifically address both the physical and mental health needs, and employment aspirations of people living with HIV works with GPs and other specialist sexual health services to facilitate access to sexual health screening and contraception services appropriate to the resident's need		considered.
Cabinet Member for Housing	December 2021	Variations to (Housing) Gas, Electrical and Out of Hours Call Handling contracts A report detailing proposed variations to three contracts following Annual Review of contract performance.		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for Housing	December 2021	Variations to Housing Repairs contracts Report detailing proposed variations to Housing Repairs contracts following Annual Review of contract performance.		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
			Contact officer: Richard Buckley richard.buckley@lbhf.gov.uk	

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Cabinet Member for Public Services Reform	January 2022	Further competition for managed service for temporary agency resources Re-procurement of temporary agency resources	Cabinet Member for Public Services Reform	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
	Contact officer: Mary Lamont mary.lamont@lbhf.gov.uk			
Deputy Leader	Before 30 Apr 2022	Award for Domestic Abuse Refuge Provision To award provision for domestic abuse safe accommodation services (refuge)		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
	Contact officer: Beth Morgan Tel: 020 8753 3102 beth.morgan@lbhf.gov.uk			
Strategic Director of the Economy Department	Before 24 Dec 2021	Macbeth Annex and Broadway Children's Centre Decarbonisation Projects Public Sector Decarbonisation Scheme projects, involving (1) ASHP replacement to Annex and heating upgrades at Macbeth and (2) ASHP replacement and heating upgrades at Brook Green. Reasons for urgency: H&F Council won a Salix grant to upgrade from gas heating systems to electric low carbon		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
	Contact officer: David McNulty David.McNulty@lbhf.gov.uk			

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		<p>air source heat pumps in two properties – The Macbeth Centre Annex and Broadway Nursery. This grant accounts for two thirds of the total cost of upgrading the old gas system to an electric system alongside other building fabric improvement. In order to draw down on the grant, the Council will need to urgently procure a capital works contractor. The grant, worth roughly £465,330, must be utilized before March 2022, or otherwise will be lost and cannot be awarded again; an application for an extension was rejected by the funding partner. In addition, if the Council is unable to spend the grant within the above timeframe there is a risk that future applications for grant funding will not be considered, which could have a knock-on effect on delivery against the 2030 net-zero carbon target. Due to the short-notice nature of the grant, the impacts of COVID-19 on supply chains, and other logistical problems (discovery of asbestos etc.), there is an urgent need award the contract as soon as possible so work can begin before the grant expires.</p>		
Strategic Director of the Economy Department	<p>Before 24 Jan 2022</p> <p>Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital</p>	<p>Macbeth Annex and Broadway Children's Centre Decarbonisation Projects - contract award</p> <p>Decision relates to the award of a contract for two Public Sector Decarbonisation Scheme projects, involving (1) ASHP replacement to Annex and heating upgrades at Macbeth and (2) ASHP</p>	<p>Ward(s): All Wards</p> <p>Contact officer: David McNulty</p> <p>David.McNulty@lbhf.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting

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	up to 1.5m	replacement and heating upgrades at Brook Green. This decision follows the procurement strategy decision listed on 14th December.		documentation and / or background papers to be considered.
Cabinet Member for Housing	January 2022	Roofing Contract Award Contract award for a contractor to deliver roofing repairs and maintenance works across council housing properties.		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for the Economy	February 2022	AWARD OF CONTRACT AND PROCUREMENT STRATEGY FOR THE COUNCIL'S LAND AND PROPERTY-BASED IT SYSTEM Award of contract and procurement strategy for the council's land and property-based it system		A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

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CABINET - 10 January 2022

Finance

Cabinet	10 Jan 2022	<p>Delivery of Wood Lane Cycleway and development of a Shepherds Bush Green public realm scheme</p> <p>This report is seeking a decision to progress the design and delivery of the Wood Lane Cycleway consulted on in 2019, subject to securing funding. It also seeks approval for the development of a concept design for the Shepherds Bush Green and Holland Park Roundabout areas.</p> <p>Reasons for Urgency:</p> <p>This is an urgent decision due to the ongoing TfL funding uncertainty. On 13 December 2021 an interim extension was announced following a funding settlement being granted by the Department for Transport (DfT) until 17 December 2021. The most recent position of the extraordinary funding and financing agreement between TfL and the DfT has been extended to 4 February 2022. There thus remains an urgent need to ensure financing can be unlocked in accordance with irregular funding schedules and secure future funding for the boroughs intended scheme.</p>	Cabinet Member for the Environment	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
Cabinet	10 Jan 2022	<p>Council Tax Support Scheme 22/23</p> <p>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</p>	Cabinet Member for Finance and Commercial Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting
	Reason: Expenditure/Income over £5m & policies or new income, reserves		Ward(s): All Wards	

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	use, overspend over £300K	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 report is not proposing to make any changes to the Council Tax Support Scheme for 2022/23 other than the application of the annual uprating.	uk	documentation and / or background papers to be considered.
Cabinet	10 Jan 2022 Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K	Council Tax Base and Collection Rate 2022-23 and Delegation of the Business Rate Estimate This report is a statutory requirement that sets the council tax base for the purposes of the 2022/23 revenue budget.	Cabinet Member for Finance and Commercial Services Ward(s): All Wards Contact officer: Jamie Mullins Tel: 020 8753 1650 Jamie.Mullins@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet	10 Jan 2022 Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K	CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2021/22 (SECOND QUARTER) This report provides a financial update on the council's capital programme and requests approval for budget variations to the capital programme.	Cabinet Member for Finance and Commercial Services Ward(s): All Wards Contact officer: Andrew Lord Tel: 020 8753 2531 andrew.lord@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet	10 Jan 2022 Reason: Affects 2 or	2021/22 Corporate Revenue Monitor - Month 6 (September 2021) Update of Financial Forecast for 2021-22 financial year	Cabinet Member for Finance and Commercial Services Ward(s): All Wards	A detailed report for this item will be available at least five working days

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	more wards		Contact officer: Gary Ironmonger Tel: 020 8753 2109 Gary.Ironmonger@lbhf.gov.uk	before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.

CABINET - 7 February 2022

Cabinet	7 Feb 2022	<p>FOUR YEAR CAPITAL PROGRAMME 2022/23 AND CAPITAL STRATEGY 2022/23</p> <p>This report presents the Council's four-year Capital Programme for the period 2022 to 2026.</p>	Cabinet Member for Finance and Commercial Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
Cabinet	7 Feb 2022	<p>CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2021/22 (THIRD QUARTER)</p> <p>This report provides a financial update on the council's capital programme and requests approval for budget variations to the capital programme.</p>	Cabinet Member for Finance and Commercial Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	

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Cabinet	7 Feb 2022	REVENUE BUDGET AND COUNCIL TAX LEVELS 2022/23 The 2021/22 revenue budget proposals regarding Council tax levels, investment and savings proposals, changes to fees and charges, budget risks, reserves and balances and equalities impact assessments.	Leader of the Council	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	7 Feb 2022	Financial Plan for Council Homes: The Housing Revenue Account (HRA) 2022/23 HRA Budget, 2022/23 Rent Increase and HRA 40 Year Financial Business Plan This report sets out proposals for the Housing Revenue Account (HRA) budget for the financial year 2022/23 including changes to rent levels and other charges. The report also sets out the revised 40 year HRA financial plan, the updated savings requirement and explains the financial risks facing the HRA.	Cabinet Member for Housing	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
Cabinet	7 Feb 2022	Treasury Management Strategy Statement This report sets out the Council's Treasury Management Strategy for 2022/23	Cabinet Member for Finance and Commercial Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Budg/pol framework		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
Cabinet	7 Feb 2022	Treasury Management Mid-Year Review Report This report sets out the Council's performance for the first 6 months of 2021/22	Cabinet Member for Finance and Commercial Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Budg/pol framework		Ward(s): All Wards Contact officer: Emily Hill emily.hill@lbhf.gov.uk	
Cabinet	7 Feb 2022	Short Breaks Statement and Eligibility Criteria Short Breaks Statement update May 2021. This Statement is about the offer of short breaks available for children with disabilities and their families in Hammersmith and Fulham. It sets out how the services are organised, and routes to access them. This short break statement is published as a requirement of the Children and Families Act 2014.	Cabinet Member for Children and Education	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Budg/pol framework		Ward(s): All Wards Contact officer: Lesley Bell, Hannah parrott Lesley.Bell@lbhf.gov.uk,	
Cabinet	7 Feb 2022	H&F Community Engagement Strategy Community engagement is central to H&F's values of doing things with residents not to them, our vision to work in partnership with residents and to support diverse and thriving communities. This report sets out a co-productive and strategic approach to community engagement and a roadmap to strengthen H&F's delivery and enablement of community engagement. It proposes a series of principles and	Cabinet Member for Strategy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Budg/pol framework		Ward(s): All Wards Contact officer: Daniel Miller Tel: 020 8753 6996 daniel.miller@lbhf.gov.uk	

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		objectives for the short, medium and long-term and details practical proposals for immediate implementation to end the current hiatus in this function.		

CABINET - 7 March 2022

Cabinet	7 Mar 2022	Fixed Penalty Notices to be issued by LET team Update to several of the existing amounts	Cabinet Member for the Environment	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	7 Mar 2022	Investing in more New Affordable Homes in the Borough development on 4 sites	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): Askew; Sands End; Town	
Cabinet	7 Mar 2022	Violence Against Women and Girls (VAWG) Strategy H&F's Violence Against Women and Girls Strategy for approval	Deputy Leader	A detailed report for this item will be available at least five working days
	Reason: Affects 2 or more wards		Ward(s): All Wards	

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			Contact officer: Felicity Charles Tel: 02087534311 Felicity.Charles@lbhf.gov.uk	before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.

CABINET - 19 April 2021

Cabinet	19 Apr 2022	2021/22 Corporate Revenue Monitor - Month 9 (December 2021)	Cabinet Member for Finance and Commercial Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards	Update of 2021-22 financial forecast	Ward(s): All Wards	
			Contact officer: Gary Ironmonger Tel: 020 8753 2109 Gary.Ironmonger@lbhf.gov.uk	

CABINET - June 2022

Cabinet	June 2022	Procurement Strategy for Mental Health Supported Housing	Cabinet Member for Health and Adult Social Care	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K	Procurement strategy for our mental health supported housing in borough contracts. PART OPEN PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information)	Ward(s): All Wards	
			Contact officer: Michele Roberts, Joanna McCormick, Rebecca Richardson Tel: 020 8834 4734, Tel: 0741207694, Tel: 07827879659 Michele.Roberts@lbhf.gov.uk, Joanna.Mccormick@lbhf.gov.uk, rebecca.richardson@lbhf.gov.uk	

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		under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.		