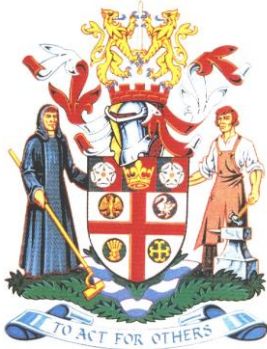


Selby District Council



Agenda

Meeting: **Executive**
Date: **Thursday, 5 December 2019**
Time: **4.00 pm**
Venue: **Civic Centre, Doncaster Road, Selby, YO8 9FT**
To: **Councillors M Crane (Chair), R Musgrave (Vice-Chair),
C Lunn, C Pearson and D Buckle**

1. **Apologies for Absence**

2. **Minutes** (Pages 1 - 16)

The Executive is asked to approve the public and private minutes of the meeting held on 7 November 2019.

3. **Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

4. Leisure Services Planned Maintenance Programme Year 11 (Pages 17 - 28)

Report E/19/28 outlines the leisure services planned maintenance programme for year 11.

5. Introduction of Fixed Penalty Notices for Householders Duty of Care Offences and Fly Tipping Offences (Pages 29 - 36)

Report E/19/29 outlines the legal and operational background for the Executive to consider and to make an informed decision on the proposal to introduce a system of FPN's for offences relating to fly tipping by the householder or the fly tipper.

6. Empty Homes and Council Tax Premium Charges (Pages 37 - 40)

Report E/19/30 considers the amount of premium the Council wishes to charge going forward for long term empty properties.

7. Proposed Council Tax Support Scheme for 2020/21 (Pages 41 - 174)

Report E/19/31 outlines the proposed Council Tax Support Scheme for 2020/21.

8. Contaminated Land Strategy 2019-24 (Pages 175 - 220)

Report E/19/32 outlines the Contaminated Land Strategy 2019-24.

9. Housing Revenue Account (HRA) Business Plan - Final version (Pages 221 - 284)

Report E/19/33 outlines the Housing Revenue Account (HRA) Business Plan.

10. Proposed removal by British Telecom (BT) of eleven BT Payphones in the Selby District. (Pages 285 - 300)

Report E/13/34 outlines the Council response to the proposed removal by BT of eleven BT payphones in the Selby District.

11. Corporate Performance Report - Quarter 2 - 2019/20 (July to September) (Pages 301 - 318)

Report E/19/35 outlines the quarterly Corporate Performance Report for quarter two and provides a progress update on delivery of the Council's Corporate Plan 2015-20 as measured by a combination of: progress against priority projects/high level actions; and performance against Key Performance Indicators (KPIs).

12. Draft Council Plan 2020-2030 (Pages 319 - 336)

E/19/36 provides Executive Members with an update on the draft Council Plan 2020-2030.

13. Draft Revenue Budget and Capital Programme 2020/21 and Medium Term Financial Plan (Pages 337 - 378)

Report E/19/37 presents the draft revenue budget; capital programmes and proposals for the Programme for Growth for 2020/21 to 2022/23. The 2020/21 budgets show a forecasted balanced budget after taking into account planned savings and reserve transfers.



Janet Waggott
Chief Executive

Date of next meeting
Thursday, 9 January 2020 at 4.00 pm

For enquiries relating to this agenda please contact Palbinder Mann, on 01757 292207 or pmann@selby.gov.uk

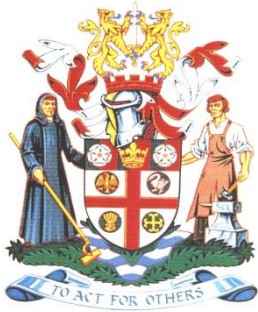
Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to: (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Manager using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

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Agenda Item 2

Selby District Council



Minutes

Executive

Venue: Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Thursday, 7 November 2019

Time: 2.00 pm

Present: Councillors M Crane (Chair), R Musgrave (Vice-Chair), C Lunn, C Pearson and D Buckle

Also Present: Councillors T Grogan

Officers Present: Janet Waggott (Chief Executive), Dave Caulfield (Director of Economic Regeneration and Place), Julie Slatter (Director of Corporate Services & Commissioning), Karen Iveson (Chief Finance Officer (s151)), Alison Hartley (Solicitor to the Council and Monitoring Officer), Caroline Skelly (Planning Policy Manager) (for minute item 48 and 49), Paula Craddock (Senior Planning Policy Officer) (for minute item 49), Sharon Cousins (Licensing Manager) (for minute item 51), Jade Reynolds (Solicitor) (for minute item 51), Peter Williams (Head of Finance) (for minute item 52), Julian Rudd (Head of Economic Development and Regeneration) (for minute item 56), Iain Brown (Economy and Infrastructure Manager) (for minute item 56) and Palbinder Mann (Democratic Services Manager)

Public: 0

Press: 0

NOTE: Only minute numbers 48 – 54 and 56 are subject to call-in arrangements. The deadline for call-in is 5pm on Tuesday 19 November 2019. Decisions not called in may be implemented from Wednesday 20 November 2019.

45 APOLOGIES FOR ABSENCE

There were no apologies for absence.

46 MINUTES

The Executive considered the minutes of the meeting held on 3rd October 2019.

RESOLVED:

To approve the minutes of the meetings held on 3rd October 2019 for signing by the Chair.

47 DISCLOSURES OF INTEREST

There were no declarations of interest.

48 AN UPDATE ON THE COMMUNITY INFRASTRUCTURE LEVY (CIL), S106 OBLIGATIONS AND RECENT CHANGES TO RELEVANT LEGISLATION

The Lead Executive Member for Place Shaping presented the report which outlined information on the current S106 and CIL receipts held by the Council and provided an update on the new CIL regulations which came into force on 1st September 2019.

The Planning Policy Manager explained that CIL funding could only fund strategic infrastructure and that the Council had just over £1.9m of CIL receipts to date.

The Executive was informed that as part of the development of the new local plan, a new infrastructure delivery plan would be developed. Additionally, it was explained that there had been changes to CIL regulations and that the Ministry of Housing, Communities and Local Government (MHCLG) had confirmed that any formula based infrastructure requirements must be sought through the CIL mechanism.

In response to a query concerning the comparison between section 106 and CIL and which was more effective, the Lead Executive Member for Place Shaping explained that CIL would be reviewed as part of the new local plan process and this would help identify whether it was the best method to support the development of infrastructure.

A query was raised regarding time limits for spending CIL money. The Planning Policy Manager explained that there was no time limit to spend the money however Parish Councils had to spend any funding allocated to them within five years.

RESOLVED:

To note the updates on CIL income, S106 obligations and the changes to CIL.

REASON FOR DECISION:

To provide information on the current S106 and CIL receipts held by the Council and provide an update on the new CIL Regulations that came into force on 1st September 2019.

49 DRAFT STATEMENT OF COMMUNITY INVOLVEMENT (2019)

The Lead Executive Member for Place Shaping presented the report which asked the Executive to consider the content of the draft Statement of Community Involvement (2019) and accompanying Equalities Impact Screening Assessment and recommended these draft documents be released for consultation.

RESOLVED:

To consider the content of the draft Statement of Community Involvement (2019) and accompanying Equalities Impact Screening Assessment and recommend these draft documents are released for consultation.

REASON FOR DECISION:

The Council, as the Local Planning Authority, has a statutory duty to have in place a Statement of Community Involvement and for this to be reviewed at least every five years. The 2007 Statement of Community Involvement is out of date and not based on current legislation and best practice in terms of engagement and consultation with the planning system. A revised and updated Statement of Community Involvement is needed to ensure that the Council fulfils the requirements of the relevant planning legislation.

50 ADMITTANCE OF SCARBOROUGH BOROUGH COUNCIL TO VERITAU NORTH YORKSHIRE

The Lead Executive Member for Finance and Resources presented the report which recommended the admittance of Scarborough Council to Veritau North Yorkshire, subject to obtaining the

necessary shareholder approvals and the satisfactory conclusion of due diligence checks.

The Lead Executive Member for Finance and Resources explained that Scarborough Council had previously withdrawn from Veritau North Yorkshire however had now expressed a view to re-join. It was noted that Scarborough would be paying £10,000 to re-join however all authorities in Veritau North Yorkshire would need to accept Scarborough re-joining.

RESOLVED:

To approve that Scarborough Borough Council be re-admitted to Veritau North Yorkshire, subject to obtaining the necessary shareholder approvals and the satisfactory conclusion of due diligence checks.

REASON FOR DECISION:

To improve the company's resilience and efficiency.

51 PROPOSAL TO SUSPEND SECTION 6 OF THE TAXI LICENSING POLICY

The Lead Executive Member for Housing, Health and Culture presented the report which asked the Executive to consider suspending section 6 of the Taxi Licensing Policy, pending implementation of the new 2019 Taxi Licensing Policy.

The Lead Executive Member for Housing, Health and Culture explained that the decision to suspend section 6 related to the 70% / 30% split between wheelchair accessible vehicles and non-wheelchair accessible vehicles pending a new policy being adopted.

Councillor Tim Grogan, Member of the Licensing Committee was invited to speak on the item and informed the Executive that the issue had been discussed at the Licensing Committee. He explained that the current 42 wheelchair accessible vehicles in the Council's fleet were not compliant with section 167 of the Equality Act and asked that a letter be sent to drivers outlining an option for them to move to saloon vehicles. The Lead Executive Member for Housing, Health and Culture explained that the report already referenced that a letter would be sent.

Discussion took place on getting more certified wheelchair accessible vehicles. It was acknowledged it would take a number of years to increase the number of such vehicles on the Council's fleet.

RESOLVED:

To suspend the application of section 6 of the Policy pending adoption of a revised 2019 Taxi Licensing Policy.

REASON FOR DECISION:

Some concerns have been raised regarding section 6 of the Policy, in particular:

- *The safety standard of wheelchair accessible vehicles (“WAV”) in the current Policy not meeting the Equalities Act legislation standard; and*
- *The requirement to join a waiting list to change from a hackney carriage WAV to a non-WAV, and its administration, including the time frame and assessment.*

52 FINANCIAL RESULTS AND BUDGET EXCEPTIONS REPORT TO 30TH SEPTEMBER 2019

The Lead Executive Member for Finance and Resources presented the financial results and budget exceptions to 30th September 2019.

The Lead Executive Member for Finance and Resources explained that the general fund was indicating an outturn deficit of £298k with the majority of this being the result of a shortfall on planning savings. It was noted that the Housing Revenue Account (HRA) was indicating an outturn surplus of £118k.

RESOLVED:

To endorse the actions of officers and note the contents of the report.

REASON FOR DECISION:

To ensure that budget exceptions are brought to the attention of the Executive in order to approve remedial action where necessary.

53 TREASURY MANAGEMENT QUARTERLY UPDATE Q2 2019/20

The Lead Executive Member for Finance and Resources presented the report which reviewed the Council’s borrowing and investment activity (Treasury Management) for the period 1st April to 30th September 2019 (Q2) and presents performance against the Prudential Indicators.

The Lead Executive Member for Finance and Resources outlined

that the Council had earned interest at an average rate of 0.93% over the first two quarters.

RESOLVED:

To endorse the actions of officers on the Council's treasury activities for Q2 2019/20 and approve the report.

REASON FOR DECISION:

To comply with the Treasury Management Code of Practice, the Executive is required to receive and review regular treasury management monitoring reports.

54 CHANGE OF APPOINTMENT TO THE OUSE AND DERWENT INTERNAL DRAINAGE BOARD

The Leader of the Council presented the report which proposes a change to the Members appointed to the Ouse and Derwent Internal Drainage Board.

The Executive were supportive of the proposal.

RESOLVED:

To appoint Councillor Tim Grogan onto the Ouse and Derwent Internal Drainage Board to replace Councillor Keith Ellis.

REASON FOR DECISION:

To ensure the Council is represented on outside bodies as necessary in 2019/20.

55 PRIVATE SESSION

It was proposed, and seconded, that the Executive sit in private session for the next item due to the nature of the business to be transacted.

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of business to be transacted the meeting be not open to the press and public during discussion of the following items as there will be disclosure of exempt information as described in paragraph 3 of Schedule 12(A) of the Act.

56 TRANSFORMING CITIES FUND - SELBY PROPOSALS

The Lead Executive Member for Communities and Economic Development presented the report which updated Members regarding the outcome of the recent public and landowner consultation about the draft proposals to improve the Selby station area and to proceed with the next steps in the Transforming Cities Fund (TCF) bidding process.

RESOLVED:

To approve the recommendations as outlined in the report.

REASON FOR DECISION:

To enable the inclusion of the Selby Station TCF proposals within the Leeds City Region Business Case to be submitted to the DfT's Transforming Cities Fund.

The meeting closed at 3.11 pm.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report Reference Number: E/19/28

To: Executive
Date: 5 December 2019
Status: Non key decision
Ward(s) Affected: Selby and Tadcaster
Author: Aimi Brookes, Contract Team Leader
Lead Executive Member: Cllr Mark Crane, Leader of the Council
Lead Officer: Julie Slatter, Director of Corporate Services and Commissioning

Title: Leisure Services Planned Maintenance Programme Year 11

Summary:

In the contract with Inspiring healthy lifestyles (IHL) the Council holds landlord responsibility for Selby Leisure Centre, Tadcaster Leisure Centre and Selby Park. The contract includes an indicative planned maintenance programme to 2024 / 2025, which is reviewed each year when the Council refreshes its Medium Term Financial Plan and rolling Capital Programme. The revised programme reflects the landlord responsibility for Selby Leisure Centre, Tadcaster Leisure Centre and Selby Park.

The proposal for Year 11 includes work at two of the three sites.

Recommendations:

- i. To agree that the Year 11 Landlord Planned Maintenance Programme for Selby Leisure Centre and Tadcaster Leisure Centre**
- ii. To fund the Year 11 programme from the Building Repairs Reserve within the budget proposals for 2020/21.**

Reasons for recommendation:

To ensure essential maintenance work required at the Council's leisure facilities is included in the Council's capital programme to enable the Council to discharge its duties as a landlord and ensure the facilities are maintained to an appropriate standard.

1. Introduction and background

1.1 The planned maintenance programme was revised in 2016/17 using condition survey data for Tadcaster Leisure Centre and Selby Park plus a 30 year lifecycle model for Selby Leisure Centre. Each planned maintenance programme sets out both 'landlord' and 'tenant' responsibilities and we are now approaching Year 11 of the programme. The Year 11 Planned Maintenance Programme has been drawn up which now needs to be considered by the Executive for inclusion in the 2020/21 capital programme.

2. The Report

2.1 The revised Planned Maintenance Programme includes estimated costs that may be subject to change as formal tenders are required when the actual work is procured. It is reviewed on an annual basis as decisions are made regarding actual works required. The revised Maintenance Programmes presented to the Executive for consideration are attached at Appendix A.

2.2 Minor repairs to service equipment and the central ventilation system at Selby Leisure Centre have been re-inspected following deferral last year. The works to service equipment have been deferred for a further year but works will be done to the ventilation system in 2020/21. Minor repairs scheduled for the cladding of external walls have also been deferred.

2.3 At Tadcaster Leisure Centre planned works for glazing of the sports hall have been deferred for a further year following inspection.

2.4 Works at Selby Park to the bandstand and timber cladding of the pavilion have been deferred to 2021/22 when they will be re-inspected.

2.5 The proposed Year 11 Maintenance Programme is attached at Appendix B. The costs included are a 'best known' at this stage and will be confirmed following a formal tender exercise. There will be no loss of income associated with any of the works proposed.

3. Alternative Options Considered

N/A

4. Implications

4.1 Legal Implications

The Council, as Landlord, is required under the terms of the contract to ensure that essential maintenance work is carried out at the facilities leased by IHL.

4.2 Financial Implications

A detailed breakdown of indicative costs is contained in the Year 11 Maintenance Programme at Appendix B. In summary, they include;

Selby Leisure Centre

- Services space heating and air treatment – minor repairs (essential)
- Services cold water – cold water repairs and pipework (essential)
- Services heat source – repairs to burners, pumps etc (essential)
- Services specialised installations – Repairs / cleaning pool filtration (essential)
- Services ventilation – Repair and replace fans and motors (essential) – deferred from previous year

TOTAL – £22,496

Tadcaster Leisure Centre

- Condition survey (essential)
- Gutters and downpipes – repair identified defects – deferred from previous year

TOTAL - £10,282

Selby Park

- No works required. All planned works deferred to 2021/22 for further inspection

TOTAL - £0

Funding for the Council's landlord responsibilities within the terms of the contract with IHL is contained within the buildings repairs reserve.

4.3 Policy and Risk Implications

N/A

4.4 Corporate Plan Implications

The planned maintenance programme supports the Council's corporate priority to make Selby District a great place to enjoy life.

4.5 Resource Implications

The planned works will be co-ordinated by IHL on behalf of the Council.

4.6 Other Implications

N/A

4.7 Equalities Impact Assessment

Planned maintenance for each facility is specific to the site and associated structures and is designed to provide a safe well maintained facility for the benefit of all customers and staff and can be regarded as providing a positive impact.

5. Conclusion

5.1 In the contract with IHL the Council holds landlord responsibility for Selby Leisure Centre, Tadcaster Leisure Centre and Selby Park. The repairs detailed in the report fulfil the landlord obligations contained within the contract that enable continuity of service from the facilities.

6. Background Documents

N/A

7. Appendices

Appendix A Planned Maintenance Programmes

Appendix B Proposed Year 11 Maintenance Programme

Contact Officer:

Aimi Brookes
Contracts Team Leader
abrookes@selby.gov.uk
01757 292269

Selby Leisure Centre

Indicative Planned Maintenance Programme

Yr 11 Yr 12 Yr 13 Yr 14 Yr 15

Element	2020 / 2021	2021 / 2022	2022 / 2023	2023 / 2024	2024 / 2025	Total
External Enclosing Walls	Minor repairs cladding & fixings Essential Deferred	Minor repairs cladding & fixings Essential - deferred from 2020/21 £2,987				
External Doors					Replace doors Essential £9,525	
Wall Finishes					Minor repairs / regrouting to tiled areas Essential £831	
External Works					Drainage minor works & survey Essential £1,835	
Services - Central Cooling System		Cooling system minor repairs - Deferred Essential £1,879			Cooling system minor repairs Essential £2,182	
Services - Space heating & air treatment	Minor repairs to heating and air treatment Essential £5,000					
Services - Equipment	Equipment repairs / replacement - deferred from previous year Essential Deferred	Equipment repairs / replacement - deferred from previous year Essential - deferred from 2020/21 £437		Equipment repairs / replacement Essential £504		
Services - Cold Water	Cold water repairs & pipework Essential £1,190				Cold water repairs & pipework Essential £1,204	
Services - Cold Water					Water tank & valve replacement Essential £10,196	
Services - Gas		Testing, proving & repair Essential £941		Repairs to installations Essential £5,092	Testing, proving & repair Essential £948	

Services - Heat source	Repairs to burners / pumps etc Essential £3,738				Repairs to burners / pumps etc Essential £3,783	
Services - Ventilation	Repairs & replace fans & motors - deferred from previous year Essential £5,071			Repairs & replace fans & motors Essential £5,850	Replace Control systems Essential £12,639	
Services - Specialised installations	Repairs / cleaning pool filtration Essential £7,497					
Services - Electric source & mains			Minor repairs to distribution systems Essential £3,402			
Services - Lifts & hoists			Repairs & component replacement Essential £5,603			
Total	£22,496	£6,244	£9,005	£11,446	£43,143	£92,334

Tadcaster Leisure Centre

Indicative Planned Maintenance Programme

Yr 11 Yr 12 Yr 13 Yr 14 Yr 15

Element	2020 / 2021	2021 / 2022	2022 / 2023	2023 / 2024	2024 / 2025	Total
Main roof and gutters						
Shallow pitched roof and gutters						
Gutters and downpipes	Repair identified defects - deferred from previous year Essential £5,712				Repair identified defects Essential £5,712	
Walls (cladding)						
External Wall						
Car Park		New Wearing Course and Marking Essential £34,272			Reinstate line marking Essential £1,142	
Drainage						
Boundary Fencing		Replace Chainlink Fencing Essential £2,865				
Sports Hall Walls	Repanel Glazing - deferred from previous year Essential Deferred	Repanel Glazing - deferred from previous year Essential £5,712				
Car Park and building lighting						
Sports Hall radiant heating						
Boiler Controls						

Changing Room extractor						
Install TMV to changing						
Lift						
Condition survey	Condition survey Essential £4,569.60					
Total	£10,282	£42,849	£0	£0	£6,854	£59,985

Selby Park

Indicative Planned Maintenance Programme

	Yr 11	Yr 12	Yr 13	Yr 14	Yr 15
Element	2020 / 2021	2021 / 2022	2022 / 2023	2023 / 2024	2024 / 2025
Pavilion Roof					Inspect and Repair Essential £2,000
Timber Cladding	Inspect Panels Essential Deferred	Inspect Panels Essential - deferred from 2020/21 £850			
Car Parking					Patch repair and line markings Essential £5,000
Crazy Golf Course				Renew surfacing to individual holes Essential £6,300	
Bandstand	Roof Repair and Inspection - deferred from previous year Essential Deferred	Roof Repair and Inspection - deferred from previous year Essential - deferred from 2020/21 £3,000			Roof Repair and Inspection Essential £3,000
Condition survey	Condition survey Essential Deferred	Condition survey Essential £1,785			
Total	£0	£5,635	£0	£6,300	£10,000

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Appendix B

Inspiring healthy lifestyles

Selby DC Year 11 Landlord Planned Maintenance Programme

Cost Plan Version 1: October 2019

Site	Element	Loss of Income	Current Best Known Cost
Selby Leisure Centre	<ul style="list-style-type: none">- Services space heating and air treatment – minor repairs- Services cold water – cold water repairs and pipework- Services heat source – repairs to burners, pumps etc- Services specialised installations – Repairs / cleaning pool filtration- Services ventilation – Repair and replace fans and motors	£0	£22,496
Tadcaster Leisure Centre	<ul style="list-style-type: none">- Condition survey- Gutters and downpipes – repair identified defects	£0	£10,282
Selby Park	N/A	£0	N/A

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Report Reference Number: E/19/29

To: Executive
Date: 5th December 2019
Status: Key Decision
Ward(s) Affected: All
Author: Keith Cadman, Head of Commissioning, Contracts and Procurement.
June Rothwell, Head of Operational Services
Lead Executive Member: Cllr Chris Pearson, Lead Member for Housing, Health and Culture
Lead Officer: Julie Slatter, Director of Corporate Services and Commissioning

Title: Introduction of Fixed Penalty Notices for Householders Duty of Care Offences and Fly Tipping Offences

1. Summary:

Selby currently do not have an approved system of Fixed Penalty Notices (FPN's) for fly tipping offences that can be issued to householders or fly tipping offenders. On 7th January 2019 the Environmental Protection (Misc. Amendments)(E&W) Regs 2018 came into effect allowing for a FPN to be issued for Householder Duty of Care Offences as an alternative to prosecution to Householders. Also Section 33 and 34 of the Environmental Protection Act 1990 provide the powers to levy a FPN for the offence of fly tipping to offenders.

This report provides the legal and operational background for the Executive to consider and to make an informed decision on the proposal to introduce a system of FPN's for offences relating to fly tipping by the householder or the fly tipper.

2. Recommendations:

- i. That the Executive approves the introduction of a system of FPN's for Householder Duty of Care Offences with an FPN level of £400, with an early payment discount to £300 if paid within 28 days.
- ii. The Executive approves the introduction of a system of FPN's for fly tipping offences with an FPN level of £400 with an early payment discount to £300 if paid within 28 days.

- iii. To review annually the level of FPN charges to ensure consistency with other local authorities and ensure proportionality is maintained.

3. Reasons for recommendation

At the moment Selby District Council Enforcement Officers do not have powers or provision to issue FPN's for fly tipping or Householder Duty of Care. These powers and provisions do not currently exist within the enforcement procedures of Selby District Council. All neighbouring authorities currently use these powers and issue FPNs on a regular basis.

In 2017/2018 and 2018/2019 the Council received 658 and 614 reports of fly tipping incidents respectively. Each incident is investigated for evidence of the perpetrator resulting in 43 and 42 incidents where evidence was obtained. However, the only enforcement options available to Selby currently are to issue a formal warning letter, issue a littering fixed penalty of £50 maximum or formally prosecute. A formal prosecution requires strong evidence, legal resources and no guarantee of winning the case or the level of fine imposed.

Set out below is a summary of the outcomes of the incidents where evidence was gathered.

	Formal warnings	Littering FPN's	Prosecutions	Passed to legal – NFA (not in the public interest to prosecute)
2017/18	23	13	5	2
2018/19	19	16	7	0

Approval of FPN's for Householder Duty of Care at the level recommended coupled with a publicity campaign would increase awareness and act as a deterrent to householders and put Selby District Council in line with other Local Authorities in the area and all the North Yorkshire Districts.

Analysis of the above data and case files has identified that if the legislation had been in place from 2017 and the Council had implemented a system of FPN's a number of cases where formal warnings were issued would have resulted in the issue of an FPN. In 2017/2018 out of the 23 warning letters issued 11 would have resulted in an FPN. For 2018/2019 9 warning letters would have resulted in the issue of an FPN.

It is believed actively publicising the number of FPN's could also have resulted in reductions in the incidents of fly tipping through raising public awareness of their responsibilities for ensuring waste is disposed of legally.

4. Report

Nationally there has been a year on year increase in fly tipping offences. Over a third of the waste involved in illegal fly-tipping is from households, resulting in waste crime

costing the UK economy around £600 million every year, according to the Environment Agency.

The Householders Duty of Care under Section 34(2A) of the Environmental Protection Act 1990 requires occupiers of a domestic property to take all reasonable measures available to them to ensure that they only transfer household waste to an authorised person. This includes:

- Details of the business and of any vehicle used which can be linked to an authorised operator;
- A record of the operators registration or permit;
- A receipt for the transaction which includes the business details of a registered operator;
- A copy of the carrier's waste license or site's permit.

If an unauthorised waste carrier is found to be carrying waste and/or the waste is subsequently fly tipped and can be directly linked back to the householder, the householder has committed an offence under the Householder Duty of Care, if the householder cannot demonstrate that they took the above mentioned reasonable measures.

Changes in the law mean that householders are being held more accountable for their household waste and where it ends up. If householders are found to have disposed of waste with someone who is going to illegally dispose of it, they can be prosecuted or offered a duty of care FPN.

Prior to 2019 the only options open to the Council were to prosecute, issue a littering FPN of £50 or issue formal cautions for householder duty of care offences.

However, prosecutions are costly for the Council and for the Courts, and also result in householders being left with a criminal record. Having the option of a FPN can avoid unnecessary criminal prosecutions, maximise the use of limited resources and be more effective at changing behaviour. It is hoped that these changes will encourage householders to think about who is collecting their waste and where it will end up.

Fly-tipping investigations of household waste have identified an increasing trend amongst unlicensed waste operators who are now targeting householders via social media, local advertising and door-to-door sales pitches. They tempt people with cheap prices for the removal of large items of waste, including furniture, building waste and white goods which inevitably end up dumped on highways or land often just a few streets away.

It is often the householder that unwittingly finds themselves the victim of unscrupulous waste carriers who have charged householders for taking waste away only to dump it in a lay-by. These traders rely on householders not asking questions as to whether or not they are registered to carry and dispose of waste.

The level of the fine should be set within the limits set out in legislation ranging from £150 to £400. If the Council doesn't determine a level the default level is £200.

Councils can offer an early payment discount and the minimum discounted penalty is £120.

Other regional Local Authorities have set the charges as set out in the table below. The regional enforcement group members have advised that most councils who currently charge less than £400 will be increasing the fine to this level for regional consistency.

Local Authority	FPN – level of fine
Bradford	£250 reduced to £200 for early payment
Doncaster	£250 fixed – no discount for early payment
Sheffield	£250 fixed – no discount for early payment
Kirklees	£250 reduced to £200 for early payment
East Riding	£250 fixed – no discount for early payment
York	£250 reduced to £150 for early payment
Leeds	£250 reduced to £200 for early payment
Craven	£250 reduced to £150 for early payment
Harrogate	£400 fixed – no discount for early payment
Scarborough	£400 fixed – no discount for early payment
Hambleton	£400 reduced to £200 for early payment

In Selby, it is proposed that the Council set the Householders Duty of Care fixed penalty at £400, reduced to £300 for early payment and set a Fly tipping fixed penalty at £400, reduced to £300 for early payment.

The rationale for the proposed level of FPN is to ensure Selby has a consistent approach and level of fine as other regional Local Authorities.

Before the introduction of the FPN it is proposed that an extensive communications campaign is carried out to raise awareness of the new FPN.

The FPN will allow householders to discharge their liability for the offence by payment of the FPN. This will result in fewer householders receiving a criminal record for minor waste offences. Any income generated through FPN payments will be retained by the Council. Where FPNs are not paid prosecution files will be prepared.

As an alternative to issuing a FPN the Council will reserve the right to prosecute offenders or issue formal cautions as appropriate.

It is planned that through targeted educational advertising and communication campaigns the Council can raise public awareness of the issues, effects, pitfalls and possible criminal outcomes of unknowingly providing an unlicensed waste carrier with household waste that is later fly-tipped across the Selby District.

An enforcement officer meeting with partner agencies (Leeds, Kirklees, Hambleton, Bradford, East Riding, South East Lincs, Barnsley, Harrogate, Calderdale, York,

Sheffield, Keep Britain Tidy and the Environment Agency) discussed the effectiveness of the implementation of a system of FPN's in their respective areas.

Although no figures are available showing the number of FPN's issued all of the agencies supported the legislation and have introduced FPN's. The legislation has been well received and authorities are making good use of the powers granted. It was also commented that a loophole had been closed where historically householders have stated that they have employed the services of " a man with a van" to dispose of household waste resulting in many cases with no further action being taken against the householder. This legislation firmly puts the onus on the householder to ensure that waste is disposed of correctly and that checks should be made on any person removing waste on behalf of a householder.

North Yorkshire Police, Fire and Crime Commissioner have issued a letter to all North Yorkshire Local Authorities raising the issue of environmental crime and supporting a consistency of enforcement including FPN's across North Yorkshire (copy at appendix A). and consistency of approach by each Local authority.

5. Implications

5.1 Legal Implications

On 7th January 2019 the Environmental Protection (Misc Amendments)(E&W) Regs 2018 came into effect allowing for an FPN to be issued for Householder Duty of Care Offences as an alternative to prosecution.

The Fly tipping legislation has been in use for a number of years and is covered by the Environmental Protection Act 1990 – Sections 33 & 34.

The level of the fine should be set within the limits set out in legislation ranging from £150 to £400. If the Council can't determine a level the default level is £200. Councils can offer an early payment discount and the minimum discounted penalty is £120.

5.2. Financial Implications

Issuing a FPN as an alternative to prosecution or formal cautions will save Legal Officer time in dealing with these types of offences. Income received from payments will be retained by the Council and will offset the enforcement, legal and waste removal costs as well as increasing awareness.

5.3 Policy and Risk Implications

There are no direct policy implications as a result of this report other than maintaining consistency of approach with other Local Authorities in the region. Maintaining the District Councils current approach to fly tipping enforcement runs the risk of the District becoming an easy target for fly tippers.

5.4 Corporate Plan Implications

This report directly supports the Corporate Plan priority of being a great place to be and the objectives of safer neighbourhoods and more attractive environment.

5.5 Resource Implications

Implementing the proposed system of FPN's will enable the limited resource in the Enforcement Team to improve their effectiveness and raise public awareness of their responsibilities. Removing some workload from Legal Services will improve the ability of the team to handle a high case load.

5.6 Other Implications

Removing the threat of criminal prosecution from householders by implementing a system of FPN's is seen as a more equitable approach to this issue.

5.7 Equalities Impact Assessment

The application of an FPN will consider individual circumstances on a case by case basis in a similar manner that is used currently.

6. Conclusion

The recommendations will ensure consistency of approach with other Local Authorities in the region, act as more of a deterrent and raise the profile of householders' responsibilities for legal waste disposal. It will also provide the basis for more efficient enforcement to maximise the use of limited resources.

7. Background Documents

None

8. Appendices

A. Letter from North Yorkshire Police, Fire and Crime Commissioner

Contact Officer:

Keith Cadman
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01757292252

Janet Waggott
Chief Executive Officer
Selby District Council,
Civic Centre, Doncaster Road,
Selby, YO8 9FT

24 October 2019

Dear Janet

You will be aware that fly-tipping offenses are increasing nationally year on year, and over a third of the waste involved in illegal fly-tipping is from households, altogether costing the UK economy around £600 million every year. As Chair of the National Rural Crime Network we have studied this in some depth, both nationally, as well as more locally as Police, Fire and Crime Commissioner for North Yorkshire. The distress and cost this offence causes rural communities and businesses is significant, and indeed I am lobbying the government to give local authorities greater powers in this respect.

Notwithstanding the above, on 7th January 2019, the Environmental Protection (Misc Amendments) (E&W) Regs 2018 came into effect, allowing for a Fixed Penalty Notice (FPN) to be issued for Householder Duty of Care Offences as an alternative to the prosecution of Householders (which is often difficult and costly for local authorities). Also, section 33 and 34 of the Environmental Protection Act 1990 provide the powers to levy an FPN for the offence of fly tipping. I understand that some local authorities in North Yorkshire have already introduced an FPN scheme, using the various powers available to them and issuing FPNs on a regular basis. Others have not been able to progress to the same degree for a variety of different reasons.

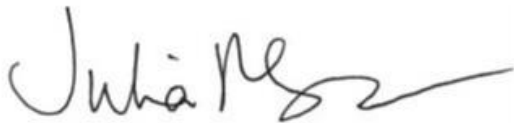
Following the establishment of Operation Eyeball, the multi-agency Safeguarding meeting, the sharing of best practice has increased. I am told that, at the moment, Selby District Council Enforcement Officers do not have powers or provision to issue FPN's for fly-tipping or Householder Duty of Care as these powers and provisions do not currently exist within the enforcement procedures of Selby District Council. There are concerns amongst the Operation Eyeball group that those local authorities not able to issue FPNs are now suffering greater offending because offenders know there are limited powers to deter them.

My office agreed at the last Operation Eyeball meeting to write to each Chief Executive to raise the issue of FPN schemes and how inconsistencies in how they are used and applied in North Yorkshire, as regards fly-tipping, may be encouraging greater offending. A consistent approach may prove extremely useful in deterring offenders as well as educating the public around disposing of their waste.



It is of course a matter for local authorities as to how they resource and manage enforcement of fly-tipping, but I wanted to raise this issue with you so you are aware of wider options in this area of community safety and how colleagues might be approaching the problem differently. I have no doubt your enforcement officers can give you a better overview than I of fly-tipping matters in Selby, but should you want to discuss the matter further, or Operation Eyeball more generally, do please get in touch.

Yours sincerely



Julia Mulligan
Police, Fire and Crime Commissioner for North Yorkshire



Agenda Item 6



Report Reference Number: E/19/30

To: Executive
Date: 5 December 2019
Status: Key Decision
Ward(s) Affected: All
Authors: Tammy Fox, Taxation, Benefits and Debt Team Leader and June Rothwell, Head of Operational Services
Lead Executive Member: Cllr Lunn, Lead Executive Member for Finance and Resources
Lead Officer: Julie Slatter, Director of Corporate Services & Commissioning

Title: Empty Homes and Council Tax Premium Charges

1. Summary

- 1.1 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 allowed Local Authorities to increase the Premium charged on long term empty dwellings.
- 1.2 The Act allowed an increase on the premium for all properties which had been empty for 2 years and over and the Council agreed last year to introduce this from 1 April 2019. Further increases are allowable from 1 April 2020 and 1 April 2021 for properties that have been empty for longer.
- 1.3 The purpose of this report is to consider the amount of premium the Council wishes to charge going forward for long term empty properties.

2. Recommendations

- 2.1 The report recommends that the Executive approve the current empty premium for properties over 2 years is retained at 100% and for longer term empty properties it is increased to the maximum levels as follows:
 - 200% premium from 1 April 2020 for those properties which are empty for 5 years and over;
 - 300% premium from 1 April 2021 for those properties which are empty for 10 years and over.
- 2.2 The implementation of this is a further measure and central government has aimed it at encouraging owners of empty homes to bring them back into use along with the authorities own Empty Homes Strategy.

3. Background

3.1 The Local Government Finance Act 2012 inserted a new section (11B) which enabled Local Authorities to charge a maximum 50% premium in addition to the 100% Council Tax charge in relation to any long term empty domestic dwelling. Long term empty was classified as a dwelling which had been empty and unfurnished for 2 years or more. Selby District Council members approved the introduction of this premium from 1 April 2015.

3.2 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 was passed in November 2018 to allow Local Authorities to increase the premium charged on long term empty properties:

- From 1st April 2019 a 100% premium for properties that have been empty and unfurnished for 2 years or more. This will result in a 200% Council Tax charge.
- From 1st April 2020 a 200% premium for properties that have been empty and unfurnished for 5 years or more. This will result in a 300% Council Tax charge.
- From 1st April 2021 a 300% premium for properties that have been empty and unfurnished for 10 years or more. This will result in a 400% Council Tax charge.

3.3 Selby District Council agreed last year to increase the premium to 100% for all properties which had been empty for more than 2 years to take effect from 1 April 2019. No proposals were made at that time for the further increases allowable in subsequent years.

4. Empty properties

4.1 Currently there are 151 properties in the District being charged the Empty Premium of a 100% addition for council tax. If the additional premiums are introduced the potential increase could be -

From 1 April 2020

Duration	Number of properties	Estimated Council tax premium	SDC share 10%	NYCC share 72%
2 to 5 years	58	£195,366.00	£19,536.00	£140,663.00
Over 5 years	93	£298,331.00	£29,833.00	£214,798.00
Total	151	£493,697.00	£49,369.00	£355,431.00

From 1 April 2021

Duration	Number of properties	Estimated Council tax premium	SDC share 10%	NYCC share 72%
2 to 5 years	58	£195,366.00	£19,536.00	£140,663.00
5 years to 10 years	41	£131,324.00	£13,132.00	£94,553.00
Over 10 years	52	£250,511.00	£25,051.00	£180,368.00
Total	151	£577,201.00	£45,899.00	£415,584.00

4.2 The current 100% premium adds an additional amount of approximately £247,000 onto the standard Council Tax, this figure is then seen as an increase in the council tax base and is then shared amongst Selby District Council and the other preceptors.

4.5 The government has prescribed two classes of dwelling which are exempt from the premium and that is annexes and properties owned by members of the armed forces who are absent due to service. Government guidance also allows discretion not to charge the premium for those properties that are genuinely on the housing market for sale or rent. This discretion is considered individually by Council Tax Officers decision.

5. Risks

5.1 Financial

5.1.1 Without applying the increased premiums, there is risk that long-term empty dwellings have more of a detrimental effect on the council's new homes bonus income. For every property that becomes vacant for a period of 6 months or more, this negates off the total number of additions.

5.1.2 It is difficult to predict any financial impact of any further increases to the premium if these are agreed, as the aim of the proposal is to encourage empty properties to be brought back into use and then the premium would not be charged. However basing estimates on the current 93 properties which have been empty more than 5 years the additional charge of 200% could be approximately £300,000. It is not proposed that this income is included in the Council Tax base, given that the amount of premium being charged cannot be relied upon. The charge should reduce as work to bring empty properties in the District progresses.

5.1.3 There is a risk that raising additional charges on empty properties could lead to an increase in the creation of fictitious occupiers as a form of tax avoidance. This could include the creation of false tenancies and increased claims for single person's discounts to avoid premium payments. Steps will be taken to mitigate risks through increased property controls and inspections.

5.1.4 An allowance must however be made for this amount to actually be collected. Some accounts with the premium have a large amount of debt outstanding and the imposition of a premium can make some charge-payers even more determined not to pay their arrears. The premium can also trigger appeals by charge-payers due to the extra charge. The administration of appeals and debt recovery arising from the premium places a demand on staff time.

5.2 Legal

5.2.1 These are set out in the body of the report.

6.0 Impact Assessment

6.1 The increase to Council Tax premiums potentially impacts all Council Tax payers equally.

6.2 Communications with each owner will take place, to raise awareness of the change and maximise the opportunity for owners to sell or let before the change takes place and the increased charge is introduced.

7.0 Conclusion

7.1 The Council has the opportunity to extend increased charges for empty properties. This will potentially incentivise more homes being brought back into use and increase income. The Executive are asked to approve the proposals for increased Council Tax premiums from 1 April 2020 and 1 April 2021.

Contact Officer:

Tammy Fox - Benefits, Taxation and Debt Team Leader, tfox@selby.gov.uk



Report Reference Number: E/19/31

To: Executive
Date: 5 December 2019
Status: Non Key Decision
Ward(s) Affected: All
Authors: Tammy Fox, Taxation, Benefits and Debt Team Leader
June Rothwell, Head of Operational Services
Lead Executive Member: Cllr Lunn, Lead Executive Member for Finance and Resources
Lead Officer: Julie Slatter, Director of Corporate Services & Commissioning

Title: Proposed Council Tax Support Scheme for 2020/21

1. Summary

- 1.1 The Council must review and agree its Council Tax Support (CTS) Scheme each financial year. This process involves consulting with major preceptors and interested parties before the final scheme is approved.
- 1.2 An eight week formal public consultation has taken place on the proposals for a new scheme. A number of changes were put forward for comment on a simpler and more transparent scheme for the customer and one that aimed to reduce administration for the council. This was particularly around the wider welfare reforms including the changes due to Universal Credit.
- 1.3 Following review of the consultation feedback a new scheme is now being proposed for approval by the council. The council received 29 responses to the consultation, which is typical nationally of a consultation on this subject. No response on the proposals has been received from the major preceptors NYCC or the North Yorkshire Fire and Police Authority.
- 1.4 The proposed CTS Scheme requires approval of Full Council and this decision needs to take place at the December meeting to allow sufficient time to implement the changes if the scheme is approved.

2. Recommendations

- 2.1 The Executive is requested to note the outcomes of the consultation process which has generally supported the recommended proposals and therefore agree the new proposed scheme to go forward for approval.
- 2.2 The Executive recommends to Council that the CTS Scheme be amended to the proposed new scheme.

2.3 Appendix 1 contains the draft Council Tax Support scheme for 20-21. The final Council Tax Support Scheme for 2020/21 will be presented to the Council for approval in December.

3. Background

3.1 From April 2013 Council Tax Benefit for working age people was abolished and replaced with a local scheme, called Council Tax Support which each authority had to administer and fund. Support for pension age people is still assessed and paid under the national regulations and is therefore protected.

3.2 Under Council Tax Benefit all awards were fully funded by central government via an annual subsidy grant, after April 2013 this funding was cut by 10% and was no longer identifiable within the Revenue Support Grant that previously came from central government. The funding is now no longer seen separately and the actual cost of providing the support is calculated as a reduction in the local authorities Council Tax base.

3.3 Council Tax Support (CTS) is a discount awarded to those on low income to help towards the cost of their council tax bill. It is based on a person's household and income. As at September 2019 there are 4,312 households in the District claiming CTS at a total cost of £4,081,220 and approximately 55% of these are working age.

3.4 Our current CTS scheme has been in place since April 2013, it mainly mirrors the old Council Tax Benefit scheme, with a complex means test and set of rules. Small changes have been made since then to reflect wider welfare reforms within Housing Benefit and other minor technical changes.

3.5 The main difference in the current local CTS scheme was the maximum amount of support a working age person can be given is 90% of their council tax liability; they must pay the first 10% themselves regardless of their income.

4.0 Drivers for change

4.1 From April 2013 CTS is considered a discount not a benefit; the current scheme still maintains links to the rules of means tested housing benefit. This means the scheme is difficult for customers to understand and makes the administration more complex. A simpler scheme will make it easier for customers to identify if they would be eligible for some assistance.

4.2 In May 2019 Universal Credit Full Service was completely rolled out in the district for customers making new claims and for existing benefit claimants if their circumstances had changed. We already have approximately 1023 claimants receiving CTS based on Universal Credit. Our CTS scheme needs to work with this new income.

- 4.3 People who receive Universal Credit have their entitlement recalculated each month, taking into account any fluctuations in income. As Universal Credit is income for the purposes of CTS, a change also has to be made to their entitlement to this. This then results in revised changes to council tax instalments every month which can make budgeting very difficult for those customers. This means more bills are produced and have to be posted out to customers. It can also impact on recovery and council tax collection rates.
- 4.4 To try and deal with the changes of customers receiving Universal Credit a number of authorities have begun to make major changes to their CTS schemes, some have acted for 19/20 and many more are considering changes from 20/21. Most have gone to a banded income scheme, which allows for changes within a person's income but doesn't change the amount of CTS a customer receives unless the change is quite significant. This stabilises the award of CTS and the Universal Credit fluctuations to not trigger recalculations.
- 4.5 All working age claimants of CTS currently have at least 10% to pay toward the cost of their council tax. This can cause hardship to those already on low incomes and the collection rates amongst CTS claimants is much lower than the general council tax collection rate. In 2018/19 based on the figures at September 2019 the collection rate generally for council tax overall is 98.63% but for working age claimants of CTS it is 83.61%.
- 4.6 Since the introduction of the 10% minimum charge the collection rates of council tax from CTS claimants has decreased. In 2012/13 the collection rate was 97.34% and in 2017/18 this had reduced to 88.07%.
- 4.7 In 2018/19 there were 734 summonses issued for non-payment to those in receipt of CTS for a total debt of £325,353.00; this was 35% of all the cases that were summonsed, court costs are also added to their accounts of £90.00. A large amount of these were for the 10% liability that all working age CTS claimants have to pay and these amounts are then very difficult to collect from claimants on the lowest possible incomes, a large amount ends up being written off as non-collectable.

5.0 Working with the other North Yorkshire authorities

- 5.1 The North Yorkshire authorities already work closely together within their benefits sections and last year collectively began looking at proposals for changes to their CTS schemes from 2020/21 with an external consultant.
- 5.2 The framework for all the authorities was very similar, that the scheme should be simpler for customers to understand and wherever possible there should be no customers who lose or gain a large amount of CTS. Each authority could tailor the scheme according to demographics.
- 5.3 Each authority has purchased the software system Northgate's modelling tool. This tool takes the current caseload and models the effect of proposed

changes to the CTS scheme. The tool provides a summary of the effect but you can also drill down to an individual claim level for further details.

- 5.4 Both Hambleton and Ryedale are proposing to change their schemes to a banded grid from 2020/21. Ryedale are proposing to increase their maximum from 91.5% to 100%, Hambleton from 80% to 90% maximum. The other North Yorkshire Authorities will be looking to change their schemes to a similar income grid model from the following year.

6.0 Proposed CTS Scheme for 2020/21 and consultation outcomes

6.1 Changing the scheme

6.1.1 When asked - Should the Council keep the current Council Tax Reduction Scheme?

- 17% (5 respondents) said yes the council should keep the current scheme
- 80% (23 respondents) said no the council should not keep the current scheme
- 3% (1 respondent) responded 'Don't know' to this question

6.2 Banded grid

6.2.1 When asked - Do you agree with the change to an Income Grid Scheme?

- 83% (24 respondents) said yes they agreed with a change to an income banded scheme
- 10% (3 respondents) said no they did not agree with a change to an income banded scheme
- 7% (2 respondents) responded 'Don't know' to this question

6.2.2 A banded scheme is therefore proposed which will assess the maximum level of CTS based on a calculation of household net income per week compared with household size. The income grid would be as follows below.

6.2.3 The table demonstrates the simplified banded scheme of weekly income, if a claimants income falls within those bands they will receive the percentage support in the first column – eg Single person with £140.00 income will receive 75% in CTS.

Level of CTS awarded	Passported cases	Single	Couple	Family with one child	Family with two or more children
100%	All Cases	£0.00 - £110.00	£0.00 - £160.00	£0.00 - £200.00	£0.00 - £260.00
75%	N/A	£110.01 - £155.00	£160.01 - £205.00	£200.01 - £245.00	£260.01 - £305.00
50%	N/A	£155.01 - £205.00	£205.01 - £255.00	£245.01 - £295.00	£305.01 - £355.00
25%	N/A	£205.01 - £250.00	£255.01 - £300.00	£295.01 - £350.00	£355.01 - £450.00

6.2.4 Customers receiving Income Support, Job Seekers Allowance and Employment and Support Allowance Income Related which are classed as Passported would receive the maximum amount.

6.2.5 The proposal is increase the maximum award to 100% from 90% maximum in the final scheme for those claimants on Passported benefits or the lowest income band. The main reason for this is to provide more support to residents of the district on lower incomes.

6.3 To limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of two for all applicants

6.3.1 When asked - Do you agree with this change to the Scheme?

- 83% (24 respondents) said yes they agreed to limit to 2
- 7% (2 respondents) said no they did not agree to limit to 2
- 10% (3 respondents) responded 'Don't know' this question

6.3.2 Within the current scheme, applicants who have children are awarded a dependants addition within the calculation of their needs within their Applicable Amount. From April 2017 the current scheme limited dependants additions in line with Universal Credit, Housing Benefit and Tax Credits to a maximum of two. Some applicants were protected where they made a claim for reduction before that date and already had two or more dependants. The proposed final scheme will be limited to a maximum of two dependants to all applicants bringing the scheme into line with other welfare benefits.

6.4 Setting Non-Dependant deductions at a standard £5 per week (irrespective of the non-dependant's income)

6.4.1 When asked - Do you agree with this change to the Scheme?

- 67% (20 respondents) said yes they agreed to the standard deduction
- 3% (1 respondent) said no they did not agree to the standard deduction
- 30% (8 respondents) responded 'Don't know' this question

6.4.2 In the proposed final scheme all non-dependant deductions will be set at £5.00 per week regardless of the non-dependants income. The current scheme disregards different amounts, from £0.00 to £12.20, depending on the income of any other adult's living in the property.

6.5 Changing the claiming process for all applicants who receive Universal Credit

6.5.1 When asked - Do you agree with this change to the Scheme?

- 86% (25 respondents) said yes they agreed to the standard deduction
- 3% (1 respondent) said no they did not agree to the standard deduction
- 11% (3 respondents) responded 'Don't know' this question

6.5.2 When a person claims Universal Credit, their award details are passed to the Council automatically. It is proposed the Council will take any data received from Department for Work and Pensions as a claim for CTS automatically in the final scheme.

6.6 Removing the current earnings disregards and replacing them with a standard £20 disregard for applicants

6.6.1 When asked - Do you agree with this change to the Scheme?

- 86% (25 respondents) said yes they agreed to the standard earnings disregard
- 7% (2 respondents) said no they did not agree to the standard earnings disregard
- 7% (2 respondents) didn't answer this question

6.6.2 Currently where applicants or their partner have earnings and work over 16 hours per week, an earnings disregard is applied depending on their individual circumstances. These vary from £5.00 to £25.00 a week. Also, if child care is paid for above that received free from Central Government, then further disregards can be made against earnings for monies paid out. In the final proposed scheme a standard disregard of £20.00 will be applied to all applicants when they work, with no other disregards made. This will make the scheme more generous to those on low incomes and encourage work.

6.7 Removing the Extended Payment Provision

6.7.1 When asked - Do you agree with this change to the Scheme?

- 65% (19 respondents) said yes they agreed to remove the Extended Payment Provision
- 21% (6 respondents) said no they did not agree to remove the Extended Payment Provision
- 10% (3 respondents) responded 'Don't know' this question
- 3% (1 respondent) did not answer this question

6.7.2 In certain cases, where applicants have been in receipt of Passported benefits, (such as Income Support, Job Seekers Allowance or Employment and Support Allowance) and move into work which ends their entitlement, CTS can be paid for an additional 4 weeks. Similar provisions do not exist for UC claimants therefore this is no longer appropriate. In the final scheme the Extended Payment Provision for CTS will therefore be removed.

6.8 Reducing the capital limit to £6,000

6.8.1 When asked - Do you agree with this change to the Scheme?

- 48% (14 respondents) said yes they agreed to reduce the capital limit to £6,000
- 42% (12 respondents) said no they did not agree to reduce the capital limit to £6,000
- 10% (3 respondents) responded 'Don't know' this question

6.8.2 The current scheme has a capital limit of £16,000, it is proposed in the final scheme to reduce this limit to £6,000. This is in line with general welfare reforms and there will be no need to calculate a tariff or assumed income from capital.

6.9 Further details in proposed final scheme

6.9.1 Childcare disregards will be removed as the Government has recently introduced 30 hours of free childcare so very few claimants would be affected by this, it would also remove the need to ask for evidence of this.

6.9.2 We will use the Universal Credit award to work out the CTS but will make appropriate adjustments for any housing costs included in the award.

6.9.3 We will continue to disregard Disability Living Allowance, Personal Independence Payments, War Disablement Benefits, Child Benefit and Child Maintenance to ensure vulnerable groups are still supported.

6.9.4 The minimum income floor level will still apply to self-employed claimants as it does in our current scheme; this is a similar rule used in Universal Credit.

6.9.5 The proposed scheme is fair to the majority of current claimants and the small percentage negatively affected can be signposted to the Discretionary Hardship Scheme for assistance.

6.9.6 To ensure the scheme does not have to be revisited frequently if an uprating to the income bands is required this can be considered as part of the budget setting process.

7.1 Alternatives to changing the CTS scheme

7.1.1 If the Council keeps the current scheme, it will be administratively more complex and it will cost taxpayers more. The proposals set out in this consultation will deliver administration savings.

When asked - Do you think we should choose any of the following options rather than the proposed changes to the Council Tax Reduction Scheme? Please select one answer for each source of funding.

Increase the level of Council Tax to cover the additional administration costs

- 14% (4 respondents) said yes to this option
- 72% (14 respondents) said no to this option
- 14% (4 respondents) responded 'Don't know' to this option

Find the additional costs by cutting other Council Services

- 10% (3 respondents) said yes to this option
- 76% (22 respondents) said no to this option
- 7% (2 respondents) responded 'Don't know' to this option
- 7% (2 respondents) did not answer this question

Use the Council's reserves

- 10% (3 respondents) said yes to this option
- 59% (17 respondents) said no to this option
- 24% (7 respondents) responded 'Don't know' to this option
- 7% (2 respondents) did not answer this question

7.1.2 To summarise the Equality Impact Assessment the effect of the proposed changes would be as follows -

	Existing scheme	Weekly	New scheme	Weekly	Weekly
	Numbers	Average award	Numbers	Average award	Average loss/gain
Single	440	£15.40	425	£16.13	£0.73
Couple	77	£18.54	64	£17.62	-£0.92
Family +1	342	£13.82	339	£16.23	£2.41
Family 2+	466	£14.79	448	£15.82	£1.03
Passported	1031	£19.19	1030	£21.17	£1.98
Working Age EIA					
Male claimant	737	£17.86	713	£18.91	£1.05
Female claimant	1626	£16.33	1592	£18.14	£1.81
Disability Premium (BY)	680	£19.40	669	£20.71	£1.31
Disabled Child (KL)	138	£20.04	131	£18.83	-£1.21
Enhanced Disability Premium (BT)	668	£19.04	653	£20.31	£1.27
Severe Disability Premium (CE)	408	£17.68	402	£18.55	£0.87
ESA Support component (KR)	532	£18.26	522	£19.55	£1.29
Carer Premium (QZ)	337	£20.79	319	£20.46	-£0.33
Lone Parent +1 (BK/BM)	390	£14.67	389	£17.55	£2.88
Lone Parent +2 (BK/BM)	306	£14.97	306	£17.68	£2.71
Lone Parent >2 (BK/BM)	134	£16.64	128	£16.97	£0.33
Couple +1 (BK/BM)	102	£20.31	88	£20.52	£0.21
Couple +2 (BK/BM)	103	£17.71	103	£18.33	£0.62
Couple>2 (BK/BM)	80	£19.97	70	£18.94	-£1.03

7.1.3 A Background Paper is available with the Full Equalities Impact Assessment. In summary of the 2,356 working age caseload 50 claimants would no longer qualify for CTS. The main reason for this is reduction of the capital limit and they receive higher incomes due to being large families.

7.1.4 The majority of claimants, 97.2% will be better off under the new scheme. The proposed scheme is fair to the majority of current claimants. A small number of groups have been identified to be adversely affected and these will be signposted separately to the Discretionary Hardship Scheme.

8.0 Risks

8.1 Legal

- 8.1.1 Schedule 1A (5) of the Local Government Finance Act 1992 as amended requires local authorities to consider the following:

For each financial year, each billing authority must consider whether to revise its scheme or replace it with another scheme.

The authority must make any revision to its scheme, or any replacement scheme, no later than 11th of March in the financial year preceding that for which the revision or replacement scheme is to have effect.

- 8.1.2 The scheme must be approved by December to ensure adequate time is allowed to implement the changes well ahead of the annual billing process.

8.2 Financial

- 8.2.1 The overall aim was to try and make the scheme as close to current spend as possible to ensure it is sustainable for the council and its precepting authorities, whilst also recognising the need to support its residents.

- 8.2.2 As CTS is a discount it reduces the council's tax base across the preceptors, including ourselves, NYCC, the North Yorkshire Police and Fire Authority and the parish councils. The base is always an estimated figure for the following year and the funding for CTS is considered at the same time as any planned increase to council tax. The tax base has seen a good growth from new build properties and the increase in the empty premium to 100% from April 2019.

- 8.2.3 Based on the current modelling tool information as at September 2019 if the proposed scheme was kept at 90% liability it would be approximately £38,500 less spend than the current scheme. A move to 100% liability would see an increase in cost of around £140,000. The SDC share of this would be approximately £14,000, with the rest of the costs shared with the preceptors.

- 8.2.4 This is not a true figure for actual cost though. As mentioned earlier the collection rate amongst CTS claimants is much lower than the general collection rate for council tax. An increase in support from CTS would mean less council tax to collect and therefore it is expected collection rates from CTS claimants would increase, meaning this estimated cost would not actually be as high.

- 8.2.5 There has been a general reduction in funding for the function of benefits administration from central government. The Benefits & Taxation section is therefore always looking to work in more cost effective ways. Any efficiencies gained from the reduced administration of the scheme will help the team achieve their savings target whilst still providing a high level benefit administration and billing and collection service.

9.0 Conclusion

- 9.1 The Executive are being asked consider the proposed CTS Scheme for 2020/21 and recommend on the 5 December 2019 that the scheme be taken forward to the Council Meeting for approval on 17 December 2019.

Appendix 1 – Draft Selby District Council CTS Scheme for 2020/21

Background paper - (Full consultation results with comments and Full Equalities Impact Assessment)

Contact Officer:

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**Selby District Council
Council Tax Reduction Scheme**
S13A and Schedule 1a of the Local Government Finance Act 1992

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1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1st April 2020.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2020 for a period of one financial year.
- 1.3 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015:
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2018;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2019: and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

- 1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;
- a. has attained the qualifying age for state pension credit; and
 - b. is not, or, if he has a partner, his partner is not;
 - i. a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
 - ii. a person with an award of universal credit

The three prescribed classes are as follows;

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

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

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority’s

- scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority's scheme.

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

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

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

Disregard of certain incomes

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

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

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

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

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;

- f. be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
- g. not have capital savings above £6,000;
- h. not have income above the levels specified within the scheme;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income* is within a range of incomes specified within Schedule 1; and
- j. has made a valid application for reduction.

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Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2020/21

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Sections 2- 8
Definitions and interpretation

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

2.1 In this scheme–

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

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

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

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

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

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

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

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

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

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

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

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

‘attendance allowance’ means–

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

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

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

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

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

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

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

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

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

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

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

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

‘the Caxton Foundation’ means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering

from hepatitis C and other persons eligible for payment in accordance with its provisions;

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

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

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

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

‘claim’ means a claim for council tax reduction;

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

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

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

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

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

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

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

‘couple’ means;

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

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

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

‘designated authority’ means any of the following;
the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

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

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

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

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

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

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

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

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

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

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

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

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

‘extended reduction’ means a payment of council tax reduction payable pursuant to section 60;

‘extended reduction period’ means the period for which an extended reduction is payable in accordance with section 60A or 61A of this scheme;

‘extended reduction (qualifying contributory benefits)’ means a payment of council tax reduction payable pursuant to section 61;

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

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

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

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

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

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

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

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

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

‘independent hospital’–

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

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

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

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

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

‘Jobseekers Act’ means the Jobseekers Act 1995; ‘Jobseeker’s Allowance Regulations’ means

the Jobseeker's Allowance Regulations 1996 and Jobseeker's Allowance Regulations 2013 as appropriate;

'limited capability for work' has the meaning given in section 1(4) of the Welfare Reform Act; **'limited capability for work-related activity'** has the meaning given in section 2(5) of the Welfare Reform Act 2007;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘partner’ in relation to a person, means

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

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

‘payment’ includes part of a payment;

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

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

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

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

‘person from abroad’ means, subject to the following provisions of this regulation, a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland

‘person on income support’ means a person in receipt of income support;

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

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

‘personal pension scheme’ means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- 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 a marriage to which section 133(1) of the Act refers namely;

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

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

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

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

'qualifying contributory benefit' means;

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

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

'qualifying income-related benefit' means

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) an employment zone programme;
- (b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);
- (c) the Employment, Skills and Enterprise Scheme;
- (d) a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- (e) Back to Work scheme.

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

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

‘service user group’ means a group of individuals that is consulted by or on behalf of;

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- (c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- (d) a public authority in consequence of a function relating to disability under section 149 of the Equality Act 2010;
- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- (f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- (g) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- (h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- (i) the Care Quality Commission in consequence of a function under section 4 or 5 of the Health and Social Care Act 2008,
- (j) the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- (k) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

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

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

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

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

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

‘State Pension Credit Act’ means the State Pension Credit Act 2002;

‘student’ has the meaning prescribed in section 43;

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

‘the Tax Credits Act’ means the Tax Credits Act 2002;

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

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

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People’s Learning Agency for England, the Chief Executive of Skills Funding or

Welsh Ministers;

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

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

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

'Universal Credit' means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

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

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

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

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

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

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

'water charges' means;

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

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

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

'Working Tax Credit Regulations' means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹; and

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

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;

¹ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- (a) in respect of which he satisfies the conditions for entitlement to an income- based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker’s allowance is not payable); or
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income- based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
- (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker’s allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
- (d) in respect of which an income-based jobseeker’s allowance or a joint-claim jobseeker’s allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;

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

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

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

3.0 Definition of non-dependant

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

3.2 This paragraph applies to;

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

- 3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–
- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner; or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
 - b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
 - c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance Number²

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

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

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

4.3 Paragraph 4.2 shall not apply–

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

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

5.1 This scheme applies to a person if:

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

² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

6.0 Remunerative work

- 6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- 6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;
- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
 - b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,
- 6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.

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

Persons treated as not being in Great Britain

- 7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive 2004/38/EC;
 - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
 - (ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); or
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).
- 7.5 A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations⁽⁵⁾ as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971³ where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
 - (f) a person who has humanitarian protection granted under those rules;
 - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
 - (h) in receipt of income support or on an income-related employment and support allowance; or
 - (i) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”)
- 7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty’s forces posted overseas.

³ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

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

7.8 In this regulation—
“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
“Crown servant” means a person holding an office or employment under the Crown;
“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the The Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014; and
“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

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

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

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

7A.0 Transitional provision

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

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

7A.2 The events are—

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

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

8.0 Temporary Absence (period of absence)

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

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

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

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

where he has entered the accommodation for the purpose of ascertaining whether it suits his

needs and with the intention of returning to the dwelling if it proves not to suit his needs;

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

8.4 This paragraph applies to a person who is;

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

8.5 This paragraph applies to a person who is;

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or the Mental Health (Scotland) Act 2015; 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

8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—

- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
- c. if he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

8.7 In this section;

- 'medically approved' means certified by a medical practitioner;
- 'patient' means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; 'residential accommodation' means accommodation which is provided;
 - a. in a care home;
 - b. in an independent hospital;
 - c. in an Abbeyfield Home; or
 - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- 'training course' means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

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Sections 9 - 11

The family for Council tax reduction purposes

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9.0 Membership of a family

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

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

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

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income-related employment and support allowance; or has an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.
- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

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

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies
- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the

- ii. person who made that claim; or
in any other case the person who has the primary responsibility for him.

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

10.4 In accordance with Schedule 1 of this scheme, the number of dependants determined to be within the household shall be limited to two.

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

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

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

- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

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

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

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

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

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

12.0 – 14.0 Not Used

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Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council tax reduction purposes

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

- 15.1 The income and capital of:
- (a) an applicant; and
 - (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

- 15.2 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.

- 15.3 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.

15A.0 Calculation of income and capital: persons who have an award of universal credit

- 15A.1 In determining the income of an applicant
- a. who has, or
 - b. who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.
- 15A.2 The authority may adjust the amount referred to in sub-paragraph (1) to take account of
- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3) and a sum determined as an amount for housing costs;
 - (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings);
 - (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings);
 - (d) section 16 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
 - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable)
- 15A.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.
- 15A.4 Sections 16 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)
- 15A.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

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

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

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

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant shall be calculated on a weekly basis by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;

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

18.0 Not used

19.0 Average weekly earnings of employed earners

19.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment—

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

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

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

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

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with

sections 25 and 26

20.0 Average weekly earnings of self-employed earners

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

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

21.0 Average weekly income other than earnings

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

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

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

22.0 Calculation of average weekly income from tax credits

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

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

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

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

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

23.0 Calculation of weekly income

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

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

by 7.

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

24.0 Disregard of changes in tax, contributions etc.

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

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

25.0 Earnings of employed earners

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

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
- g. (i) travelling expenses incurred by the applicant between his home and his 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;
- h. 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);
- i. 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);
- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- k. any statutory sick pay, statutory maternity pay, statutory paternity pay, shared parental pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave, shared parental pay or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule

3 to the Social Security (Contributions) Regulations 2001 as amended⁴.

- 25.2 Earnings shall not include—
- a. subject to paragraph 25.3, any payment in kind;
 - b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
 - c. any occupational pension
 - d. any payment in respect of expenses arising out of the applicant's participation in a service user group or an applicant participating as a service user

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

26.0 Calculation of net earnings of employed earners

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

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

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

- a. any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 contributions under the Act;
- b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
- d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

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

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

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

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

⁴ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

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

27.0 Earnings of self-employed earners

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

27.2 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person 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 shall it include any sports award.

27.3 This paragraph applies to—

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

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

- (a) the amount of the reduction under this scheme which would be payable 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 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

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

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or

is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—

- i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

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

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

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

28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.8, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

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

- a. any capital expenditure;
- b. the depreciation of any capital asset;
- c. any sum employed or intended to be employed in the setting up or expansion of the employment;
- d. any loss incurred before the beginning of the assessment period;
- e. the repayment of capital on any loan taken out for the purposes of the employment;
- f. any expenses incurred in providing business entertainment, and
- g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.

28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for—

- a. the replacement in the course of business of equipment or machinery; and
- b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

28.7 The authority shall refuse to make deductions in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

28.8 For the avoidance of doubt—

- a. deductions shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
- b. a deduction shall be made thereunder in respect of—
 - 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

- iii. any payment of interest on a loan taken out for the purposes of the employment

28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of

- a. income tax; and
- b. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution.

28.10 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 shall not be offset against his earnings in any other of his employments.

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

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

28.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

29.0 Deduction of tax and contributions of self-employed earners

29.1 The amount to be deducted in respect of income tax under section 28.1b i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

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

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

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

29A.0 Minimum Income Floor

- 29 A.1 Where the claimant or partner are not a child-minder and no start-up period (as defined within 29 A.2) applies to the applicant and the income from self-employment of the applicant or partner as calculated by reference to parts 27 to 29 of this scheme is less than the appropriate National Minimum Wage for the number of hours the claimant or partner is deemed to be working as self-employed, the income used by the Council in the calculation of their award shall be increased to that amount. The National Minimum Wage applied shall be that which applies to the relevant assessment period less an estimate for tax, national insurance and half a pension contribution (where a pension contribution is being made), as if estimating the income of an ordinary employed worker.
- 29 A.2 The Council shall determine an appropriate start up period for the employment activity being conducted by the claimant or partner. This will normally be one year from the date of claim, or one year from the date of commencement of the employment activity, whichever is sooner. During this period no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.
- 29 A.3 Where a claimant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the Minimum Income Floor where appropriate.
- 29 A.4 Ordinarily, no start-up period may be applied in relation to a claimant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Relief or where one would have been applied, if not for the operation of Council Tax Benefit. The Council may allow a subsequent employment to qualify for a start up period based on the previous history of the claimant and an assessment of such evidence that would support a decision to allow for a subsequent start up period.
- 29 A5 In order to establish whether to award a start-up period, or at its discretion a subsequent start-up period, the claimant must satisfy the Council that the employment is:
- Genuine and effective. The council must be satisfied that the employment activity is being conducted
 - Taking up the stated number of working hours
 - Being conducted with the intention of increasing the income to the level that would be conducive with that form of employment.
- 29 A.6 For the purposes of determining whether a claimant is in gainful self-employment or meets the conditions for a startup-period, the Council will require the claimant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self-employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a startup period are met.

30.0 Calculation of income other than earnings

- 30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to

paragraphs 30.2 to 30.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

- 30.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 30.1, any sum, where applicable, specified in Schedule 4.
- 30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.
- 30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008 or 2013 as appropriate, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 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 paragraph 30.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—
$$\frac{A - (B \times C)}{D}$$

Where
A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
D = the number of reduction weeks in the assessment period.
- 30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if—
A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5
- 30.10 In this section— 'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 43 to 45, 'assessment period' means—

- a. in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes–
 - i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of these dates is earlier

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

- a. 1st January and ending on 31st March;
- b. 1st April and ending on 30th June;
- c. 1st July and ending on 31st August; or
- d. 1st September and ending on 31st December;

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

30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 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.

31.0 Capital treated as income

31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £6,000, be treated as income.

31.2 Any payment received under an annuity shall be treated as income.

31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

31.4 Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income

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

32.0 Notional income

32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

32.2 Except in the case of–

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
- e. any sum to which paragraph 48(a) of Schedule 5 refers;
- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or
- h. working tax credit,
- i. any sum to which paragraph 32.13 applies;

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

32.3 – 32.5 Not used

32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–

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

32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- c. pursuant to section 2 of the 1973 Act in respect of a person's participation–
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (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 previous 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 (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

32.8 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

32.9 Subject to paragraph 32.10, where—

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

32.10 Paragraph 32.9 shall 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)(g) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or

(ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or

c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

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

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

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

earnings which he is treated as possessing, less;

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

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

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Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council tax reduction purposes

33.0 Capital limit

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

34.0 Calculation of capital

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

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

35.0 Disregard of capital of child and young person

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

36.0 Income treated as capital

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

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

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

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

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

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

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

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

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

37.0 Calculation of capital in the United Kingdom

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

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

38.0 Calculation of capital outside the United Kingdom

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

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

39.0 Notional capital

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

39.2 Except in the case of

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

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

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

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

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

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

- Jobseeker's Allowance Regulations;
- (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;
- (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme;
- (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (c) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

39.5 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 shall, notwithstanding section 34 (calculation of capital) be disregarded; and
- b. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

39.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.

39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

40.0 Diminishing notional capital rule

40.1 Where an applicant is treated as possessing capital under section 39.1 (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 paragraph 40.2 are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
- b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.

40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that

- a. he is in receipt of council tax reduction; and

- b. but for paragraph 39.1, he would have received an additional amount of council tax reduction in that week.
- 40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of
- a. the additional amount to which sub-paragraph 40.2 (b) refers;
 - b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 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 paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
 - d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 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 reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax reduction in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of
- a. the amount of council tax reduction to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax reduction to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
 - b. if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,
 and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
 - c. if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part- week and multiplying the quotient so obtained by 7
 - d. if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes

of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and

- e. if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.

40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax reduction and the conditions in paragraph 40.6 are satisfied, and in such a case—

- a. sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- b. subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

40.6 The conditions are that

- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax reduction in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax reduction which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax reduction, whichever last occurred; and
- b. the applicant would have been entitled to council tax reduction but for paragraph 39.1.

40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

40.8 For the purposes of this section

- a. 'part-week'
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax reduction is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 40.4 (c),(d) and (e) means—
 - aa. a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - bb. any other period of less than a week for which it is payable;
- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purpose of determining his entitlement to council tax reduction; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;and where more than one reduction week is identified by reference to heads (i) and (ii)

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

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

41.0 Capital jointly held

- 41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, 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 Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

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Sections 43 - 56

Definition and the treatment of students for Council tax reduction purposes⁵

⁵ Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively 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 shall be considered to begin in the autumn rather than the summer;

'access funds' means;

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

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

'contribution' means;

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

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

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

'education authority' means a government department, a local 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 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

‘grant income’ means

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

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

‘last day of the course’ means;

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

‘period of study’ means—

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

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

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

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

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

'standard maintenance grant' means—

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

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

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

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

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

44.0 Treatment of students

44.1 The following sections relate to students who claim Council tax reduction

45.0 Students who are excluded from entitlement to council tax reduction

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

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

- 45.3 Paragraph 45.2 shall not apply to a student
- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
 - (b) who is a lone parent;
 - (c) **but for the implementation of this scheme**, whose applicable amount would, but for this section, include the disability premium or severe disability premium;
 - (d) **but for the implementation of this scheme**, whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
 - (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
 - (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
 - (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
 - (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
 - (i) who is;
 - i) aged under 21 and whose course of study is not a course of higher education
 - ii) aged 21 and attained that age during a course of study which is not a course of higher education – this condition needs adding
 - iii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person)
 - (j) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support)

Regulations (Northern Ireland) 2000; or
(v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

45.3A Paragraph 45.3(i)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21

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

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

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

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

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

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

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

46.0 Calculation of grant income

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

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

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;

- (e) on account of any other person but only if that person is residing outside of the United Kingdom and ,**but for the implementation of this scheme**, there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student’s grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b)the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 46.4 There shall also be excluded from a student’s grant income the grant for dependants known as the parents’ learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student’s grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student’s loan is apportioned or, as the case may be, would have been apportioned.
- 46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student’s grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.
- 47.0 Calculation of covenant income where a contribution is assessed**
- 47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.

- 47.2 The weekly amount of the student's covenant shall be determined—
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding from the resulting amount, £5.

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

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

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

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

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

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

49.0 Student Covenant Income and Grant income – non disregard

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

50.0 Other amounts to be disregarded

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

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

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

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

period beginning with;

- (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
- (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,

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

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

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

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

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

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and

(ii) no deduction in that loan was made by virtue of the application of a means test.

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

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

51A.0 Treatment of fee loans

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

52.0 Treatment of payments from access funds

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

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

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

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

53.0 Disregard of contribution

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

54.0 Further disregard of student's income

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

55.0 Income treated as capital

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

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

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

56.0 Disregard of changes occurring during summer vacation

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

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Sections 57 – 63

The calculation and amount of Council tax reduction

57.0 Maximum council tax reduction

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax reduction in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;

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

In this paragraph "relevant financial year" means, in relation to any particular day, financial year within which the day in question falls.

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

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

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

58.0 Non-dependant deductions

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax reduction) shall be £5 x 1/7.

58.2 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage.

58.3 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 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
- c. the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

58.4 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

- a. blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
- b. receiving in respect of himself:
 - attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:

- i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- 58.5 No deduction shall be made in respect of a non-dependant if:
- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - c. he is a full time student within the meaning of section 44.0 (Students); or
 - d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - I. 'patient' has the meaning given within this scheme, 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 shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
 - e. he is a member of the armed forces away on operations. Away on operations means 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, while on operations, from the dwelling usually occupied as their home.
- 58.6 No deduction shall be made in respect of a non-dependant;
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
 - (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers;
 - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income."
 - a. For the purposes of sub-paragraph (c), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.
- 58.7 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income:
- a. any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
 - b. any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - c. any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

59.0 Extended reductions: movers into the authority's area 6

59.1 Where;

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

60.0 - 63.0 Not Used

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⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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Sections 64 – 67

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

64.0 Date on which entitlement is to begin

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

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

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

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

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

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

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

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

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

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

67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Date on which income consisting of earnings from employment as an employed earner are taken into account

- 67.9 An applicant's average weekly earnings from employment shall be taken into account—
- (a) in the case of a claim, on the date that the claim was made or treated as made and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that week;
 - (b) in the case of a claim or award where the claimant commences employment, the first day of the reduction week following the date the claimant commences that employment, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that week; or
 - (c) in the case of a claim or award 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 week thereafter, regardless of whether those earnings were actually received in that week

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Sections 68– 74A

Claiming and the treatment of claims for Council tax reduction purposes

68.0 Making an application⁷

- 68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;
- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
 - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.
- 68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- 68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);
- (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
 - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 68.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
 - (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.

⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

69.0 Procedure by which a person may apply for a reduction under the authority's scheme⁸

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

69.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with sections 101 – 106A of this scheme, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.

(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) Where an application made in writing is defective because—

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

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

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

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

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

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

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

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

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

(1) Where an applicant ;

- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and

⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (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.

69A.0 Date on which an application is made

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

(a) in a case where;

- (i) an award of 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 calendar 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;

(b) in a case where;

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

the date on which the change takes place;

(c) in a case where;

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

(d) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one calendar month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(e) in any other case, the date on which an application is received at the designated office.

69A.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the

Jobseekers Act 1995 (waiting days); or
(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
have been entitled to that allowance.

- 69A.3 Where there is a defect in an application by telephone;
(a) is corrected within one calendar 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 calendar month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- 69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- 69A.5 The conditions are that—
(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one calendar month of the request, or such longer period as the authority may consider reasonable; or
(b) where an application is not on approved form or further information requested by authority applies;
(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one calendar month of it having been sent to him; or, as the case may be;
(ii) the applicant supplies whatever information or evidence was requested within one calendar month of the request; or,
in either case, within such longer period as the authority may consider reasonable; or
(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one calendar month of the request or within such longer period as the authority considers reasonable.
- 69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.
- 69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;
(a) in the case of an application made by;
(i) a pensioner, or
(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,
the seventeenth reduction week following the date on which the application is made, or
(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,
the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

70.0 Submission of evidence electronically

70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

71.0 Use of telephone provided evidence

71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim

72.0 Information and evidence⁹

72.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

72.2 This sub-paragraph is satisfied in relation to a person if—

- (a) the application is accompanied by;
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

72.3 Sub-paragraph (2) does not apply;

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who;
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one calendar month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

72.6 Where the authority makes a request under sub-paragraph (4), it must;

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him

⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

- 72.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 58.9.

- 72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

73.0 Amendment and withdrawal of application¹⁰

- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- 73.2 Where the application was made by telephone the amendment may also be made by telephone.
- 73.3 Any application amended is to be treated as if it had been amended in the first instance.
- 73.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
- 73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 73.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

74.0 Duty to notify changes of circumstances¹¹

- 74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 74.2 The applicant (or any person acting on his behalf) must notify any change of circumstances

¹⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;

(a) in writing; or

(b) by telephone—

(i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or

(ii) in any case or class of case where the authority determines that notice may be given by telephone; or

(c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

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Sections 75- 90

Decisions, decision notices and awards of Council tax reduction

75.0 Decisions by the authority¹²

75.1 An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision¹³

76.1 The authority must notify in writing any person affected by a decision made by it under its scheme;

(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;

(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;

(a) informing the person affected of the duty imposed by paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;

(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and

(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

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

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

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

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

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

76.8 This sub-paragraph applies to—

(a) the applicant;

(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;

(i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or

¹² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

(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,

(c) a person appointed by the authority to act for a person unable to act.

77.0 Time and manner of granting council tax reduction¹⁴

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

78.0 Persons to whom reduction is to be paid¹⁵

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

¹⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

of a reduction must be made to that person.

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

79.0 Shortfall in reduction¹⁶

79.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled¹⁷

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82.0 Payment where there is joint and several liability¹⁸

82.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,

it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

¹⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁸ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

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

82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

83.0 - 90.0 Not used

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Sections 91 – 94

Collection, holding and forwarding of information for Council tax reduction purposes

91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements¹⁹.

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from—

- (a) persons making claims for council tax reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to, or obtained.

93.0 Recording and holding information

93.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

94.0 Forwarding of information

94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

¹⁹ Data Retention and Investigatory Powers Act 2014, Data Retention Regulations 2014 and The Regulation of Investigatory Powers (Acquisition and Disclosure of Communications Data: Code of Practice) Order 2015

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Sections 95 – 98

Revisions, Written Statements, Termination of Council tax reduction

95.0 Persons affected by Decisions

95.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this scheme;

96.0 Revisions of Decisions

96.1 Subject to the provisions in this scheme, a relevant decision ('the original decision) may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one calendar month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;

- i) one calendar month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

97.0 Written Statements

97.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council tax reduction. The request must be received within one calendar month of the date of the notification being issued by the authority.

98.0 Terminations

98.1 The authority may terminate support in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

98.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

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Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority²⁰

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the grievance is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act²¹.

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²¹ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014, The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2015 and The Tribunal Procedure (Amendment) Rules 2015

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Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act²²

100.1 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 this scheme or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

100.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

²² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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Section 101 – 106A²³
Electronic Communication

²³ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

- 101.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme including any or all information received via DWP or HMRC.
- 102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.
- 102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 102.4 The second condition is that the person uses an approved method of;
- (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any application or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the authority any information.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

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

104.0 Effect of delivering information by means of electronic communication

- 104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;
- (a) by this section; and
 - (b) by or under an enactment,
- are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

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

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

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Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council tax reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for council tax reduction;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

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Schedule 1

Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme

- 1 The authority's Council Tax Reduction scheme from 2020/21 shall be calculated on the basis of the following Banded Discount Scheme:

Level of CTS awarded	Relevant Benefit	Single	Couple	Family with one child	Family with two or more children
100%	All Cases	£0.00 - £110.00	£0.00 - £160.00	£0.00 - £200.00	£0.00 - £260.00
75%	N/A	£110.01 - £155.00	£160.01 - £205.00	£200.01 - £245.00	£260.01 - £305.00
50%	N/A	£155.01 - £205.00	£205.01 - £255.00	£245.01 - £295.00	£305.01 - £355.00
25%	N/A	£205.01 - £250.00	£255.01 - £300.00	£295.01 - £350.00	£355.01 - £450.00

- 2 The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
 - The Council Tax family as defined within this scheme
 - The income of the applicant as defined within this scheme;
 - The capital of the applicant as defined within this scheme.
- 4 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
- 5 Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity, it should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
- 6 Any applicant who capital is greater than £6,000 shall not be entitled to any Council Tax Reductions whatsoever.
7. The authority **may** increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation measured by the Consumer Price Index (CPI) at 1st October preceding the effective financial year **or** by a percentage representing the increase in personal allowance within the applicable amounts for Housing Benefit for the relevant financial year, **whichever is the lowest**.
8. Where an applicant or partner is in receipt of a 'relevant benefit' namely Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be awarded at Band 1 level.

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Schedule 2

Not Used

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Schedule 3

Sums to be disregarded in the calculation of earnings

1. There shall be disregarded from an applicant's net earnings, £20 per week (the standard earnings disregard). This shall apply irrespective of the claimant's household and only one disregard shall be applied per claim.
2. The disregard shall apply where the applicant or partner is in receipt of remunerative work.

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Schedule 4

Sums to be disregarded in the calculation of income other than earnings²⁴

²⁴ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the applicant and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group or where the applicant is participating as a service user.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment—
 - (a) by way of an education maintenance allowance made pursuant to;

- (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
- (b) corresponding to such an education maintenance allowance, made pursuant to;
- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14**
- (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
 - (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15**
- (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or

- (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
- (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.
- 16.** 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow’s pension or war widower’s pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 17.** Subject to paragraph 35, £15 of any;
- (a) widowed mother’s allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent’s allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
- (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of ‘water charges’ in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words ‘in so far as such charges are in respect of the dwelling which a person occupies as his home’.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student’s award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student’s bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student’s student loan,
- an amount equal to the weekly amount of that parental contribution, but only in respect of the

period for which that contribution is assessed as being payable.

- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to–
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non-dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 25.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

- 26.** (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 28.** Any payment made to the applicant or his partner for a person (‘the person concerned’), who is not normally a member of the applicant’s household but is temporarily in his care, by—
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
- 29.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities’ duty to promote welfare of children and powers to grant

financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare fund provision
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a

member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

37. Any housing benefit or council tax benefit.

38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

39. - 40. not used

41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
42. Not used
43. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
44. Not used
45. (1) Any payment or repayment made—
 (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
 (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
48. (1) Where, **but for the implementation of this scheme**, an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
 (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
 (3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
 (2) In paragraph (1)
 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
 (a) the Child Support Act 1991;
 (b) the Child Support (Northern Ireland) Order 1991;
 (c) a court order;
 (d) a consent order;
 (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
 'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that

definition.

- 49.** Not used
- 50.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 51.** Any guardian's allowance.
- 52.** (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- 53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 54.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55.** (1) Any payment which is
- (a) made under any of the Dispensing Instruments to a widow, widower or
 - (b) surviving civil partner of a person;
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A.** Any council tax reduction or council tax benefit to which the applicant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B.** Not used
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 58.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;

(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.

(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account

59. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
60. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
61. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
62. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
63. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
64. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017
65. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
66. Any payments made by 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 or the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017
67. Any payment of child benefit.
68. Any payments disregarded for Housing Benefits under the Social Security (*Emergency Funds*) Amendment) *Regulations 2017*

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Schedule 5
Capital to be disregarded²⁵

²⁵ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged

or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(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.

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax reduction, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph(2), 'the award of council tax reduction' means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

11. Any sum—
 - (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
12. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that support.
13. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
14. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A. (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
 - (2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
 - (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
 - (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
15. The value of the right to receive any income under a life interest or from a life rent.
16. The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
17. The surrender value of any policy of life insurance.
18. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
19. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the

applicant.

(2) Sub-paragraph (1) applies only where A;

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

- 20.** Any social fund payment made pursuant to Part 8 of the Act.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;

(i) to that person's parent or step-parent; or
(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of

entitlement to housing benefit.

30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
 - (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),but only for a period of 52 weeks from the date of receipt of the payment or repayment.
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
41. Any payment made to such persons entitled to receive benefits as may be determined by or

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

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
(b) which can only be disposed of by order or direction of any such court; or
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
(2) This sub-paragraph applies to a sum of capital which is derived from;
(a) an award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
(a) award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items

specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

53A.-53B. Not used

- 54.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

- 55.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

- 56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
 whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
 whichever is the latest.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;
 - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

- (6) In this paragraph– ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
‘trust payment’ means a payment under a relevant trust.
- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or the applicant’s partner’s deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
- during the Second World War.
- 58 (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) ‘local authority’ includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 63.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 64.** Any payments made by 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 or the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017
- 65.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017



Report Reference Number: E/19/32

To: Executive
Date: 5th December 2019
Status: Key Decision
Ward(s) Affected: All
Author: Wayne Palmer;
(Team Leader Environmental Health)
Lead Executive Member: Cllr Chris Pearson;
(Lead Executive Member for Housing, Health and Culture)
Lead Officer: June Rothwell
(Head of Operational Services)

Title: Contaminated Land Strategy 2019-24

Summary:

The Contaminated Land Strategy 2019-24 (Appendix A) for Selby District is a review of the document that previously covered the years 2014-18. It draws on current regulations and guidance along with good practice in dealing with land which may, by virtue of its past use, be contaminated with material which poses a risk to human health or may have a detrimental effect on the environment. The strategy sets out options and resources required to discharge the Council's statutory duties under Section 78A (2) of the Environmental Protection Act 1990 & Regulation 5(1) of the Radioactive Contaminated Land (Modifications of Enactments) (England) Regulations 2006.

Through this strategy the Council sets out how sites will be identified and prioritised and how land will be dealt with if it is felt that harm is being caused or a significant possibility of harm is likely to be caused.

This Contaminated Land Strategy proposes these key aims:

- To encourage the redevelopment of brownfield sites.
- To improve and protect the condition of the environment and the health of residents in the district.
- To meet the statutory obligation placed on the council to produce a written strategy under Part 2A.
- To ensure that a strategic approach is used for dealing with contaminated land.
- To ensure that remedial action is reasonable, practicable, effective and durable.

- To encourage voluntary remediation.

Recommendations:

That Executive Members approve the Contaminated Land Strategy 2019-24.

Reasons for recommendation:

The Council has a statutory duty to: -

- Determine whether any particular site meets the statutory definition of contaminated land and what if any, remediation is required.
- Act as the enforcing authority for all contaminated land within the District, unless the site meets the definition of a “special site”, in which case the Environment Agency will act as the enforcing authority.

1. Introduction and background

1.1 Contaminated land is a national problem and is commonly associated with the historic use of sites for industrial or agricultural purposes.

1.2 Contaminants, although present, often present no harm to humans or other receptors as they are held in the ground; are not detrimental to health and/ or have no pathway to cause harm.

1.3 However, some contaminants do become a risk for harmful exposure if they are able to be inhaled, ingested or come into contact with people, property, water courses or ground water. It is these sites that may require some form of remediation or mitigation.

1.4 The strategy, if approved, will address how sites are handled within the District and formalise the Council’s approach.

2. Impact of Contaminated Land

2.1 Along with the strategy the Council should consider a number of consequential impacts of contaminated land sites within the district. These include:

- Dealing with land other than through the planning process. Although the Council’s preferred route for investigation and remediation will be through the development process, the Council does still have a statutory duty to deal with sites appearing on its contaminated land prioritisation list. This would require funding to investigate and potentially remediate sites if is evident that there is a risk of harm to people, property or the environment.
- Financial costs to the Council from sites investigation / remediation. Whilst the Council can seek recovery from the polluter (if they are known or are still in existence) or the land owner, some sites may either be owned or have been operated by the Council or may have no liable person(s) from whom the council can recover its expenses. Therefore, the Council could have to meet the full cost of investigation and / or remediation. Often, the

costs of these investigations are not known at the outset as costs depend to an extent on the nature of the material found, ground conditions and a number of local factors. This means that there is a financial risk in undertaking investigations, which may be hard to quantify at the outset of works.

- Potential blight of land or property if they are formally identified as “contaminated” sites. The Council is obliged to maintain a public record of sites which have been formally identified as contaminated under Part 2A of the Environmental Protection Act 1990. This may cause distress or financial loss to owners or residents whose property has been formally identified as contaminated.

2.2 The implementation of the Strategy will be managed by the Environmental Health & Housing Service, with commissioning of specialist expertise for technical work when required.

2.3 A consultation process was carried out between 12th August 2019 and 13th September 2019 (four weeks) to peer review the strategy. This involved seeking the views of neighbouring authorities and interested stakeholders. A list of the consultees can be found in Section 7.1 of the Contaminated Land Strategy.

As a result of this consultation and at the request of Public Health England one amendment was made to section 4.3.

2.4 It is important to note that this document sets the strategic approach to the management of potentially contaminated sites in the District until the next review, which in accordance with statutory guidance will be every five years.

2.5 The time line for the Contaminated Land Strategy is as follows:

Action	Meeting	Date	Status
Consultation of Draft Strategy	4 week period	12 th August – 13 th September 2019	Completed
Draft Strategy Report	Leadership Team	21 st October 2019	Completed
Draft Strategy Report	Executive	5 th December 2019	

3. Alternative Options Considered

n/a

4. Implications

4.1 Legal Implications

The Contaminated Land Strategy meets the Council's requirement to have a written strategy detailing the Council's approach to dealing with Contaminated Land within the District.

4.2 Financial Implications

No revenue allowance has been allocated to this work. It is likely that as sites are investigated costs will be incurred. Bids for funding will be submitted through the corporate bid cycle on a case by case basis and contingency reserves reviewed as part of the medium term financial plan.

4.3 Policy and Risk Implications

None.

4.4 Corporate Plan Implications

The Contaminated Land Strategy and any subsequent implementation will help the Council and its partners promote the district as a great place to enjoy life.

4.5 Resource Implications

None.

5. Conclusion

5.1 The Contaminated Land Strategy will provide opportunities for the Council to meet its corporate priorities and would support the Council to discharge its statutory duty to set a structured approach to investigating (and where necessary remediating) contaminated land within the District.

5.2 The strategy requires determination by Executive, following the statutory consultation.

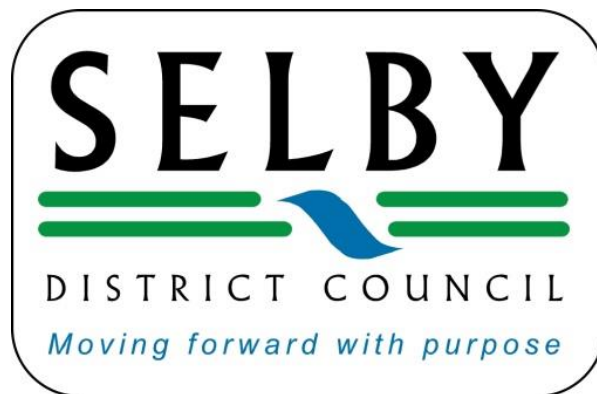
6. Background Documents

None

7. Appendices

Appendix A - Draft Contaminated Land Strategy 2019-24

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Contaminated Land Strategy

2019-24

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EXECUTIVE SUMMARY

The UK has a considerable legacy of historical land contamination involving a very wide range of substances, such as heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, solvents, acids, asbestos and hazardous gases.

On all land there are background levels of substances, including substances that are naturally present as a result of our diverse geology and substances resulting from diffuse human pollution. On some land there are greater concentrations of contaminants, often associated with industrial use and waste disposal. In a minority of cases there may be sufficient risk to health or the environment for such land to be considered contaminated land.

Selby District Council is responsible for the enforcement of contaminated land legislation in the district. It aims to protect people, property and the environment from contaminants in the ground and encourage the brownfield regeneration of contaminated sites.

This strategy will be implemented over the next five years. It explains how the council will inspect the district for contaminated land and how it will deal with land which is found to be contaminated. It is envisaged that this strategy will help the council to improve and protect the health of residents in the district and the condition of the environment.

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1. INTRODUCTION

1.1 Regulatory Context

The contaminated land regime is set out in Part 2A of the Environmental Protection Act 1990 and is commonly referred to as “Part 2A”. It was introduced in April 2000, and gives specific legal powers to local authorities to identify and deal with contaminated land. The regulations were widened in 2006 to include land contaminated by radioactivity.

Part 2A provides a means of investigating and, if necessary, remediating land to ensure that it is suitable for its current use and does not present an unacceptable risk to human health, controlled waters, ecological systems, crops, livestock, buildings and property.

The government has produced statutory guidance, in accordance with Section 78YA of the Environmental Protection Act 1990, which is legally binding and must be followed by enforcing authorities. In April 2012, the Secretary of State for Environment, Food and Rural Affairs issued new contaminated land statutory guidance to explain how Part 2A should be implemented and the legal tests for when land is considered to be contaminated land. Separate statutory guidance covering radioactive contaminated land was also issued in April 2012, by the Secretary of State for Energy and Climate Change.

1.2 The Definition of Contaminated land

The legal definition of contaminated land, as defined in Section 78A (2) (as modified) of the Environmental Protection Act 1990, is:

“any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that

- a) significant harm is being caused or there is a significant possibility of such harm being caused; or*
- b) Significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused.”*

Where “harm” means harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.

The legal definition of contaminated land is slightly different if harm is due to

radioactivity, as defined in Regulation 5(1) of The Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006:

“any land which appears to the local authority in whose area the land is situated to be in such a condition, by reason of substances in, on or under the land, that

- a) harm is being caused; or*
- b) There is a significant possibility of harm being caused.”*

With regard to radioactivity, “harm” means lasting exposure to any human being resulting from the after effects of a radiological emergency, past practice or past work activity.

In summary, a site can only be determined as contaminated land for one (or more) of the following reasons:

- Significant harm is being caused.
- There is a significant possibility that significant harm could be caused.
- Significant pollution of controlled waters is being caused.
- Significant pollution of controlled waters is likely to be caused.
- Harm attributable to radioactivity is being caused.
- There is a significant possibility that harm attributable to radioactivity could be caused.

1.3 Contaminant Linkages

For a relevant risk to exist there needs to be one or more contaminant-pathway-receptor linkages (contaminant linkages) by which a relevant receptor might be affected by the contaminants in question. In other words, for a risk to exist there must be contaminants present in, on or under the land in a form and quantity that poses a hazard, and one or more pathways by which they might harm people, the environment, or property; or significantly pollute controlled waters.

Figure 1.1: Contaminant Linkage



A “**contaminant**” is a substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor, significant pollution of controlled waters, or harm attributable to radioactivity. Please see Appendix 1 for a list of possible sources of contamination.

A “**receptor**” is something that could be adversely affected by a contaminant e.g. a person, an organism, an ecosystem, property, or controlled waters. Please see Appendix 3 for a list of the receptors covered by Part 2A.

A “**pathway**” is a route by which a receptor is or might be affected by a contaminant e.g. the ingestion of vegetables grown in contaminated soil. Please see Appendix 2 for a list of possible contaminant pathways.

1.4 The Polluter Pays Principle

An important task of the enforcing authority under the Part 2A regime is to establish who should bear responsibility for remediating a site where there are unacceptable risks from land contamination. In general, this will follow the ‘polluter pays’ principle, where the person who caused or knowingly permitted the contamination will be the appropriate person to cover the cost of remediation. However, if it is not possible to find such a person, the statutory guidance states that the cost may fall to the owner or occupier of the land. In most cases, contaminated land will be voluntarily remediated through the planning system by developers and landowners looking to bring a contaminated site back into beneficial use.

1.5 Planning Regime and Building Regulations

All planning applications have to be considered for potential contamination issues to ensure compliance with the Town and Country Planning Act 1990, the National Planning Policy Framework and the council’s Local Plan. Contaminated land issues that arise through planning applications will be controlled through the planning regime, as opposed to Part 2A.

It is the responsibility of the developer to ensure that a site can and will be made suitable for its proposed future use and that there are no unacceptable risks to human health, the environment, property and/or controlled waters. The developer must carry out site investigation and remediation works as necessary, and the council will impose planning conditions to this effect.

The vast majority of contaminated land issues in the district are currently dealt with through the planning regime. Many sites have already been investigated and

remediated through this route, so no further action will be required with regard to these sites under Part 2A.

In addition to the planning regime, building regulations (made under the Building Act 1984) require developers to take measures to protect new buildings and their future residents from the effects of contamination. An example of this would be the installation of gas protection measures into properties.

1.6 Other Regulatory Regimes

The Part 2A regime is one of several ways in which land contamination can be addressed. Other legislative regimes include; Environmental Damage (Prevention and Remediation) Regulations 2009, Environmental Permitting (England and Wales) Regulations 2016, Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009, and The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

The statutory guidance states that enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists. Therefore, Part 2A should not be used where existing legislation may be enforced or where contamination has arisen due to a breach of an existing license or permit.

2. AIMS AND OBJECTIVES

2.1 Aims

The aims of this strategy are:

- To improve and protect the condition of the environment and the health of residents in the district.
- To meet the statutory obligation placed on the council to produce a written strategy under Part 2A.
- To encourage the redevelopment of brownfield sites.
- To ensure that a strategic approach is used for dealing with contaminated land.
- To ensure that remedial action is reasonable, practicable, effective and durable.
- To encourage voluntary remediation.

2.2 Objectives

The objectives of this strategy are:

- To provide a strategic framework which the council will use to identify, inspect and determine contaminated land.
- To ensure that development on potentially contaminated land will not be permitted unless evidence has been submitted to show that the possibility, nature and extent of contamination has been properly investigated and assessed and that any remediation measures necessary to deal with the contamination are effective.
- To inspect any sites that come to light as a matter of urgency where there is a risk to human health.
- To outline the council's procedures regarding powers of entry, liability, cost recovery, special sites and enforcement.

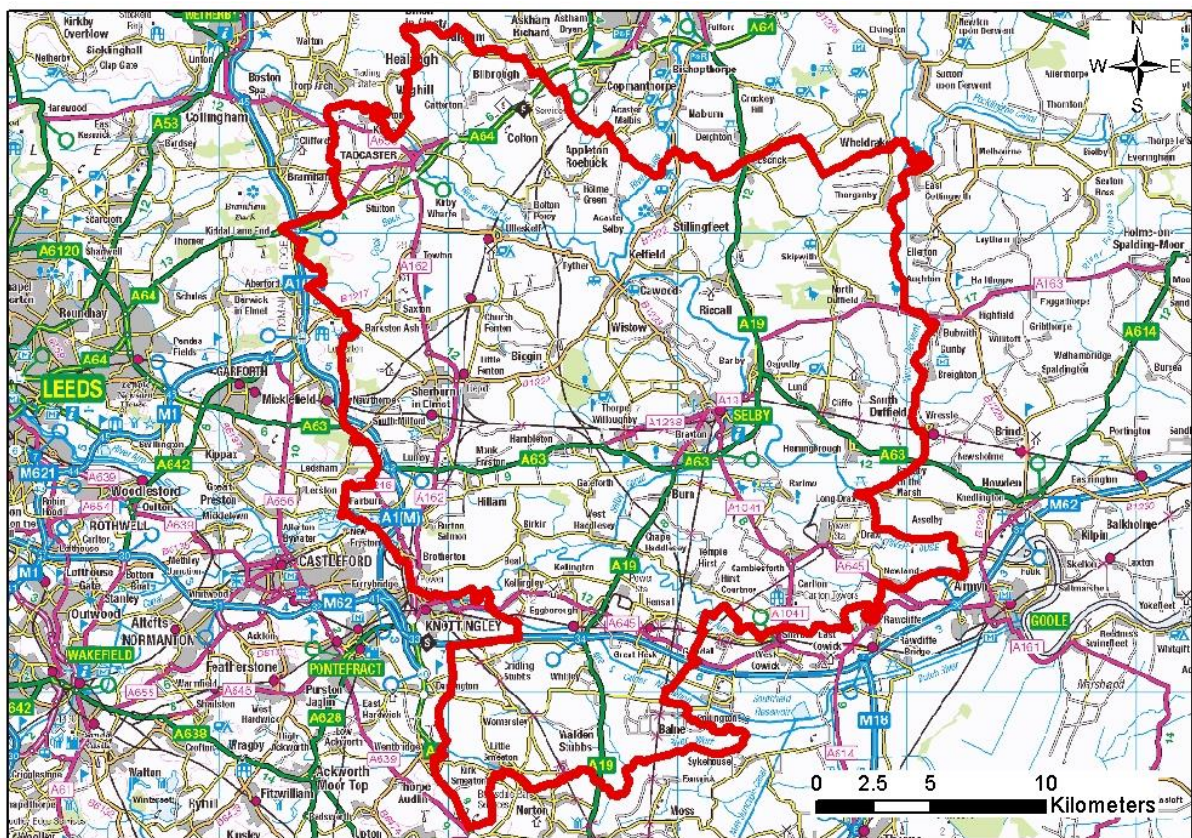
- To prepare written records of determination and risk summaries for land that is found to be contaminated.
- To prepare written statements for land that is not found to be contaminated.
- To maintain a public register of contaminated land.
- To inform the public and stakeholders of the council's intentions in relation to contaminated land.

3. SELBY DISTRICT

3.1 Characteristics of the Area

The district of Selby covers an area of approximately 600 km² located to the south of York and to the east of Leeds, as shown in Figure 2.1. The Rivers Derwent, Ouse and Aire form the eastern boundary of the council's area. The A1/A1 (M) approximates the western boundary. The River Went forms the southern boundary. Whereas, the northern boundary runs irregularly from the village of Healaugh in the northwest, to the River Derwent at a point approximately 2km north of Thorganby.

Figure 2.1: Map showing the Selby District Council boundary



The district is primarily a rural area, containing the market towns of Selby and Tadcaster and numerous villages (i.e. Sherburn in Elmet, Riccall, Barlby, Church Fenton and Thorpe Willoughby) and hamlets. The Office for National Statistics population estimate for the district in 2019 is 88,800, with most of the population centred in the towns and villages.

3.2 Past and Current Industrial Activity

Contamination can arise from a wide variety of processes and activities associated with industry and its development and growth. The industrial history of an area can therefore provide an unparalleled insight into the land which might contain and be affected by contamination.

During the eighteenth and nineteenth centuries the main industries in the district were farming and activities associated with farming e.g. milling, malting, brewing and tanning.

The twentieth century saw the arrival of a number of airfields (at Sherburn in Elmet, Church Fenton, Riccall and Burn), the railways and Selby's shipbuilding industry. Coal mining also took place in the district between the late 1970s and early 2000s. Deep coal seams underlie the area and the Selby Coalfield was a large-scale deep underground mine complex, with pitheads at Wistow Mine, Stillingfleet Mine, Riccall Mine, North Selby Mine, Whitemoor Mine and Gascoigne Wood Mine.

The main income for the area is now derived from arable farming and as a commuter area for Leeds, Wakefield and York. However, some industrial activities remain, including brewing, power generation, engineering and food production.

3.3 Geology

The geology of the district comprises Sherwood Sandstone, overlying Magnesian Limestone and Coal Measures. The Sherwood Sandstone outcrops beneath the whole of the district, apart from the far west, where the Magnesian Limestone outcrops and forms an undulating ridge which follows the route of the A1/A1 (M).

Over much of the lower lying areas the bedrock is overlain by silts, clays or sands principally of glacial origin. Extensive areas of alluvial deposits are present along the floodplains of the Rivers Wharfe, Aire, Derwent and Ouse. The most extensive alluvial deposits are around the confluence of the Aire and the Ouse in the south eastern extremity of the district.

3.4 Hydrogeology

Both the Sherwood Sandstone and the Magnesian Limestone (which provides a vital water supply for the brewing industry in and around Tadcaster) are designated by the Environment Agency as principal aquifers and both support a number of abstractions for potable, agricultural and industrial uses.

At outcrop, or where the aquifers are covered by a permeable sandy drift deposit, the

groundwater is vulnerable to pollution by surface activities including areas of contaminated ground. Where the aquifers are covered by a substantial thickness of clay or silt, these will tend to protect the groundwater from surface activities.

There are over 200 licensed groundwater abstractions in the district and the majority of these are for agricultural or industrial purposes. There are also a number of wells for potable water abstraction, which form part of a larger well-field for public supply, and 38 private water supplies.

3.5 Hydrology

Four major rivers flow through the district; the River Derwent, the River Aire, the River Wharfe and the River Ouse. These river systems are used as water supply sources and the majority of these abstractions are used for spray irrigation. There are no licensed surface water abstractions for public water supplies.

3.6 Ecological Systems

A number of areas of ecological importance are present within the district; these include 14 Sites of Special Scientific Interest (SSSI), two national nature reserves, a RAMSAR site, a special protection area and a special area of conservation - further details can be found in Table 3.1. The council will liaise with Natural England prior to undertaking intrusive investigations and remediation works in the vicinity of these areas.

Table 3.1: Areas of Ecological Importance within Selby District

Site Name	Grid Reference	Designation	Characteristic
Derwent Valley	SE678287 - 825757	- SSSI - Special Area of Conservation - National Nature Reserve - Special Protection Area	Represents a classic river profile. It supports diverse communities of aquatic flora and fauna, many elements of which are nationally significant.

Site Name	Grid Reference	Designation	Characteristic
Skipwith Common	SE655373	- SSSI - Special Area of Conservation - National Nature Reserve	Extensive tract of heath land on a spur of glacial sands which forms the watershed between the Lower Derwent and Ouse Valleys.
Burr Close	SE596340	- SSSI	Damp alluvial meadowland.
Tadcaster Mere	SE500430	- SSSI	Central part of a former lake basin.
Kirkby Wharfe	SE510400	- SSSI	Area of flood land/marshland.
Stutton Ings	SE485405	- SSSI	A remnant of traditionally managed fen grassland.
Bolton Percy Ings	SE534401	- SSSI	Two unimproved alluvial flood meadows adjacent to the River Wharfe.
Derwent Ings	SE703466 to SE703347	- SSSI	A series of neutral alluvial flood meadows, fen and swamp communities and freshwater habitats lying adjacent to the River Derwent, between Sutton-upon-Derwent and Menthorpe.
Sherburn Willows	SE487325	- SSSI	Magnesium limestone grassland.
Eskamhorn Meadows	SE679242	- SSSI	Five floristically diverse fields supporting unimproved natural grassland on seasonally damp clayey soils.

Site Name	Grid Reference	Designation	Characteristic
Forlorn Hope Meadow	SE543717	- SSSI	Unimproved neutral grassland plant community.
Brockadale	SE503714	- SSSI	Narrow steep sided valley of the River Went, which cuts through magnesium limestone rocks of Permian age.
Brockadale	SE594456	- SSSI	Two unimproved alluvial flood meadows adjacent to the River Ouse.
Fairburn and Newton Ings	SE442276	- SSSI	Former ings along the river which have become permanently flooded.
Brighton Meadows	SE704332	- SSSI	Nationally and internationally important alluvial flood meadow plant community and its outstanding range of breeding birds.

3.7 Scheduled Monuments & Listed Buildings

There are 48 scheduled monuments and 637 listed buildings within the district. The council will liaise with the planning team and English Heritage as necessary, prior to undertaking intrusive investigations and remediation works in the vicinity of these sites.

3.8 Council Owned Land

The council owns over 3,000 council houses and a small number of parks, play areas and open spaces. Other significant land ownership consists of its public car parks and land surrounding its offices, depots and leisure facilities. The council is also landlord for a small number of industrial units and has a small portfolio of potential development sites.

4. INSPECTION PROCESS

4.1 Information Collection

In order to identify potentially contaminated land, it is first necessary to identify those land uses, past and present, which have the potential to give rise to contamination. It is also necessary to identify relevant receptors, so that contaminant linkages can be assessed in light of the current use of a particular site. The datasets listed in Table 4.1 have been collated for this purpose.

Table 4.1: Sources of information

Dataset	Source
Maps (historical & present day)	Ordnance Survey
Past industrial use (1850s, 1910s, 1950s and 1980s)	Landmark Information Group
Closed landfill sites	Environment Agency
Active landfill sites	Environment Agency
Part A and B industrial processes	Selby District Council
Geology	British Geological Survey
Groundwater vulnerability	Environment Agency
Source protection zones	Environment Agency
Groundwater abstraction points	Environment Agency
Watercourses	Environment Agency
Private water supplies	Selby District Council
Sites of Special Scientific Interest	Natural England
Special Protection Areas	Natural England
RAMSAR sites	Natural England

Dataset	Source
National Nature Reserves	Natural England
Special Areas of Conservation	Natural England
Scheduled monuments	Selby District Council
Listed buildings	Selby District Council

The council has developed a geographical information system (GIS) and an associated database to store and manage this information, which has enabled potentially contaminated land to be identified.

Any site with a past industrial use or a history of waste disposal (i.e. a closed landfill site) could potentially be contaminated. At present, the council has identified 2,121 potentially contaminated sites within the district and this list will be updated as new information comes to light. However, it should be emphasised that only a small proportion of these sites are likely to meet the legal definition of contaminated land.

The process of identifying potentially contaminated land is an ongoing activity. Further information may come to light at any stage and we will take into account any information obtained from or volunteered by the public, site owners, businesses and voluntary organisations. New and updated information will also often be provided as a result of exchanges of information between council departments and with the Environment Agency and other statutory bodies.

4.2 Prioritisation

Each potentially contaminated site will require detailed inspection in order to establish the presence or otherwise of a contaminant linkage. In accordance with the statutory guidance, the council should seek to ensure that the most pressing and serious problems are dealt with first. It is therefore necessary to categorise sites into priority order using a rapid assessment of the potential contaminant linkages.

In line with the council's original contaminated land strategy, published in 2001, the initial prioritisation of high-risk sites was completed using the Contaminated Land Assessment Risk Analyst (CLARA) model. This list was recently reviewed and updated using the GeoEnviron Contaminated Land Module, which is sophisticated GIS based prioritisation software.

2,121 potentially contaminated sites have been identified within the Selby. The GeoEnviron Contaminated Land Module has been used to rank these sites according to their potential contaminant linkages and the associated risk. Each site is allocated to one of five priority categories (A to E). Table 4.2 shows how the council has defined these categories and the number of potentially contaminated sites within each category.

Table 4.2 – Priority Categories

Category	Number of Sites	Description
A	1	Contaminants certainly or probably present. One or more pathways to identified receptors are likely to exist. There is a high risk of an unacceptable impact on identified receptors. The current use of the site may not be suitable. High priority , with action to inspect the site being required in the short term.
B	10	The presence of contaminants is likely. One or more pathways to identified receptors are likely to exist. There is a high-medium risk of an unacceptable impact on identified receptors. The current use of the site may not be suitable. High to medium priority , with action to inspect the site being required in the short to medium term.
C	223	Contaminants may be present. One or more pathways to identified receptors are likely to exist. There is a medium-low risk of an unacceptable impact on identified receptors. Medium to low priority , with action to inspect the site being required in the medium to long term.
D	1,187	Contaminants may be present. There is a medium-low risk of the existence of pathway(s) to identified receptors. It is unlikely that the contaminants will have a significant effect on identified receptors. Low priority , with action to inspect the site being required in the long term.
E	700	Contaminants may be present. There is a low risk of the existence of pathway(s) to identified receptors. It is highly unlikely that the contaminants will have a significant effect on identified receptors. Very low priority , with action unlikely to be needed whilst site remains in present use or is undisturbed.

Please note that the GeoEnviron Contaminated Land Module cannot identify contaminated land, but it does prioritise land which has the potential to be contaminated. It is designed to be used with expert judgement to assess whether the combination of sources, pathways and receptors requires a detailed investigation. A detailed inspection will then enable a determination to be made as to whether any significant pollutant linkages are present.

4.3 Detailed Inspection

The council will inspect the potentially contaminated sites in priority order, starting with the highest risk site first. The purpose is to gain sufficient information to determine whether or not there is a significant contaminant linkage.

The first phase of investigation is to collect and assess as much information as possible about a particular site from maps and historic records and by undertaking a site walkover survey. If the findings confirm that there is potential for contamination to be present, then further investigation will be required.

The next phase of investigation is to carry out a ground investigation (also known as a site investigation) to determine the nature and extent of any contamination on a site. The sampling and analysis of soil, water and/or ground gases may be required to assess the amount of contamination present. A risk assessment will then be carried out to determine whether it could pose an unacceptable risk to human health, controlled waters, ecological systems, crops, livestock, buildings or property, and whether any significant contaminant linkage exists. Please note that this will be carried out in line with current guidance and best practice.

4.4 Determination of Contaminated Land

Once a detailed inspection is complete, the council should have identified any significant contaminant linkage(s), and carried out a robust, appropriate, scientific and technical assessment of all the relevant and available evidence. The council can then determine whether or not a site meets the legal definition of contaminated land. Making a determination is a complex process and the council will refer to the Statutory Guidance on this matter.

However, a site shown to have a significant contaminant linkage may not always be determined as contaminated land under Part 2A. This is because the council aims to encourage the voluntary remediation of sites through constant interaction and discussions, rather than through a process of naming and shaming individuals or companies. However, if no alternative solutions can be reached, then the site will be determined to ensure that it is dealt with accordingly.

4.5 Remediation

Once a significant contaminant linkage has been identified, and land has been determined as contaminated land, remedial action will be required to reduce or remove that linkage. This may involve cleaning up the contamination, breaking the pathway, or modifying the receptor. The overall aim of remediation is to remedy harm/pollution and to ensure that risks are reduced to an acceptable level.

The council will consider how land should be remediated and, where appropriate, it will issue a remediation notice to require such remediation to be undertaken.

5. PROCEDURES

5.1 Powers of Entry

For the purposes of identifying contaminated land, the council has been granted powers of entry under Section 108 of the Environment Act 1995. These powers allow any person authorised in writing by the council to enter premises and inspect the area and any records connected to the site to determine if significant harm is being caused.

The council will write to the occupier to give seven days' notice of its intention to enter the premises. It may then enter the premises either with the consent of the occupier or under the authority of a warrant issued by a magistrate.

In an emergency the council may exercise its powers of entry forthwith to prevent immediate significant harm to public health or the environment, or significant pollution of controlled waters.

5.2 Record of Determination

If the council determines a site as contaminated land, it shall give notice of that fact to the Environment Agency, the owner of the land, any person who appears to be in occupation of the whole or any part of the land, and each person who appears to be an appropriate person. A written record of determination will be provided to relevant parties and a copy will also be kept on file.

A written record of determination will include:

- A map showing the location, boundaries and area of the land in question.
- A risk summary (including details of the identified contaminant linkages, potential impacts and risks, uncertainties behind the risk assessment and possible remediation options).
- A summary of why the council considers that the requirements of relevant sections of the statutory guidance have been satisfied

If it is clear, following an inspection, that land does not meet the legal definition of contaminated land, the council will issue a written statement to that effect to the owners of the property and other interested parties. A copy of this statement will also be kept on file, along with the reasons for making the decision.

5.3 Public Register

The council is required to maintain a public register containing full particulars of the following matters:

- Remediation notices
- Appeals against remediation notices
- Remediation declarations
- Remediation statements
- Appeals against charging notices
- Designation of 'special sites'
- Notifications of claimed remediation
- Convictions for offences under section 78M of the Environmental Protection Act 1990
- Site specific guidance issued by the Environment Agency
- Other environmental controls

The public register can be viewed online on the council's website, or viewed in person by prior arrangement at the council offices. Reasonable charges will be made to cover any photocopying costs.

5.4 Special Sites

For a site to be classified as a "special site" it must meet the criteria outlined in the Contaminated Land (England) Regulations 2006, as summarised in Appendix 4. The regulation of special sites falls to the Environment Agency, but it is the responsibility of the council to identify and designate these sites before further action can be taken. No site will be designated as a special site without detailed discussions with relevant personnel within the Environment Agency. Where the council already has information that would allow the classification of a special site, arrangements can be made so the Environment Agency carries out the inspection of the site on behalf of the council.

Once a site has been designated as a special site, regulation and enforcement are passed onto the Environment Agency.

5.5 Liability

For any land determined as contaminated land, the enforcing authority will need to establish who will bear responsibility for carrying out the remedial work. It is the intention of Part 2A that the appropriate person, ideally the polluter, pays for the cost of remediation, as a result of voluntary or formal action.

For some land, the process of determining liabilities will consist simply of identifying either a single person (either an individual or a corporation such as a limited company) who has caused or knowingly permitted the presence of a single significant contaminant, or the owner of the land. Whereas the history of other land may be more complex, such as a succession of different occupiers or of different industries, or a variety of substances may all have contributed to the problems which have contaminated the land. Numerous separate remediation actions may also be required, which may not correlate neatly with those who are to bear responsibility for the costs. The degree of responsibility for the state of the land may vary widely. Determining liability for the costs of each remediation action can be correspondingly complex.

In line with the statutory guidance, the enforcing authority will undertake a number of tests to decide whether any individuals or corporations should be excluded from liability. Liability can then be apportioned accordingly between the remaining liable parties.

If no appropriate person can be found, or where those who would otherwise be liable are exempted by one of the relevant statutory provisions, the significant contaminant linkage will become an “orphan linkage”. In these instances the enforcing authority has the power to carry out the remediation action itself, at its own cost.

5.6 Cost Recovery

In making any cost recovery decision, the statutory guidance recommends that the following general principles should be followed:

- The enforcing authority should aim for an overall result which is as fair and equitable as possible to all who may have to meet the costs of remediation, including national and local taxpayers.

- The 'polluter pay' principle should be applied with a view that, where possible, the costs of remediating pollution should be borne by the polluter. The authority should therefore consider the degree and nature of responsibility of the relevant appropriate person(s) for the creation, or continued existence, of the circumstances which lead to the land in question being identified as contaminated land.

The council will seek to recover all of its reasonable costs. However, it will consider waiving or reducing the recovery of costs to avoid any undue hardship which the recovery may cause to the appropriate person, or to reflect one or more of the specific considerations set out in the statutory guidance.

In certain circumstances, the council may consider deferring recovery of its costs and securing them by a charge on the land in question. Such deferral may lead to payment from the appropriate person either in instalments or when the land is next sold.

5.7 Enforcement Policy

The council intends to carry out its responsibilities under Part 2A in a clear and transparent manner. It will endeavour to promote voluntary remediation of sites and will only proceed with enforcement action when all other avenues have been exhausted. However should enforcement action be required, for example due to the failure to fulfil the requirements of a remediation notice, action will be taken in accordance with the council's enforcement policy.

6. PROGRESS AND PRIORITIES

6.1 Progress

Considerable progress has been made since the publication of the council's original contaminated land strategy in 2001. We have collated detailed information on possible sources, pathways and receptors and we have prioritised all of the potentially contaminated sites.

A number of preliminary inspections have been carried out, but no detailed inspections have been undertaken. This is due to resource limitations and the fact that the detailed inspection of a single site usually costs tens of thousands of pounds.

Hundreds of sites have been investigated and remediated through the planning regime. Contaminated land is a material planning consideration, so the council is responsible for reviewing all investigation and remediation work undertaken by developers to ensure that it is completed to a satisfactory standard and that the site is suitable for its proposed use. Please note that no additional Part 2A action will be required at sites that have been dealt with through the planning regime.

No sites have currently been found to meet the Part 2A definition of contaminated land, so the council has not determined any sites as contaminated land.

6.2 Timescale

The strategy does not lend itself to the setting of fixed timescales, as the progress in carrying out detailed inspections is reliant upon resources and service priorities.

6.3 Priorities

The council's current priorities are to:

- Inspect potentially contaminated sites in priority order, as budgetary resources, staffing levels and service priorities allow.
- Assess planning applications and associated contaminated land reports to ensure that land is investigated and remediated appropriately by developers, so it does not pose a risk to health or the environment.
- Deal with any urgent cases as and when they arise.

7. STRATEGY CONSULTATION AND REVIEW

7.1 Strategy Consultation

In preparing this strategy a number of statutory bodies, adjoining local authorities, internal council departments and other relevant organisations have been consulted. Please see below for a list of the consultees:

- Planning Team, Selby District Council
- Public Health, North Yorkshire County Council
- Department for Environment, Food & Rural Affairs (DEFRA)
- Environment Agency (Yorkshire and North East Region)
- Natural England (Yorkshire and North Lincolnshire Region)
- English Heritage (Yorkshire Region)
- Environmental Hazards and Emergencies Department, Public Health England
- Public Protection Team, City of York Council
- Public Protection Team, East Riding of Yorkshire Council
- Environmental Protection, Harrogate Borough Council
- Pollution Control Team, Doncaster Metropolitan Borough Council
- Contaminated Land Team, Leeds City Council
- Land Quality Team, Wakefield Council

All consultation responses have been carefully considered in the preparation of this strategy. It is also our intention to continue to take contributions from consultees who have not yet made a response and from any other individual or organisation that would like to comment on this strategy. We propose to consider these responses as part of our regular reviews of the strategy.

7.2 Strategy Review

As recommended in the statutory guidance, this strategy will be reviewed every five years to ensure that it remains up to date and relevant.

8. ACCESS TO INFORMATION

8.1 Viewing the Contaminated Land Strategy

This strategy is available to download free of charge from the council's website. A paper version is also held at the Access Selby office below and can be viewed during normal office hours.

8.2 Viewing the Public Register

A public register detailing regulatory activity on contaminated land can be viewed on the council's website. A paper version is also held at Selby District Council offices and can be viewed during normal office hours.

8.3 Enquiries

Requests for information and enquiries regarding contaminated land can be made by telephone, e-mail, or in writing. The council has a policy to respond to all such requests within 10 working days. Please note that there may be a charge to cover our costs to reply to some kinds of query, but you will always be advised in advance if there is a charge.

Please note that circumstances may arise where specific information cannot be released due to commercial confidentiality or where legal action is required to enforce a remediation notice.

Enquiries should be directed to:

Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

Tel: 01757 705101

Email: info@selby.gov.uk

REFERENCES

Department for Communities and Local Government (2019). **National Planning Policy Framework**. DCLG, London.

Department for Environment, Food and Rural Affairs (2012). **Environmental Protection Act 1990: Part 2A Contaminated Land – Contaminated Land Statutory Guidance**. The Stationery Office, London.

Department of Energy and Climate Change (2012). **Environmental Protection Act 1990: Part 2A Contaminated Land – Radioactive Contaminated Land Statutory Guidance**. The Stationery Office, London.

Environment Agency (2019). **Land Contamination: Risk Management (LCRM)**. Environment Agency, Bristol.

Environmental Permitting (England and Wales) Regulations 2016. Statutory Instrument 2016/1154.

Environmental Protection Act 1990, Part 2A: inserted by the Environment Act 1995, Section 57. See Environment Act 1995 for text for Part 2A.

The Contaminated Land (England) (Amendment) Regulations 2012. Statutory Instrument 2012/263.

The Contaminated Land (England) Regulations 2006. Statutory Instrument 2006/1380.

The Environmental Damage (Prevention and Remediation) Regulations 2009. Statutory Instrument 2009/153.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Statutory Instrument 2017/407.

Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009. Statutory Instrument 2009/3104.

GLOSSARY

This document uses a number of terms which are defined in Part 2A or in the statutory guidance. The meanings of the most important of these terms are detailed below, and where appropriate, a reference to the relevant section of Part 2A has been included.

Appropriate Person	Defined in Section 78A(9) as: 'Any person who is an appropriate person, determined in accordance with Section 78F, to bear responsibility for any thing which is to be done by way of remediation in any particular case.'
Contaminant	A substance which is in, on or under the land and has the potential to cause significant harm or significant pollution of controlled waters.
Contaminant Linkage	The relationship between a contaminant, a pathway and a receptor.
Contaminated Land	Defined in Section 78A(2) as: 'Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that; a) significant harm is being caused or there is a significant possibility of such harm being caused; or b) Significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused.' OR with respect to radioactive contamination it is defined as: 'Any land which appears to the local authority in whose area the land is situated to be in such a condition, by reason of substances in, on or under the land, that; a) harm is being caused; or b) there is a significant possibility of harm being caused.'

Controlled Waters	Has the same meaning as in Part III of the Water Resources Act 1991, and includes relevant territorial waters, coastal waters, inland freshwaters and ground waters. Except that “ground waters” does not include waters contained in underground strata but above the saturation zone.’
Ecological Systems	<p>Only the following ecological systems can be considered for the purposes of Part 2A:</p> <ul style="list-style-type: none"> • A site of special scientific interest • A national nature reserve • A marine nature reserve • An area of special protection for birds • A “European site” within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010 • Any habitat or site afforded policy protection on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed RAMSAR sites); or • Any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949.
Enforcing Authority	Special sites will be enforced by the Environment Agency and all other contaminated land sites will be enforced by the local authority in whose area the land is situated.
Environment Agency	An executive non-departmental public body (responsible to the Secretary of State for Environment, Food and Rural Affairs) which aims to protect and improve the environment and to promote sustainable development.
Geology	The study of the structure of rocks, minerals and soils in specific geographical areas.
Harm	<p>Defined in Section 78A(4) as:</p> <p>‘Harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.’</p>

	<p>OR with respect to radioactive contamination is defined as:</p> <p>'Lasting exposure to any person being resulting from the after effects of a radiological emergency, past practice or past work activity.'</p>
Hydrogeology	The study of the occurrence, distribution, movement and properties of water through rock beneath the ground.
Hydrology	The study of the occurrence, distribution, movement and properties of surface water.
Orphan Linkage	A significant contaminant linkage where no appropriate person can be found, or where those who would otherwise be liable are exempted by one of the relevant statutory provisions. In these instances the enforcing authority has the power to carry out the remediation action itself, at its own cost.
Part 2A	Part 2A of the Environmental Protection Act 1990.
Pathway	A route by which a receptor is being / could be exposed to, or affected by, a contaminant.
Pollution of Controlled Waters	<p>Defined in Section 78A(9) as:</p> <p>'The entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter.'</p>
Prioritisation	The process of scoring sites based on the potential contaminants, pathways and receptors. This creates a prioritised list of potentially contaminated sites, which can then be inspected in priority order.
Property	<p>Only the following property can be considered for the purposes of Part 2A:</p> <ul style="list-style-type: none"> a) Property in the form of: <ul style="list-style-type: none"> i) crops, including timber; ii) produce grown domestically, or on allotments, for consumption; iii) livestock; iv) other owned or domesticated animals; v) wild animals which are the subject of

	<p>shooting or fishing rights.</p> <p>b) Property in the form of buildings. For this purpose, “building” means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.</p>
Public Register	Register maintained by the council of particulars relating to contaminated land.
Receptor	Something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters.
Remediation	Removing identified significant contaminant linkages, or permanently disrupting them, to ensure that they are no longer significant and that risks are reduced to an acceptable level. Remediation may involve a range of treatment, assessment and monitoring actions to secure the overall clean-up of the land.
Remediation Notice	Defined in Section 78E(1) as a notice specifying what an appropriate person is to do by way of remediation and the periods within which he is required to do each of the things so specified.
Remediation Statement	In any case where the enforcing authority is precluded from serving a remediation notice, the responsible person shall prepare and publish a “remediation statement”. The document will detail what remediation actions are being / have been / are expected to be done, appropriate timescales and the name and address of the responsible person.
Risk	A combination of the probability / frequency of occurrence of a defined hazard and the magnitude (including the seriousness) of the consequences.
Significant Harm to Human Health	The following health effects should always be considered to constitute significant harm to human health: death, life threatening diseases (e.g. cancers), other diseases likely to have serious impacts on health, serious injury, birth

	defects, and impairment of reproductive functions.
Significant Possibility	The decision on whether the possibility of significant harm / pollution being caused is significant is a regulatory decision to be taken by the relevant enforcing authority. Decisions will be made in line with the statutory guidance.
Special Site	<p>Defined by Section 78A(3) as:</p> <p>‘Any contaminated land –</p> <ul style="list-style-type: none"> a) which has been designated as such a site by virtue of section 78C(7) or 78D(6)...; and b) whose designation as such has not been terminated by the appropriate Agency under section 78Q(4)...’ <p>See Appendix 4 of this document for further details.</p>
Substance	<p>Defined in Section 78A(9) as:</p> <p>‘Any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.’</p> <p>OR with respect to radioactive contamination is defined as:</p> <p>‘Whether in solid or liquid form or in the form of a gas or vapour, any substance which contains radionuclides which have resulted from the after-effects of a radiological emergency or which are or have been processed as part of a past practice or past work activity, but shall not include radon gas or the following radionuclides: Po-218, Pb-214, At-218, Bi-214, Rn-218, Po-214 and Tl-210.’</p>

APPENDIX 1: CONTAMINANT SOURCES

The following historic activities are known to produce contamination and could therefore give rise to land contamination. Please note that this list is for guidance only and is not exhaustive.

- Smelters, foundries, steel works, metal processing & finishing works
- Coal & mineral mining & processing, both deep mines and opencast
- Heavy engineering & engineering works, e.g. car manufacture, shipbuilding
- Military/defence related activities
- Electrical & electronic equipment manufacture & repair
- Gasworks, coal carbonisation plants, power stations
- Oil refineries, petroleum storage & distribution sites
- Manufacture & use of asbestos, cement, lime & gypsum
- Manufacture of organic & inorganic chemicals, including pesticides, acids/alkalis, pharmaceuticals, solvents, paints, detergents and cosmetics
- Rubber industry, including tyre manufacture
- Munitions & explosives production, testing & storage sites
- Glass making & ceramics manufacture
- Textile industry, including tanning & dyestuffs
- Paper & pulp manufacture, printing works & photographic processing
- Timber treatment
- Food processing industry & catering establishments
- Railway depots, dockyards (including filled dock basins), garages, road haulage depots, airports

- Landfill, storage & incineration of waste
- Sewage works, farms, stables & kennels
- Abattoirs, animal waste processing & burial of diseased livestock
- Scrap yards
- Dry cleaning premises
- All types of laboratories
- Burial sites and graveyards
- Agriculture – specifically the excessive use or spills of pesticides, herbicides, fungicides, sewage sludge & farm waste disposal
- Naturally occurring contamination

APPENDIX 2: CONTAMINANT PATHWAYS

The following pathways may create linkages between contaminants in the ground and relevant receptors. Please note that this list is for guidance only and is not exhaustive.

- Ingestion of soil and dust
- Ingestion of vegetables & soil attached to vegetables
- Inhalation of indoor & outdoor dust
- Inhalation of indoor & outdoor vapours
- Dermal contact with soils and dusts
- Risk of fire / explosion
- Migration of soluble or mobile contaminants into groundwater
- Migration of soluble or mobile contaminants into surface water bodies
- Surface run-off into surface water bodies
- Permeation through water pipes
- Impact on areas of ecological importance
- Impact on crops or domestically grown produce
- Impact on livestock and wild animals subject to shooting / fishing rights
- Impact on buildings and / or foundations

APPENDIX 3: RECEPTORS

The following receptors are covered by Part 2A. For further details, and information on what constitutes significant harm to each receptor, please refer to the statutory guidance.

- Human beings

- Any ecological system, or living organism forming part of such system, within a location which is:
 - i) A site of special scientific interest
 - ii) A national nature reserve
 - iii) A marine nature reserve
 - iv) An area of special protection for birds
 - v) Any European site within the meaning of regulation 10 of the Conservation Regulations 1994 e.g. special areas of conservation and special protection areas.
 - vi) Any candidate special areas of conservation or special protection areas
 - vii) Any habitat afforded protection under paragraph 6 of planning policy statement 9 (PPS9) e.g. RAMSAR sites
 - viii) Any nature reserve under section 21 of the National Parks and Access to the Countryside Act 1949

- Property in the form of;
 - i) Crops, including timber
 - ii) Produce grown domestically, or on allotments for consumption
 - iii) Livestock
 - iv) Other owned or domesticated animals
 - v) Wild animals which are the subject of shooting or fishing rights

- Property in the form of buildings. For this purpose “building” means any structure or erection, and any part of a building including any part below ground level, does not include plant/machinery within a building.

- Controlled waters, as defined by the Water Resources Act 1991. Including relevant territorial waters, coastal waters, inland freshwaters and ground waters. For the purposes of Part 2A, ground waters does not include waters contained in underground strata but above the saturation zone.

APPENDIX 4: SPECIAL SITES

A special site is a contaminated land site that is regulated by the Environment Agency instead of the local authority. The definition of a special site as given in the Contaminated Land (England) Regulations 2006 is reproduced below for information only. Reference should be made to the full text of the legislation and statutory guidance for a full legal definition and for details of references where quoted.

'Contaminated land of the following descriptions is prescribed for the purposes of section 78C (8) as land required to be designated as a special site:

- a) land affecting controlled waters in the circumstances specified in regulation 3;
- b) land which is contaminated land by reason of waste acid tars in, on or under the land;
- c) land on which any of the following activities have been carried on at any time;
 - i) the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal;
or
 - ii) the manufacture or processing of explosives;
- d) land on which a prescribed process designated for central control has been or is being carried on under an authorisation, where the process does not solely consist of things being done which are required by way of remediation;
- e) land on which an activity has been or is being carried on in a Part A(1) installation or by means of Part A(1) mobile plant under a permit, where the activity does not solely consist of things being done which are required by way of remediation;
- f) land within a nuclear site;

- g) land owned or occupied by or on behalf of -
 - i) the Secretary of State for defence;
 - ii) the defence Council,
 - iii) an international headquarters or defence organisation, or
 - iv) the service authority of a visiting force, being land used for naval, military or air force purposes;
- h) land on which the manufacture, production or disposal of -
 - i) chemical weapons,
 - ii) any biological agent or toxin which falls within section 1(1)(a) of the Biological Weapons Act 1974 (restriction on development of biological agents and toxins), or
 - iii) any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act (restriction on development of biological weapons) has been carried on at any time;
- i) land comprising premises which are or were designated by the Secretary of State by an order made under section 1(1) of the Atomic Weapons Establishment Act 1991 (arrangements for development etc. of nuclear devices);
- j) land to which section 30 of the Armed Forces Act 1996 (land held for the benefit of Greenwich hospital) applies;
- k) land which is contaminated land wholly or partly by virtue of any radioactivity possessed by any substance in, on or under that land; and
- l) land which -

- i) is adjoining or adjacent to land of a description specified in any of sub-paragraphs (b) to (k); and
- ii) Is contaminated land by virtue of substances which appear to have escaped from land of such a description.'

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Report Reference Number: E/19/33

To: Executive
Date: 5th December 2019
Status: Key Decision
Ward(s) Affected: ALL
Author: Sarah Thompson
(Housing and Environmental Health Service Manager)
Hannah McCoubrey
(Housing Strategy Officer)
Lead Executive Member: Cllr Chris Pearson
(Lead Executive Member for Housing, Health and Culture)
Lead Officer: June Rothwell
(Head of Operational Services)

Title: Housing Revenue Account (HRA) Business Plan – Final version

Summary:

The Selby District Corporate Plan priority to 'enjoy life' identified the need to make sure a suitable supply of homes is available to those who need them. A key part of this is ensuring that the Council has a financially viable Housing Revenue Account Business Plan, to both invest in their current stock, as well as increase overall housing supply in the district. A draft version of the HRA Business Plan has now been consulted on with our tenants, and a final version is ready for approval.

Recommendations:

That Executive Members approve the final HRA Business Plan 2020-2025.

Reasons for recommendation:

Approving the HRA Business Plan 2020-2025 allows the Council to detail our ambitions over the next five years and beyond as to how we manage and look to improve our housing stock, ensuring as much as possible that the needs of our residents are met now and in the future.

1 Introduction and background

1.1 HRA self-financing commenced in April 2012, allowing local housing authorities to fully retain the money they receive in rent in return for taking on a proportion of national social housing debt. This also allows authorities to plan and provide services to their current and future tenants. Although this system therefore provides the freedom to develop and deliver a less constrained vision for council housing, it should be done in a prudent, viable and measured way with a number of checks and balances built into the system.

1.2 The HRA Business Plan subsequently provides tenants, the Council, and its members with priorities and direction as to how it will manage Council owned social housing in the Selby district. Ultimately, the Council's plan is to drive the development of more new homes and for all housing in the district to be of a quality, type and size which meets the needs of local communities. Its new and approved objectives are:

Objective 1: To ensure good quality housing within the district which helps meet the needs of our local community.

Objective 2: To provide a first rate housing management service which makes the best use of our existing stock.

Objective 3: To deliver a financially sustainable service which demonstrates value for money and ensures that investment is targeted to council priorities.

1.3 Since approval of the Business Plan's consultation draft by Executive Members on 5th September 2019, the Council has undergone a period of consultation with our tenants, gathering their thoughts on the draft. A summary of this feedback is provided in Appendix C. Slight changes (detailed below) have consequently been made in response to this feedback and the final version of the Business Plan is attached in Appendix A.

2 The Report

2.1 The HRA Business Plan demonstrates that the Council can maintain its assets and invest in new provisions, and at the same time deliver a high level of service to current and future tenants and leaseholders. The plan should illustrate:

- The Council's legal responsibilities as a social landlord.
- National, regional and local housing priorities.
- How the management of Selby's housing stock can support the delivery of wider strategic priorities.
- Local demand for affordable housing.
- Tenant and leaseholder needs and aspirations.
- Long term forecasts of income and spending and resources available to support investment plans.

2.2 As advised, three new objectives have been agreed for the HRA Business Plan 2020-2025, which are:

2.2.1 Objective 1: To ensure good quality housing within the district which helps meet the needs of our local community; we will:

- Provide significant investment for current housing stock, not only meeting but surpassing the Decent Homes Standard.
- Improve energy efficiency for our tenants, especially in our off-gas properties, reducing the likelihood of fuel poverty occurring.
- Ensure the Council has accurate and increased stock records to inform both responsive repairs and planned investment programmes.
- Acknowledge and try to meet the needs of our rural residents and those who may require specialist and/or supported accommodation.

2.2.2 Objective 2: To provide a first rate housing management service which makes the best use of our existing stock; we will:

- Build on the good work already completed in Tenant Participation and encourage an increased relationship with our tenants and leaseholders.
- Improve our responsive repair service by utilising new IT provisions, gathering feedback and using it to improve and shape service delivery.
- Increase fire safety in communal areas to ensure they are both secure and attractive places for residents to experience.
- Meet local need by prioritising those with local connection for new build affordable housing, and reduce empty homes within the community to increase affordable accommodation in local areas.

2.2.3 Objective 3: Deliver a financially sustainable service which demonstrates value for money and ensures that investment is targeted to council priorities; we will:

- Work with the Housing Trust to deliver increased affordable housing throughout the district via our three delivery pillars.
- Commit to one-for-one replacement of properties lost via Right to Buy and work to replace those already lost but not yet replaced.
- Ensure that housing need takes precedence when deciding the location, property and tenure type of new housing schemes.
- Reduce void times in our properties to accelerate access to affordable housing and increase rental income to the HRA.

Financing the plan

2.3 The financial forecast included within the HRA Business Plan shows that, based on key assumptions, there are sufficient resources over the next 30 years of the plan to:

- Maintain a viable housing management service.
- Not only maintain but improve on the Decent Homes Standard in our properties.
- Carry out necessary planned repairs to our housing stock.
- Invest in new properties as part of a Housing Development Plan (per individual finance arrangements, including accessing Homes England grant funding and Section 106 commuted sums).
- Maintain the proposal that all loans will be repaid over a 30 year period if financially viable to do so (as per the previous HRA Business Plan 2012-2017).

2.4 The aim of the Housing Revenue Account Business Plan is to provide the financial environment to support our landlord responsibilities over the medium and longer term, combined with strategic objectives for our housing service. It is a 'ring-fenced' account which means that all the costs associated with maintaining our homes, financing improvement works, servicing debt and running the service, are met from the rental and other associated income generated from the houses and garages we let.

2.5 Of course, the balance between repaying our debts, versus maintaining and/or extending our housing stock, will be an on-going feature of the Business Plan

and will require careful consideration as the impacts of emerging policy and practice are felt. With this in mind, it is expected that the plan be regularly reviewed, providing the ability to utilise 'flexible levers' by either accelerating programme delivery if rental income increases above that forecasted, or slowing down debt repayment if additional funds are required. This gives us greater flexibility in regards to longer-term financial planning than was possible under the previous subsidy system and will allow us to cope with changes in factors outside of our control.

- 2.6** For example, since the final modelling for the HRA Business Plan was published, Government announcements have confirmed September's CPI rate to be 1.7% for the purposes of rent setting in 2020/21 (opposed to the 2% forecast in the modelling). This will mean a small shortfall between predicted and actual rental incomes for the HRA. However, a number of other variables could also mitigate against this impact, including the amount of properties we are able to build or acquire, the speed at which void properties are re-let and the amount of new tenancy agreements commenced at target rent.
- 2.7** Similarly, only last month it was confirmed that Public Works Loan Board (PWLB) borrowing rates would rise by 1% with immediate effect, impacting local authority's future borrowing for housing development. Based on the assumptions with the Business Plan, the impact of this increase over the life of the Business Plan change could increase the cost of borrowing by circa £14m. This would make our commitment to one-for-one replacement of properties more challenging to deliver. However, it should be acknowledged that we would still remain in a financially positive position.
- 2.8** These examples highlight the unpredictable socio-economic environment we work within, and which our HRA plan must adapt to year on year if it is to remain a financially viable business. This is why we intend to review the HRA Business Plan and its modelling each year, to ensure it remains up to date and responds to the latest Government direction. This will also provide us with the opportunity to utilise our 'flexible levers' as and when required, and in whichever direction is most appropriate. As a long term strategy, the HRA Business Plan will continually remain vulnerable to circumstantial changes, such as borrowing and interest rate fluctuations; which are likely to have both a positive and negative impact over the lifetime of the plan.

Consultation and amendments

- 2.9** Since approval of the Business Plan's consultation draft by Executive Members on 5th September 2019, the Council has undergone a period of consultation.
- 2.10** The plan has been examined by both the Council's Scrutiny Panel and Policy Review Committee. Feedback from the Committee welcomed the increased expenditure under the Capital Investment Programme to build on the current Decent Homes Standard in our properties and address the backlog of repairs, bringing all Council properties up to a high standard. The Committee agreed that living conditions for Council tenants was rightly the priority, but also stressed the need to improve the external environment within Council owned areas. A separate Task and Finish Group has been established by full Council

to consider external maintenance, and feedback from this project is likely to feed into the next review of the HRA Business Plan.

2.11 Consultation has also taken place with our tenants. This included an online survey which was made available on the Council's website, complimented by drop-in sessions held at local Community Centres based around the district, and a focus group held at the Council's Civic Centre in Selby. These sessions were made available to all Council tenants and leaseholders wanting to attend, and provided time to look over the draft plan and receive feedback on the various proposals included within it.

2.12 Following this feedback, slight amendments were made to the final HRA Business Plan 2020-2025. These include:

- Inclusion of the recent findings of Selby's Strategic Housing Market Analysis (completed in February 2019). This replaces previous information from 2015 in regards to affordable housing provision.
- An increased acknowledgement that energy and fuel efficiency are multi-faceted issues, and that a combination of solutions will be required in order to improve our properties. Tenants were also keen for us to consider greener energies in our new build properties, so consideration for this as part of the development process has also been included.
- Not only increasing the number of properties we survey (as already proposed), but considering also the quality of these surveys. Whilst increasing inspections is important, we also need to ensure they are thorough and comprehensive if this information is to be used to help inform future improvements plans.
- Communication and feedback were a continued source of frustration for the tenants that fed back to us in regards to repairs. A greater emphasis has been placed on dealing with this within the plan.

2.13 Following these changes being made and the final report being submitted for Executive approval in December 2019; the plan will also be submitted for full Council in-line with the budget process. It is the Council's intention that the final HRA Business Plan is implemented in April 2020.

3 Implications

3.1 Legal Implications

Section 74 of the Local Government and Housing Act 1989 requires the local housing authority to keep a separate HRA and Section 76 of the same Act provides that they must prevent a debit balance in the HRA.

3.2 Financial Implications

The Medium Term Financial Strategy (MTFS) indicates that the HRA is in a sustainable position over the next 10 years, but potential risks to its viability are considered within the draft plan. Key assumptions include:

- 2019/20 rents decrease in-line with government policy (final year of 1% decrease). From 2020/21, new rent policy assumptions commence based on CPI+1%.

- A void rate set at 2% and bad debt provision 40% at 1% and 60% at 3% to reflect the potential impact of Universal Credit.
- General inflation based on CPI at 2%.
- Surplus funds generated through efficiencies or additional income is allocated to the Major Repairs Reserve to be available for use to invest and maintain the housing stock.
- Based on current trends, 20 Right to Buy sales are assumed each year.
- Capital Investment Programme includes inflation.

It should be noted that as a long term strategy, the HRA Business Plan will continually remain vulnerable to circumstantial changes, such as borrowing and interest rate fluctuations; which are likely to have both a positive and negative impact over the lifetime of the plan.

This new plan will however provide a new strategy for investment whilst ensuring the sustainability of the HRA. Implementing the HRA Business Plan will ensure that the Council achieve a sustainable financial future for its housing stock. Self-sufficiency relies on a range of factors; and although some of these are outside the Council's immediate control, we will develop a business plan which is within the framework provided by the Council's financial strategy, and which seeks to make best use of our resources and assets to invest in the future of housing in the district.

3.3 Policy and Risk Implications

The HRA Business Plan includes an assessment of policy and risk implications.

Any changes made in relation to rent setting and tenure type will be considered on a 'case by case' basis to ensure they are not only financially viable, but also in-line with wider Council policies and procedures.

3.4 Corporate Plan Implications

Implementation of the HRA Business Plan 2020-2025 will meet the Corporate Plan's aim to ensure resident 'enjoy life' by increasing the overall condition and supply of housing in the district.

3.5 Resource Implications

The HRA Business Plan will link directly to the Council's MTFs and incorporates the Council's Capital Investment Programme, as approved by the Executive.

3.6 Equalities Impact Assessment

The HRA Business Plan is intended to be an overarching strategic document setting out the future of the Council's housing provision, and therefore not subject to an Equality Impact Assessment. However, any new policy or procedure created as a result of its implementation will be subject to such an assessment and will be inclusive of the relevant protected characteristics of age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

4 Conclusion

The HRA Business Plan demonstrates how Selby District Council can maintain its assets and invest in new provisions, and at the same time deliver a high level of service to current and future tenants. It provides a 30 year financial forecast which includes key assumptions to ensure a sustainable financial model; including a new Capital Investment Programme which will drive increased standards, enable better planning and achieve greater efficiencies. Approval of the plan allows the Council to pursue its new objectives and make positive changes to its housing stock and service, better meeting the needs of our current and future tenants.

5 Background Documents

Selby District Council Housing Revenue Account 2012-17
Selby District Council Housing Development Strategy 2013

6 Appendices

Appendix A – HRA Business Plan 2020-2025 (including Appendices A, B, D)
Appendix B – HRA Business Plan 2020-2025 Appendix C
Appendix C – Summary of consultation feedback

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Housing Revenue
Account Business Plan
2020 – 2025

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Foreword

By Councillor Chris Pearson Member of the Executive, Lead Councillor for Housing, Health and Culture



Welcome to Selby District Council's Housing Revenue Account (HRA) business Plan. This plan will detail our ambitions over the next five years and beyond as to how we manage and look to improve our housing stock, ensuring as much as possible that the needs of our residents are met now and in the future. In order to move forward, we must also reflect on all we have achieved in recent years. Importantly, we have:

- Built the first new Council homes in the district for twenty five years at Byram, followed by a further development at Eggborough in partnership with the Housing Trust. This offers new affordable family houses for local people, advertised via North Yorkshire Home Choice.
- Developed our own action plan following the North Yorkshire Empty Homes Strategy 2017-2021, resulting in 24 empty homes being re-occupied throughout the district in 2018/19.
- Begun a programme to purchase and repair empty properties, via a combination of Homes England grant and Section 106 commuted sums. Funding was granted for ten such properties, totalling £390,000, directly increasing the number of affordable homes available within the district.
- Approved a significant increase in property investment from 2019 for a period of 3 years, making meaningful improvements in our properties for the benefit of our tenants.

It is therefore the aim of this plan to secure the best possible outcomes for our investments and ensure we are best meeting the housing needs of local people. This plan sets out the scope for investment in both current and new homes, which will benefit not only our tenants, but the wider Selby district community and economy. Key objectives included in this plan detail our ambitions to:

- Improve our property standards even further by introducing an increased investment programme. This will see us go beyond the basic Decent Homes Standard and deliver real value for money for our tenants.
- Increase the supply of social and affordable homes in the district via direct development. Modelling in the HRA business plan would see the Council, in partnership with the Housing Trust; build almost 600 new properties over the next 30 years.
- Commit to the Government's 'one-for-one' replacement policy, which on average would see the Council build or acquire 20 new properties a year.

This will sustain the HRA into the future and provide additional affordable housing throughout the district for our residents.

Ultimately, this is a bold and ambitious five year business plan. Our plans have therefore been carefully costed and shown to be financially viable, delivering real change and improvement for our tenants. Of course, the plan also understands and acknowledges that we operate within a changing economic and political environment. The HRA business plan will subsequently be reviewed yearly and a balanced Housing Revenue Account will continue to be approved each year going forward.

We look forward to the journey ahead, and hope our tenants, leaseholders and residents district wide will join us in this.

1. Introduction

- 1.1 The Housing Revenue Account is a self-contained financial business which relies on the rental income from Council-owned homes to provide the ongoing maintenance and management resources needed to sustain our housing stock. In order to maximise investment in our homes and sustain our service to tenants, it is vital that our operations are as efficient and effective as possible. In April 2012, with the introduction of self-financing, the Council took on a debt of £57.7m spread over a 50 year period. In return for this, the Council is now able to retain its full rental income, putting control back into our hands and strengthening the link between the rent we collect and the services we provide to our tenant and leaseholders.
- 1.2 Our last plan commenced in 2012 and looked to make improvements into 2017 and beyond. However, this new plan acknowledges the major changes that Selby District Council's housing provision has undergone since this time, including consideration of welfare reform, rent reductions and the reinvigoration of the Government's Right to Buy policy. Furthermore, given the ever-changing and uncertain environment that local authorities work within, there is an expectation that this plan will become a 'living' document which will be reviewed yearly and amended as required.
- 1.3 Selby District Council will continue to engage and try to work together with its tenants and leaseholders, consulting them wherever necessary and appropriate. This business plan takes into account the views of our tenants and forms a key element of our over-arching Housing Strategy; including an understanding of the demand versus resource of social housing in the district, as well as reviewing our long-term financial position.
- 1.4 Central to the foundations of how we achieve our future ambitions, the business plan will include our financial forecast and key economic assumptions. It will also focus on the service priorities of the Council's landlord function. It will demonstrate that the Council can maintain its assets and invest in new provisions, but at the same time deliver a high level of service to current and future tenants and leaseholders.
- 1.5 An action plan has also been created to focus on the key priorities listed within this HRA business plan, which is detailed in *Appendix A*. The Council will work with our tenants and various partners to deliver this plan and we will continue to monitor our progress against the corresponding action plan, also due to be reviewed yearly.

2. Delivery and Standards

Operations

- 2.1 The Council's housing service incorporates various departments within the Council. In general, clerical and administrative services are provided via our Business Support Team. Our front-line staff includes Customer Services, Housing Options (working with those homeless or at risk of homelessness) and our Neighbourhood Officer Team, responsible for managing our housing stock and liaising directly with tenants and Selby residents. Responsive repairs and works to 'void' properties are co-ordinated and delivered through our Property Management Team.



- 2.2 Our Housing Strategy Officer, along with colleagues from Planning Policy, Housing Development and Housing Tenant Services are responsible for reviewing existing housing practices and responding to new and developing national policies and legislation. This includes the provision of new housing, homelessness, allocations and tenant participation. As a district authority, teams also liaise frequently with partnering North Yorkshire local authorities.

National Standards

- 2.3 All Council and Housing Association landlords are required to meet the National Standards for housing services, set by the Regulator, which provide a framework for:

Tenant Involvement and Empowerment Standard - how we involve tenants in decisions about their home, neighbourhood and community; including how we deal with and learn from tenant complaints and customer care, especially when considering those tenants with additional support needs.

Home Standard - how we look after our tenant's homes, including day-to-day repairs and the quality of accommodation.

Tenancy Standard - how we manage tenancies, including allocating empty homes and rent collection.

Neighbourhood and Community Standard - how we manage estates and communities; including neighbourhood management, local area co-operation and anti-social behaviour.

Value for Money Standard - how we make sure that the services we provide are cost efficient.

Governance Standard - how we ensure we are making the correct decisions and governing appropriately.

The six principles of a HRA:

2.4 Councils have also responded to the self-financing model by putting in place comprehensive policies and practices for effective management. There are consequently six principles that the majority of local authorities use to guide the implementation of their HRA business plans, which are detailed below:

Co-regulation - the authority complies with the principles of co-regulation as set out in 'The Regulatory Framework for Social Housing in England from April 2012,' which focuses on transparency, accountability, value for money, tenants shaping service delivery and understanding tenant's needs.

Financial Viability - the authority should put in place arrangements to monitor the viability of its housing business and takes appropriate actions to maintain this.

Communication and Governance - the authority should keep under review these arrangements with regards to the current operating environment and should govern its housing business in a clear and concise manner, consulting with various stakeholders.

Risk Management - the authority should have in place an effective system for the on-going management, monitoring and reporting of risks to the HRA; focused on changes in government policy, inflation, void levels, changes to rent policy, and Right to Buy.

Asset Management – the authority should have in place arrangements to maintain its assets and maximise their value into the future. This requires a strategic approach and should be agreed by all stakeholders.

Financial and Treasury Management - the authority should comply with proper accounting practices, with a borrowing policy that ensures long term stability.

3. Our Vision

- 3.1 The Council's plan is to drive the development of more new homes and for all housing in the district to be of a quality, type and size which best meets the needs of both our urban and rural communities. The plan recognises that Selby District Council is a social landlord, which means we have a range of legal and moral responsibilities to fulfil.
- 3.2 Selby District Council is a member of the York, North Yorkshire and East Riding Strategic Housing Partnership and has been involved in the development of a joint Housing Strategy among these regions. This strategy sets out the priorities for housing growth and delivery from 2015 to 2021. The strategy's key priorities are to:
1. Work with partners to increase the supply of good quality new housing across all tenures and locations (in line with Local Plans/site allocations).
 2. Ensure our housing stock reflects the needs of urban, rural and coastal communities.
 3. Ensure our housing stock meets the diverse needs of our population at all stages of their lives.
 4. Via policy guidance and negotiation, ensure new homes are of good design and environmental quality regardless of tenure.
 5. Continue to make best use of our existing stock and ensure it's of a decent quality to meet the needs of our communities.
 6. Ensure all homes have a positive impact on health and well-being and are affordable to run.
 7. Continue to reduce homelessness.
 8. Ensure housing is allocated fairly and on the basis of need.
 9. Provide appropriate housing and support.
- 3.3 The above aims provide the framework as to how housing services, stock and development should be managed county-wide; as well as also informing Selby's local objectives, which are:

Objective 1: To ensure good quality housing within the district which helps meet the needs of our local community.

Objective 2: To provide a first-rate housing management service which makes the best use of our existing stock and listens to our tenants and leaseholders.

Objective 3: To deliver a financially sustainable service which demonstrates value for money and ensures that investment is targeted to Council priorities.

- 3.4 Since the previous HRA business plan was developed in 2012 and refreshed in 2015, the Council has made significant changes and improvements to our housing service. Many of these successes will be detailed subsequently. However, whilst much has been achieved in the last seven years, there is also an understanding that more needs to be done. As a landlord, we must ensure that we are providing our tenants and leaseholders with the best possible service, as well as providing suitable housing for our residents district-wide.
- 3.5 This HRA business plan has been developed by a variety of Council service departments, encompassing all aspects of Selby's landlord functions. Elected Members, tenants and leaseholders have been consulted at various stages. Our objectives have been considered in relation to the financial resources available to us and there is an awareness that the ever-changing policy environment we work within makes predicting the future particularly difficult. This business plan is, and will continue to be, a dialogue with our tenants and stakeholders and will provide the framework to inform and develop our future planning.

4. Context: Local and National

Selby District

- 4.1 Stock modelling completed in July 2017 found there were 39,423 dwellings in the Selby district - 74% owner occupied, 14% private rented and 12% social rented.¹ At the same time, Selby's population totalled 87,887 persons, growing by 22.4% since 1991.²
- 4.2 The last National Census in 2011 highlighted that the predominant tenure within the district was home ownership at 78%, compared with a national average of 68%. A high proportion of these owner occupiers owned their homes outright without a mortgage.
- 4.3 Nonetheless, affordability still plays a significant part in the difficulty faced today by many residents in accessing the local housing market. As of April 2019, the average house price in Selby district was £193,636, which is almost identical to the year previous, but a 6.7% increase compared with April 2016. Comparatively, this is lower than North Yorkshire's average of £215,205 and below the English average of £245,128. Housing in North Yorkshire is consequently unaffordable for many local people, where a person earning average local wages would need 7.8 times their income to buy a property. Selby however, is classed as one of the more affordable areas, with a rate of 6.4 required.³
- 4.4 The Council's Strategic Housing Market Assessment completed in February 2019 calculated an overall need in the district for an additional 365 dwellings per annum until 2037 in order to meet predicted housing need. Further analysis found that 112 of these would need to be Affordable Renting housing, and 95 units to be Affordable Home Ownership. Conversely, there are an estimated 370 private sector homes in the district that have been empty for six months or more, of which 155 have been empty for over two years (as of September 2018).



¹BRE Integrated Dwelling Level Housing Stock Modelling and Database for Selby District Council

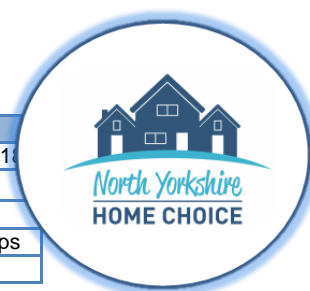
²Selby District Council's Strategic Housing Market Analysis – February 2019

³<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/housepriceexistingdwellingstoresidencebasedearningsratio>

Housing supply and demand in the district

- 4.5 Selby District Council retained and managed 3,036 properties (with 156 leaseholders) at the end of 2018/19. Of this, less than 2% of stock is strictly defined as ‘sheltered’ and offering extra care. Of the rest, 19% are bedsits, flats or maisonettes, 38% are bungalows, and the remainder are houses. This stock is distributed across the Selby district, with the main concentrations being in the Council’s urban settlements. The stock is mostly low rise but varied in archetype.
- 4.6 At the same time, there were just short of 600 active applicants on the Council’s housing register – known as North Yorkshire Home Choice. This has reduced significantly from almost three times this amount (1,788), following a policy review in 2013 which saw the introduction of stricter criteria on household income and equity, a local connection requirement, and homeowners who have no housing need being disqualified from the list and instead being considered on a case-by-case basis.
- 4.7 The profile of our applicants has been summarised below:

2012	2014	2019	
25%	0%	0%	of applicants on the Housing Register were under 18
22%	20%	19%	of applicants were over 60
60%	55%	62%	of lead applicants are female
1.6%	11.9%	12%	of applicants were Black and Minority Ethnic Groups
21%	31%	32%	of applicants had a disability



Figures show that, other than an increase in female lead applicants, the characteristics of those on the waiting list has not changed dramatically since 2014 and since the change in policy in 2013. It would therefore appear that the nature of demand on Selby’s housing stock has remained somewhat consistent over the last five years.

- 4.8 In order to meet this housing need within the district, a number of affordable housing units have been newly built since 2011/12, with completions shown below:

<i>New build completions</i>	<i>All houses</i>	<i>Affordable housing completions*</i>	<i>% affordable against all new build completions</i>
2011-12	300	76	25%
2012-13	185	40	22%
2013-14	298	47	16%
2014-15	444	79	18%
2015-16	515	76	15%
2016-17	569	73	13%
2017-18	615	101	21%
2018-19	632	183	29%

*Numbers of affordable housing completions ignore any commuted sum contributions for affordable housing in lieu of onsite provision, and this will reduce the percentage out turn. However, this will be compensated in future years by the development of affordable homes funded by these contributions.

Our target, as set out in our adopted Core Strategy in 2013, is that up to 40% of new build market schemes should be designated as affordable housing, where

schemes are expected to hold 10 units or more. The table above however shows the figures for all new build completions, including schemes where no affordable contribution is required.

National context and legislative changes

- 4.9 The Localism Act 2011 placed a new duty on local housing authorities to develop a Tenancy Strategy, which would detail the management of social homes within each authority and consider how best resources could be used. Selby District Council worked in partnership with local authorities across North Yorkshire to produce a combined strategy which was finalised in 2012. Following this, the Council developed its own Tenancy Policy in 2013, refreshed regularly, relating to the management of its own housing stock, largely addressing management and allocations.
- 4.10 The Council also revised its equality and diversity objectives following consultation in April 2017, with any updates applied to all new and reviewed policies; ensuring all Council policies are non-discriminatory in nature. These issues are particularly important as the district continues to experience changing demographics due to varying numbers of migrant workers. Consequently, an Equality Objectives Action Plan 2017-2020 was published by the Council and all policy and practice will be considered with these objectives in mind.
- 4.11 Selby District Council continues to monitor the implications of welfare reform on our tenants, in regards to ability to manage finances, level of arrears and the potential need for alternative accommodation. The Spare Room Subsidy, benefit cap and the 'under 35' Local Housing Allowance rate in the private sector all impact on the demand for social housing. The district also became a Universal Credit 'live' area in May 2018, meaning that the majority of new single, working-age claimants requiring help towards their rent would be asked to apply for Universal Credit rather than Housing Benefit and would therefore have their claim managed by the DWP. With this in mind, the HRA business plan must ensure that the Council maximise the use of its stock and the income it generates in order to mitigate the additional risks that are created by welfare reform.
- 4.12 The Government's 'Right to Buy' scheme was also reinvigorated between 2012 and 2014, which has potential risk implications for the Council. The maximum discount for tenants is now set at £82,800 and the amount of qualify years reduced from five to three. Whilst this increases the likelihood of our housing stock being reduced, at the same time it increases capital receipts to fund the development of new homes. In the last five years, since the new incentives were introduced, the Council has sold 103 properties via the Right to Buy

scheme. The last financial year (2018/19) saw 21 properties bought through the scheme. A Government consultation on the use of Right to Buy receipts was subsequently published in October 2018, with proposed changes largely welcomed by local authorities, but with details yet to be confirmed.

4.13 Most notably, in August 2018, the Government released a new Green Paper for consultation - 'A New Deal for Social Housing,' which has the potential to fundamentally reform social housing and its management. The paper focused on making improvements in five key areas: property safety, tenancy complaint resolution, empowering residents and improving the Regulator, tackling stigma and improving the supply of available accommodation. Whilst the impact of this paper is again yet to be known, a focus on improving safety standards and the quality of social housing may significantly impact on HRA budgets nationally.

4.14 Further assistance was provided by the Government in November 2018 when the HRA borrowing cap was lifted for all English local authorities. This brings financial borrowing for Council homes in-line with all other local authority borrowing under prudential codes. This follows lobbying from various agencies, including the Local Government Association and the Chartered Institute of Housing. The real impact of this change is yet to be felt, but Savills' 2017 research posits that lifting the cap could deliver up to 15,000 new council homes across England.⁴

⁴https://omghcontent.affino.com/AcuCustom/Sitename/DAM/086/Raising_the_roof_17_Nov_2017_PD_F_FINAL.pdf

5. Objective 1: Ensure good quality housing within the district which helps meet the needs of our local community

What we have achieved so far:

- 5.1 We have removed all concrete panels from our 'airey homes' and replaced them with brick block and insulation, bringing them up to modern thermal efficiency standards. This work is now complete with our residents noting a significant difference in the temperature of their homes, and expecting much lower energy bills long-term.



- 5.2 We have replaced many of our old and inefficient boilers for new 'A' rated ones (42 in 2017/18). This replacement programme continues every year with the next replacement peak expected in 2022, with funds set aside for this.
- 5.3 We have upgraded over 100 electric heating systems where our homes are not on the gas network. This increases value for money for our tenants and improves energy efficiency.

What we want to focus on next:

- 5.4 **Decent homes:** Set by Government, the 'Decent Homes Standard' required local housing authorities to meet certain property requirements by 2010. Whilst a considerable amount of work was completed to achieve these standards throughout our properties; given that a proportion of tenants refused work at the time, and that further investment campaigns have been limited since, there remains opportunity for improvement. In particular, we want to improve tenancy sustainability within our properties, offering high quality living and good energy efficiency so that our tenants want to live and invest in our properties and the larger community as long as possible. This reduces the likelihood of tenants unnecessarily moving on and properties becoming void, which in turn reduces HRA spends and staffing time. In order to achieve this and secure our stock into the future, we must have a clear programme of investment in place. With this in mind, Executive Members approved a significant increase in investment from 2019 via the Capital Investment Programme, for a period of 3 years. Details of this can be found in *Appendix B*.

5.5 **Decent Homes Plus:** To improve on property standards further, it has also been agreed that following this programme of investment, the Council will introduce a new investment programme for our properties which is planned and cyclical. Significant financial investment has been agreed by Executive Members with the aim of providing our tenants with properties that go beyond the basic Decent Homes Standard and delivers real value for money for our tenants. This programme will ensure that key property components, such as windows and doors, are replaced before their expiration date (known as their life-cycle) and that tenants are offered replacement of both kitchens and bathrooms. Given the significant investment this will require, the programme will take time to achieve and the introduction of a 15 year timeframe provides a financially viable option for the Council, balanced with tangible improvements for our tenants and their properties.

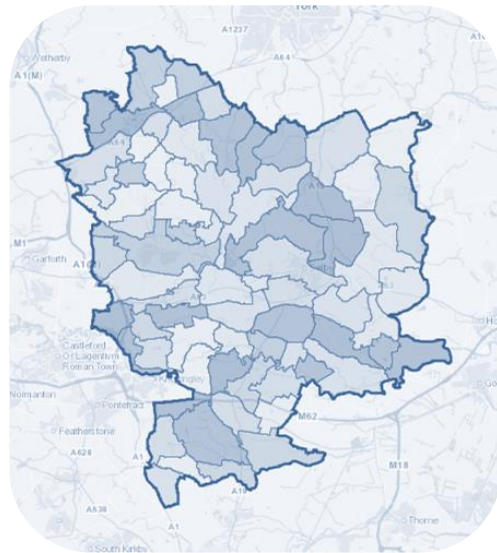


5.6 **Energy efficiency:** As part of increasing tenancy sustainability, a key focus will also include improved energy efficiency, particularly in our off-gas properties where we need to consider alternative heating sources; with an acknowledgement that current traditional alternative can be expensive to run and are not necessarily fuel efficient for our tenants. At last count, the Council had 148 properties with solid fuel heating and 301 with electric heating (not all of these properties were off-gas however, with some tenants declining the offer of alternative fuel options). As part of the new Capital Investment Programme 2019-2022, the Council have allocated additional funding to trialling more renewable and energy efficient fuel sources in these properties, in the hopes of justifying increased use of alternatives in the future. At present, the Council also look to replace solid fuel sources in our properties as part of the voids process, but we will also fund a more active programme of replacement by offering tenants on solid fuel the option to replace this with an alternative heating source as part of our general programme of works.

5.7 We also recognise that fuel poverty in the Selby district does affect some of our tenants and is an issue that requires action. Fuel poverty affects any home where more than 10% of household income is used to pay for fuel to heat the home. Research shows that fuel poverty impacts significantly on a person's quality of life, particularly the very young and old. When last surveyed in 2016, almost 9% of all Selby district households were classed as being in fuel poverty.

Fuel poverty was more likely to be experienced in two types of area within the district: 14% in central Selby, which also houses a high percentage of social housing residents; and also in our more rural wards, such as Appleton Roebuck (11%), Fairburn (11%) and Whitley (10%).⁵ With this in mind, Council-lead surveys have been ongoing throughout the district to assess the overall condition of our windows and doors, looking to replace those at the lowest end of effectiveness. Again, the additional funding allocated within the Capital Investment Programme for this work, along with additional funding for roofs and associated works, will ensure that all tenants are provided with the appropriate fittings to improve energy efficiency as well as reduce wastage and the likelihood of fuel poverty occurring. We acknowledge that energy efficiency and fuel poverty are multi-faceted issues, and that a combination of solutions will be needed to make improvements in our properties and for our tenants.

5.8 Understanding needs: Work is continuing to better understand and meet the needs of residents who live in our smaller towns and settlements. Our Rural Housing Enabler works closely with Parish Councils to inform housing needs surveys with the intention of securing a ‘rural exception site’ (often a small plot of agricultural land, usually brought forward at a fraction of open-market value, which can be used specifically to build affordable housing reserved solely for local people). In the Selby district, many wards can be considered for such a project excluding central Selby, Barlby and Brayton, Tadcaster and Sherburn-In-Elmet. The Council are consequently working hard to secure rural exception sites throughout the district and will partner with Registered Providers to deliver these schemes, along with more general affordable housing for local residents. Work also continues to champion the housing needs of our rural residents and to ensure that any affordable housing planned in these areas remains affordable in perpetuity for the next generation. This is particularly valuable for young people and families wanting to buy their first home in their local area, without being priced out of the market.



5.9 Stock condition: Stock condition surveys are routinely completed by our Property Services team in order to help inform our investment programmes, both through regular appointments with tenants and via the void process.

⁵ Yorkshire Energy Doctor
<http://www.yorkshireenergydoctor.org.uk/blog2.php?controller=pjLoad&action=pjActionView&id=79>

Improved awareness of stock condition allows us to better plan and adjust our programme of works, reducing the likelihood of responsive repairs where planned works may be more efficient. We do acknowledge however that more recent investment work has been based on limited condition knowledge, and this is why going forward we intend to increase these surveys to 10% of stock each year. The quality of these surveys will also be taken into consideration to ensure they are both thorough and comprehensive. This will enable the Council to have a more strategic approach to asset management, facilitated by a more informed and accurate understanding of stock condition. This data will also assist us in complying with relevant Health and Safety legislation, avoid the long-term financial problems associated with underinvestment in stock, and increase our effectiveness when making investment proposals; ensuring we deliver a financially sustainable and targeted Capital Investment Programme.

5.10 Property adaptations: The Council will look for opportunities to utilise the HRA asset base in a more innovative way to achieve a reshaping of the housing stock, taking into account an aging population and a need for adapted homes. In 2018/19 for example, £180,000 was allocated to the adaptation of our bungalow bathrooms into wet-rooms, with further funding secured in 2019/20



and 2020/21. This type of adaptation work improves the flexibility of our homes for prospective tenants and ensures cost-effectiveness, preventing adequate bathrooms from having to be replaced in the future to facilitate an adaptation. Notably, local authority housing providers are expected to meet the cost of adaptation work required by tenants, and investment requirement can range from minor adaptations (such as grab-rails and ramps) through to more major adaptations (such as through-floor lifts). The Council must therefore balance its requirement to meet these adaptation requests whilst at the same time ensuring best use of Council stock for all current and prospective tenants. With this in mind, the Council intends to publish clear guidelines and policy relating to Council adaptations. This will ensure all tenants receive the same level of service when making adaptation requests and are provided with clear timescales and outcomes to meet realistic expectations.

5.11 Supported housing: There is an acknowledged need for more specialist supported housing county-wide, to provide as many residents as possible the opportunity to live independently and within their community. At present

however, the Selby district has little supported housing, keeping in mind those vulnerable service groups who may require it: the elderly, homeless, those with mental health issues and those registered disabled. Whilst responsibility for commissioning supported housing services passed to the County Council in 2003, Selby District Council does have 49 designated 'sheltered' housing units over two specific sites, making up less than 2% of the Council's overall stock. 38% of current Council stock is bungalow accommodation however, which per our Allocations Policy is predominately restricted to older people or those with a registered disability. The Council's only additional form of specialised housing is its temporary homeless accommodation, which consists of Ousegate Lodge (a ten bed homeless hostel in central Selby), along with three dispersed units in the community. It is therefore more likely that a number of our vulnerable and disabled residents reside in general needs stock, where they may receive support and care packages. With the exception of sheltered housing, support and care provisions do not link to the property and instead link to the individual, creating a greater reliance on rental income to fund increased levels of housing management. Consequently, and as part of our Action Plan, the Council will review its supported housing provision and consider the implications of building, or partnering with the County Council, to provide additional supported accommodation within the district.

Summary of actions going forward:

- ✓ We will implement our newly proposed Capital Investment Programme and carefully monitor its impact on tenants and our properties.
- ✓ We will continue to work towards improved energy efficient properties throughout the district, paying close attention to those properties without a gas supply.
- ✓ We will use the findings of our rural housing needs assessments to better meet the needs of residents living in our smaller settlements and champion the need for Affordable Housing in these areas for the years to come.
- ✓ We will aim to complete stock condition surveys on 10% of our properties every year.
- ✓ We will use new IT provisions to better manage our repairs and Capital Investment Programme, matching funding bids to a planned programme of investment.
- ✓ We will publish a new Adaptation Strategy, detailing when we will and won't look to make adaptations to our properties.
- ✓ We will consider the implications of building, or partnering with the County Council, to provide additional supported accommodation within the district.

6. **Objective 2:** To provide a first-rate housing management service which makes the best use of our existing stock

What we have achieved so far:

- 6.1 We have appointed our first Housing Enforcement and Tenancy Fraud Officer, to ensure we are making the best use of our homes for the people in greatest need, and checking that the people living in them are legally entitled to do so.
- 6.2 We appointed our first Empty Homes Officer and in 2017, adopted North Yorkshire's Empty Homes Strategy 2017-2021. This shows that a considerable number of existing homes in the district lay empty and that bringing these privately-owned homes back onto the market will help to increase the range of homes available to our residents.
- 6.3 We introduced fixed-term flexible tenancies (generally for a five year period) in order to ensure that scarce housing stock is used to help those most in need. The Council will however continue to offer life-time tenancies to applicants moving into sheltered housing, those of state pensionable age or over, and applicants who are 'vulnerable.'
- 6.4 In 2016, the Council agreed and published a revised lettable standard for our homes to ensure a consistent level of repair is achieved in both our void properties and during planned works. This is due to be reviewed again shortly.

What we want to focus on next:

- 6.5 **Tenant participation:** We will continue our tenant participation work to actively engage with our tenants and leaseholders. This includes overseeing the Tenant Scrutiny Panel, the Repairs and Maintenance Group and our Resident Associations. Work will also continue, with input from the Tenant Participation Advisory Service (TPAS), to encourage greater up-take of our current offers and look to expand the range of engagement opportunities we offer. The introduction of an online 'tenant portal' for instance will improve the way we are able to connect with our tenants and leaseholders, increasing our digital offer to them. This will allow tenants to self-serve online by paying their rent, lodging repair requests and tracking the progress of any works or actions. We will also be able to advertise any further engagement opportunities and ensure tenants are fully



consulted on any important changes to the service they receive. There is also an acknowledgement that our Tenant Participation Strategy needs to be refreshed, forming part of the corresponding Action Plan.

- 6.6 **Repairs:** The Council aim to improve the time taken to respond to emergency repairs through ensuring lean, customer focussed processes that make best use of modern technology. The Council is due to implement its new housing



management IT system shortly, an element of which will signal to our Property Services team when it may be more appropriate to deviate from repairs to planned work. This should reduce demand for responsive repairs and instead allow relevant staff to focus on delivering the Council's investment programme where more appropriate. Overall, this will reduce labour costs and lead to a

better standard of Council property. Our new IT system will also send reminders to our tenants in regards to repair appointments (using their preferred contact method) and automatically pair the right tradesman to the chosen repair. This will reduce staff administration time and the likelihood of missed appointments, altogether increasing the effectiveness and efficiency of our repairs service.

- 6.7 Linked to this, our tenants are also able to provide feedback on the time taken to complete repairs and their satisfaction with the service provided. Tenants have advised that communication with regards to repairs can sometimes be an issue, so our aim is to facilitate and improve this feedback process as much as possible. Currently, this feedback comes in the form of an online survey following poor returns from a similar paper version available previously. However, feedback still remains minimal, so included in our Action Plan is a task to consider different ways of trying to gather this feedback (including expanding options beyond online opportunities), working with our tenants and leaseholders to do so. This feedback is integral to shaping the repairs service for our residents, so all appropriate avenues will be considered. Part of this work will also include updating or introducing a number of smaller complimentary policies relating to Property and Tenant Services, including but not limited to: compensation, decanting, decoration allowances, recharges and property access. These policies will help clarify what tenants can expect from our housing service and increase overall transparency.

6.8 Redevelopment of garage sites: At last count in July 2019, the Council owned and managed 371 garages, the largest collection being in Tadcaster (127), followed by 78 in Selby and 52 in Sherburn-In-Elmet. The rest are distributed throughout the district's smaller towns and settlements. 19% are currently used for storage or are not in management, 69% are let, and 12% are void. Notably, our average garage rent is much lower than the Council's property rental charge. Consequently, as development opportunities arise, it will be important to consider whether the Council should look to demolish some of its garage sites in order to develop more affordable housing, especially in areas of high demand (subject to individual site assessments and viability studies). The success of this has been evidenced at Riccall and Byram, for instance. We also propose to make use of car parks on garage sites where housing development is not suitable but the land does require reconfiguration or redevelopment.



6.9 Best practice fire safety and improved communal area management: In light of the Governments' recent focus on health and safety within the social housing sector, we want to improve the overall condition of our 260 communal areas, prioritising new capital funding to reviewing fire risk assessments and completing further improvement works. This will not only make these spaces safer, but also more appealing for the residents who live within them. This work is important considering the Government's recent Green Paper 'A New Deal for Social Housing' and its focus on improved fire safety following the Grenfell Tower tragedy in 2017. With an expectation that increased fire and safety precautions may soon be required, the Council has also decided to once again go beyond current requirements and fund the provision and replacement of carbon monoxide alarms in all our properties. This reduces the likelihood of any unplanned spend if safety legislation were to change in the near future, but also ensures that we are working to best practice guidelines and ensuring the safety of our residents now, as much as is practicable.

6.10 The Council is also in consideration as to whether service charges should be levied on tenants whose properties share communal areas, in order to improve their overall condition. This would require the Council to take over maintenance of these areas, but also remove this expectation from our tenants, ensuring all

blocks are kept to a safe and consistent standard. Affordability for our tenants would be a priority consideration, noting that cleaning and maintenance of communal areas is an 'eligible' service for Housing Benefit purposes. Subject to consultation and agreement, the Council would set reasonable and transparent service charges which reflect the service being provided to our tenants. Any additional staffing and Council resource would also have to be considered as part of this process. Consideration of service charges will therefore be included as part of the corresponding Action Plan.

6.11 Meeting local need: We will continue to monitor the use of our five year fixed-term flexible tenancies, initiated by the Council in 2016 with the first reviews due in 2021. This provides opportunity to address under and over occupation and make available scarce resources, in particular larger homes and those with major adaptations, to those in need on the waiting list. To further ensure homes remain available for local residents bidding for properties through North Yorkshire Home Choice, affordable housing newly built or acquired via a Section 106 planning agreement will normally be subject to a 'Local Lettings Initiative' which will mean they are initially prioritised for those in the local area. Allocation therefore focuses primarily on those who have local connection to said village and the surrounding area. Again, the ability to include perpetuity clauses within our Section 106 agreements ensures that affordable properties remain available for local people, even when the tenancy is re-allocated in future.

6.12 Section 106 funds and empty homes: The Council is focused on making the best use of available resources to increase housing stock in the district, and this includes drawing down Section 106 'commuted sums' collected from housing developers in lieu of on-site affordable housing provision. For example, the Council received Executive approval to submit a Programme of Growth bid to purchase and repair empty properties within the district, via a combination of Homes England grant and Section 106 commuted sums. In August 2018, the funding was granted for ten such properties at a rate of £39,000 per property (£390,000 total), which will directly increase the numbers of affordable housing available within the district. As many empty homes are situated in town centres, returning them to use will help revitalise our urban landscape and improve footfall in and around our high street.

6.13 Housing Enforcement: The Council will also review resources within the Housing Enforcement team and our legal department to ensure maximum effectiveness. The Council aim to prevent, deter and detect all types of tenancy fraud, which includes unlawful subletting, obtaining housing by deception and wrongly claimed succession. Since 2012, Selby District Council (in partnership with other North Yorkshire district authorities) has employed a corporate anti-

fraud team through Veritau. This team offers specialist support when the Council needs to investigate any fraud committed against us. This could be Council Tax, Non-domestic Rates, Disabled Badge, Benefit or Right to Buy fraud. Our Neighbourhood Officer team have also initiated 'Keeping in Touch' visits with our tenants, new and old, in order to increase dialogue with tenants and ensure our properties are being used as advised.

6.14 Housing Community Centres: The Council will complete a thorough review of its Community Centres throughout the district, via a partnership between our Member and Tenant Scrutiny Panels. This review will consider how the centres are currently used, when and by whom; and will also include an opportunity for tenants to tell us their views in regards to the centre's current usage. It will consider the best ways to move forward with each individual centre, to ensure they are reaching their earning potential and delivering the right services to their community.



Summary of actions going forward:

- ✓ We will continue our work on tenant participation and encourage take-up among our tenants and leaseholders, refreshing our Tenant Participation Strategy.
- ✓ We will use additional funding to improve the safety of our communal areas and work to best practice.
- ✓ We will complete an options appraisal for potential service charges.
- ✓ As opportunities arise, we will consider the option to demolish garage and surplus land to provide additional affordable housing.
- ✓ We will consider new and alternate ways to gather resident feedback on our repairs process, including publishing complimentary policies.
- ✓ We will implement Local Lettings Initiatives where required and follow best practice when negotiating Section 106 agreements.
- ✓ We will bring back into use unused and empty private rented accommodation as opportunities arise and continue to deliver our Empty Homes Strategy.
- ✓ We will review provisions in the Enforcement team to ensure maximum effectiveness in this department.
- ✓ We will complete a review of our housing community centres.

7. **Objective 3:** Deliver a financially sustainable service which demonstrates value for money and ensures that investment is targeted to Council priorities.

What we have achieved so far:

7.1 We have built the first new Council homes in the district for twenty five years at Byram, followed by a further development of Council properties at Eggborough, via the partnership between the Council and Housing Trust.



7.2 We have redeveloped a former Council garage site at Byram and delivered 13 new affordable family houses for local people, advertised via North Yorkshire Home Choice.

7.3 The Council has developed its own action plan following the North Yorkshire Empty Homes Strategy 2017-2021 which has meant that 24 empty homes were re-occupied in 2018/19.

What we want to focus on next:

7.4 **Further housing development:** Whilst there is an on-going need for the Council to balance the repayment of debt and additional investment in stock, there is also the potential for us to expand new build affordable housing. Whilst we recognise the importance of prudently balancing investment in existing current stock and housing management, versus increasing the supply of new affordable housing; the many benefits that new housing development brings to the district should be noted. In 2013, the Council established the Selby and District Housing Trust to help deliver additional affordable homes throughout the district. Building via the Trust allows us to provide retainable stock within the charitable social housing sector, supporting the ongoing sustainability of the HRA through shared overhead costs. Trust properties under Council management are also allocated via North Yorkshire Home Choice. The Trust does not have Registered Provider status, but is able to rent its properties at the 'Affordable Rent' rate (up to 80% of market value). In partnership with the Housing Trust, Selby's development plan focuses on three 'delivery pillars': direct development on Council owned sites, the acquisition and development of new sites and the acquisition of affordable homes constructed by other developers (subject to individual business cases).

- 7.5 **One-for-one replacement:** As a local authority housing provider, the Council must consider how it will try and meet, and potentially look to exceed, the Government's 'one-for-one' replacement objective in regards to the loss of Council stock via Right to Buy. The Council's 'Housing Development Strategy' (2013) for increasing the supply of affordable housing stock identified 9 mechanisms for achieving this:
- 1) New build schemes for rent or purchase (Section 106 opportunities, Rural Exception Sites, Council owned land e.g. garage sites).
 - 2) Other SDC owned buildings.
 - 3) Acquisition of other land/buildings available including on the open market.
 - 4) Buy backs (of previous Right to Buy Council properties).
 - 5) Acquisition/disposal of affordable units.
 - 6) Potential joint ventures.
 - 7) Remodeling of existing homes to meet changing need.
 - 8) Refurbishment of empty homes.
 - 9) Building under licence.

The Council is committed to the 'one-for-one' replacement policy, which on average would see us build or acquire 20 new properties a year. Economic conditions have thus far made this a challenging task - of the 103 properties lost between 2014/15-18/19, the Council was able to replace 50. However, recent changes in Government policy now provide the Council with additional opportunity to increase our housing provision. As advised, the Government recently withdrew the HRA borrowing cap and completed a consultation on the use of Right to Buy receipts; of which Selby supported the proposed amendments to extend time limits on spending receipts and the time allowed to return receipts without added interest, as well as increasing the building cost cap to 50%. Although local authorities currently await the outcome of this consultation, we have committed to both meet the one-for-one requirement and complete additional development to try and replace some of that stock already lost and not replaced. This will sustain the HRA into the future and provide additional affordable housing throughout the district for our residents.

- 7.6 **Affordable homes funding:** Following the Chancellor's Autumn Statement in 2016, the government reaffirmed its continued commitment to extending home ownership, including through the Shared Ownership and Affordable Housing Programme 2016-2021. This announced an additional £1.4 billion to deliver a further 40,000 affordable homes, as well as the availability of grants for Affordable Rent schemes. Following this, the Council successfully bid for, and received, a grant from Homes England for £468,000 to deliver 13 new homes in Byram, making up part of this one-for-one replacement requirement. With this in mind, the Council will aim to utilise appropriate forms of external funding when required to finance the development or acquisition of new affordable housing

throughout the district. Bids are subsequently expected to be submitted to Homes England for the next phase of the Council's development plans shortly.

7.7 **Housing need:** In the process of replacing our properties, the Council will always look to meet local housing need. This includes consideration of location, property and tenure type. We will also pay close attention to energy efficiency in new build schemes, which could include fully adapted bungalows, lifetime homes, flats and single person accommodation, as well as more traditional family housing. We will also continue to support a flexible approach to setting rent to ensure residents are provided genuinely affordable accommodation. This includes consideration of Social and Affordable Rent, up to 80% of market value. Decisions will be made in reference to local context and subject to individual business cases.

7.8 **Rent Standard:** Our Finance team calculate rents using Government formula and guidance, in accordance with approved policy. Whilst the Council has established practice in respect of rent setting for existing tenants, included in the corresponding Action Plan will be consideration to publish a 'Rent Policy,' which will detail how Selby District Council will calculate and charge rent for all HRA properties that we own and have a responsibility to manage and maintain. This new policy will provide a clear framework for the setting and reviewing of Selby's rent levels and will ensure that rents are affordable for our residents, whilst simultaneously raising sufficient funds to effectively manage and maintain our properties, deliver required housing services and also build new homes.

7.9 **Void times:** The Council is keen to reduce property void times to ensure that tenants are able to move into our properties as soon as possible and therefore generate a rental income. Once a property becomes vacant, it is handed to our Property Services Team to inspect for any maintenance works required before the property can be re-let. This team will visit each property and arrange for any repair works needed to bring a property up to a 'lettable standard,' meaning it will be safe and secure, clean and in a good state of repair. Until recently, average property void times fluctuated very little and averaged 3.4 weeks between re-let. However, 2017/18 saw an increase in void time to an average of 4.9 weeks and 7.1 weeks in 2018/19. Therefore, whilst the Council do have a number of void related strategies to help guide practice, we will develop a specific Void



Management policy to tie these strategies together. This policy will outline a cost efficient void management service, which will balance providing quality homes with achieving a sustainable lettings programme. The application of our new housing management IT system will also assist in this process, providing deadlines and prompts, and allocating work to named individuals. Reducing void times will consequently be included within the corresponding Action Plan.

7.10 Procurement: The Council is currently in the process of re-procuring contracts in regards to repair and void works. This will ensure we continue to receive best value moving into the future.

7.11 Welfare Reform: Selby district became a Universal Credit ‘live’ area in May 2018, requiring us to closely monitor the implications for rent loss as we move away from direct payment of Housing Benefit to landlords, and instead see a monthly benefit being received directly by tenants, who are then expected to budget accordingly and use this to pay their rent. To date it is only new, single working-age individuals that are required to claim Universal Credit within the district, with claimant levels predicted to rise as the roll-out continues. Nationally, as of January 2019, there were 1.6 million people claiming Universal Credit across all tenures, compared to an expected total of around 7 million at full roll-out. Following recent announcements, the Government currently expect to complete full roll-out and transition of existing claims between 2019 and 2023; and there is an expectation that HRA arrears (bad debt) will increase. The Council will continue to monitor the impact of welfare reform on the HRA and work hard to maintain minimal rates of bad debt.

Summary of actions:

- ✓ The HRA will contribute towards achieving our corporate commitment to build 200 new homes by 2020.
- ✓ We will work to a Housing Development Plan which will try to meet, and look to exceed, the Government’s one-for-one replacement target on properties sold through Right to Buy.
- ✓ We will continue to make suitable funding bids where appropriate, having a direct hand in increasing the number of affordable houses in the district.
- ✓ We will consider publishing a new rent policy which corresponds to the Government’s Social Rent Standard and has affordability for local residents in mind.
- ✓ We will continue monitoring welfare reform policy and in particular Universal Credit, trying to mitigate risks wherever possible.
- ✓ We will make improvements to our void process by implementing a Voids Management Policy.

8. Our finances

Background

- 8.1 The Housing Revenue Account aims to provide the financial environment to support our landlord responsibilities over the short, medium and longer term; combined with strategic objectives for our housing service. The HRA is a 'ring-fenced' account which means that all the costs associated with maintaining our homes, financing improvement works, servicing debt and running the service, are met from the rental and other associated income generated from the houses and garages we let. We cannot use this income for any other Council services.
- 8.2 As noted in the foreword, the introduction of self-financing in 2012 resulted in the Council taking on central government debt of £57.7m, with the abolition of the previous subsidy system and annual payments into the national housing subsidy pool. The amount of debt taken on was calculated using a methodology that valued our stock over 30 years and aimed to leave the Council with a long term sustainable business plan which took on full responsibility for expenditure on the management and maintenance of our homes.
- 8.3 The Council follows Government formula and guidelines to set yearly rent amounts; and in July 2015 the Government announced that rents in social housing would be reduced by 1% a year for 4 years, resulting in a 12% reduction in average rents by 2020/21. This measure was forecast to save £1.4 billion nationally by its close, primarily in reduced Housing Benefit expenditure. For Selby, by 2019/20 (year 4 of this policy), rental income has reduced by an average of £120k p.a. However, the Government has now confirmed that from 2020/21, social housing landlords will be permitted to increase rents by up to Consumer Price Index (CPI) plus 1% for a minimum of five years.
- 8.4 The Council's business plan provides a 30 year financial forecast of income and expenditure based upon a range of key assumptions. The forecasts aim to support future service improvement and investment planning within the context of a sustainable financial model. Whilst there is an understanding that predictions are difficult to make in the current political and economic environment, we must try to ensure on-going sustainability of our housing service.
- 8.5 Best, worst and mid-case scenarios have been modelled, to enable the impacts of changes in assumptions to be understood. The mid-case scenario is our best estimate based on the latest intelligence available and accords with the assumptions contained within the Council's overarching Medium Term Financial

Strategy. It is this scenario that underpins this business plan and will be used to inform our short to medium term financial plans and annual budget.

Our financial outlook

- 8.6 A summary of income and expenditure for the HRA, including key assumptions, can be found in *Appendix C*. These key assumptions include factors such as interest rate levels, rent setting, void rates, bad debt and repair costs as well as right to buy sales and stock acquisitions. These will be kept under review to ensure the business plan remains robust in delivering the Council's priorities.
- 8.7 **Key Assumptions - Rent:** After allowing for Right to Buy sales, void properties and an element of bad debt, we estimate HRA rental income for 2019/20 to be £11.8m. Overall rental income to the HRA is £12.01m, which includes the addition of hostel and garage rent.
- 8.8 **Other Income:** Income from fees and charges and investment interest are estimated to total £233k in 2019/20.
- 8.9 **Running Costs:** Service running costs, including housing management and routine maintenance total £4.6m in 2019/20 and represent 39% of the income raised through rents. Our budget assumptions include recurring savings of £214k p.a. with effect from 2019/20 largely from efficiencies following the implementation of a new housing and asset management computer system.
- 8.10 **Debt Costs:** In 2019/20 interest charges total £2.4m (21%) although these are expected to reduce as some historic debt expires and is repaid in 2020/21. From 2021/22 interest charges are estimated to reduce to £1.8m p.a. Current self-financing borrowing is broadly spread equally over 30, 40 and 50 years. Assuming these loans run their natural course and no further borrowing is taken out; interest charges will reduce to £1.2m from 2042/43 - year 24 of this business plan. However, in the long term, interest charges are dependent upon plans for borrowing and repayment.
- 8.11 After allowing for service running costs, routine maintenance and interest charges, remaining rents are available to repay debt and invest in cyclical home improvements (kitchen and bathroom replacements, electrical rewires, heating system replacements etc.). Whilst it remains the Council's aspiration to repay self-financing debt over 30 years as it was when the debt was taken on, year on year reductions in rent levels over the last 4 years mean that there is now less funding available and consequently a careful balance between debt repayment and reinvestment is required to ensure a sustainable model into the future.

8.12 A summary of rental income and running costs for each of the three scenarios shows the following available resources for debt repayment and capital investment over the 30 year Business Plan:

Cumulative net rent available for debt repayment and capital investment	Total Over Business Plan Period £000
Mid-case	315,264
Best-case	437,284
Worst-case	236,254

8.13 **Borrowing:** HRA self-financing borrowing is made up of £7.5m historic debt and £50.2m new borrowing taken out in 2012. All borrowing is via fixed-rate 'interest only' loans and in accordance with the Council's Treasury Management Strategy. A breakdown of the loans is as follows:

Loan Value (£000)	Loan Rate (%)	Remaining Loan Term (as of 1st April 2019)	Maturity Date
6,500	8.785	1	22/05/2020
1,000	8.375	37	31/03/2056
16,793	3.50	23	28/03/2042
16,720	3.52	33	28/03/2052
16,720	3.48	43	28/03/2062
57,733	Total		

8.14 The business plan model assumes that borrowing is repaid at the earliest opportunity in order to demonstrate viability. In the last HRA Business Plan, it was advised that all loans would be repaid within a 30 year timeframe, whilst also acknowledging however that the Council would be able to review this plan regularly, balancing repayment of money borrowed with additional investment in the stock. This gives the Council greater flexibility in its longer-term planning than was possible under the previous subsidy system. In 2019/20, £1.26m has been set aside to cover future principal repayments. At this level it would take 39 years to set aside sufficient funds to repay existing borrowing.

8.15 To inform decisions on the amount to set aside to repay borrowing, again three scenarios have been considered. These scenarios along with their funding requirements are set out in the table below:

Minimum Revenue Provision (for repayment of debt) - Scenarios	Total Sum over Business Plan £000
30 years	49,413
30 to 40 years	46,371
30 to 50 years	35,723

Capital Investment

8.16 Investing in our existing stock is a key feature of this business plan; but as we have highlighted, setting aside sufficient sums to repay existing borrowing

commitments whilst earmarking sufficient funds to maintain the overall quality of our homes requires a careful balance.

8.17 We have invested significantly in our homes over the last business plan but our aging stock requires further investment to ensure a decent standard for our tenants going forward. A number of options have been modelled which achieve a decent (Option A) or a decent+ standard (Options B, C and D) within a variety of timescales and then a profile of standard lifecycle replacements for each element of work thereafter.

Scenarios (Mid-case)	Years 1-10 £000	Years 11-20 £000	Years 21-30 £000	Total £000
A Decent Homes over 15 years	51,841	60,418	56,778	169,037
B Decent Homes + over 30 years	46,656	47,922	63,711	158,289
C Decent Homes + over 15 years	55,592	61,925	54,399	171,916
D Decent Homes + over 10 years	73,194	41,187	54,399	168,780

8.18 Option C is considered to be the most achievable and sustainable option – it achieves a higher standard of home for our tenants and sees costs spread relatively evenly over the business plan period. Option D would achieve the decent homes ‘plus’ standard over a shorter timescale but the front loading of costs is not affordable over years 1-10 of the plan.

8.19 **Right to Buy:** The Government’s ‘Right to Buy’ scheme was reinvigorated in 2012, with the maximum discount increasing to £82,800.00. Then in 2014, the amount of qualifying years required by tenants was reduced from 5 to 3. This reinvigoration maintains and likely increases loss of Council housing stock, whilst the capital receipts retained from these sales provides only a small proportion of what would be required financially for the Council to replace these properties. Assumptions have therefore been made within our financial planning to take account of additional Right to Buy sales, expecting that the Council will lose approximately 20 properties a year through the scheme. The mid-case assumes that these properties are replaced on a one for one basis.

8.20 **Reserves:** As part of the budget setting process, the Council is required to review the adequacy of its reserves and this includes both the HRA Major Repairs and Unallocated HRA reserves. At present, the 2018/19 balance on the Major Repairs reserve stands at £8.18m and the Unallocated HRA reserve at £2.27m, totalling £10 million overall. This level is deemed adequate to provide financial resource for any unforeseen circumstances within the HRA which may require additional funds. The approved minimum balance for unallocated HRA reserves is currently £1.5m and therefore £0.8m is available for transfer to the Major Repairs Reserve.

Housing Development and Acquisition

- 8.21 This business plan assumes that any new build or stock acquisitions will be supported by a viable business case which will use retained Right to Buy receipts, external grant funding (where possible) and new borrowing to achieve a reasonable payback period (typically 30 to 40 years). It is assumed that any new stock will be entirely financed over their whole life from the rental income they bring.
- 8.22 As previously advised, November 2018 saw the HRA borrowing cap lifted for all English local authorities, bringing financial borrowing for Council homes in-line with all other local authority borrowing under prudential codes. Selby welcome the lifting of the borrowing cap to provide opportunity to increase direct development of, and continued investment in, social housing within the district; but in-line with the Council's Treasury Management Strategy, prudential codes will be followed and any additional borrowing only sanctioned when it is financially viable and sustainable to do so.
- 8.23 The mid-case scenario assumes that homes sold through Right to Buy are replaced on a one for one basis, which would mean new build or acquisition of 599 homes over the 30 year plan. Indicative modelling assumes a level of subsidy (e.g. capital receipts, Homes England grant and Section 106 commuted sums) with the remainder of the costs covered by borrowing (assuming a Loan to Value rate of 71%). For the purposes of demonstrating viability and sustainability, the associated revenue costs (principal and interest) would be £80m over the 30 year plan. It is stressed that these costs are indicative and fluctuations in the key assumptions such as interest rates, as well as the availability of subsidy sums, could have significant impact. Ultimately our development plans will be subject to ongoing review.
- 8.24 The Council's existing housing development and acquisitions programme is set out in the Council's capital programme which was approved in February 2019. Subject to land availability and ultimate Council approval, it is our intention to increase delivery over the business plan period in order to grow our stock numbers and increase the supply of affordable homes.

Our Financial Outlook going forward

- 8.25 Our financial forecast (*Appendix C*) shows that, based on key assumptions, there are sufficient resources over the next 30 years of the plan to: maintain a viable housing service, maintain and potentially increase the Decent Homes Standard, and carry out the necessary planned repairs to our housing stock. The profile of capital works may however be re-profiled over the course of the plan to meet specific requirements and if possible and prudent to do so, we will

consider accelerating our Decent Homes ‘plus’ programme should resources allow. Inflation may also rise or decrease, influencing the rent generated to meet our commitments.

8.26 In order to maintain a sustainable service for the medium term this business plan assumes debt is repaid to the original 30 year plan and we work towards a decent Homes ‘Plus’ standard over a 15 year period. Over the whole business plan period that would see loan principle of £50m set aside and based on our mid-case assumptions, investment in improvements in the standard of our homes of circa £170m.

8.27 The mid-case scenario estimates resources of £315m will be available over the next 30 years, which will be sufficient to provide for: debt repayment; investment to achieve Decent Homes ‘plus’ standard over the next 15 years; and 1 for 1 replacement of homes sold through right-to buy. Subject to future cash flows, economic conditions and government policies etc. there may be opportunity to accelerate investment in the future and this will be kept under review as the business plan is refreshed.

Mid-Case Scenario: 30 Year Totals	£000's	
Cumulative net rent available for debt repayment and capital investment	315,264	Assumes 1-4-1 replacement of RTB sales
Self-Financing Debt repayment	49,413	
Major repairs	174,211	Decent Homes + Over 15 years
Servicing new borrowing for developments/acquisitions	80,238	Principle and Interest assuming 1-4-1 replacement of RTB sales
Total	303,862	
Indicative headroom over the 30 year plan	11,402	Average £380k p.a.

8.28 The mid-case scenario shows that there is capacity to repay self-financing debt over the 30 plan, meaning that in the future if circumstances were such that it was favourable to repay the debt, there would be a sharp rise in the funds available to invest in our homes. The decision to repay debt will be taken in light of economic conditions and the needs of the services at that time and as part of the Council’s overall treasury management requirements.

8.29 Of course the balance between repaying our debt, versus maintain and/or extending our housing stock, will be an on-going feature of the HRA business plan and will require careful consideration as the impacts of emerging policy and practice are felt. That said, the ability to invest in our housing stock over the life of this plan will continue to improve the quality of the homes we provide; with spending focused on those things which will have the greatest impact on achieving the Council’s objectives, whilst improving the quality of life for our tenants.

9. Consultation

- 9.1 **First Steps (September 2018):** An initial on-line consultation of tenant's views on our housing service was undertaken as part of the business plan. This encouraged tenant and leaseholder participation at the earliest opportunity and ensured their feedback was central to the proposed new initiatives found throughout the business plan.
- 9.2 **Round table and Scrutiny (January/February 2019):** Before finalising a draft plan, a roundtable event was offered to all Council tenants and leaseholders wanting to attend, which took place at the Council's Civic Centre in Selby on 31st January 2019. This roundtable allowed for a free exchange of ideas between housing staff, tenants and leaseholders; and garnered responses to various proposed ideas and themes that would be proposed as part of the HRA draft plan. In order to maximise tenant engagement, drop-in sessions were also held at our Sherburn-In-Elmet, South Milford and Tadcaster Community Centres to allow as many tenants and leaseholders as possible the opportunity to share their experiences and provide feedback:

Tenants stated that our properties were of a decent standard but with room for improvement. They said that if the Council don't provide quality products and do work to a high standard, then tenants won't look after their properties.

Tenants felt we didn't know enough about our properties and that we don't inspect them regularly. They mentioned gardens, fencing and roofing as particular issues.

Tenants wanted better communication to meet people's needs, including updates on outstanding repairs and signing off a repair when it had been completed.

Tenants felt we should build more family sized homes as well as one bedroom properties for single professionals and couples, who live in the local area.

Tenants were concerned about energy efficiency and stated that we should be more forward thinking when it comes to alternative energy sources. They understood this would be expensive initially, but thought in the end, it would benefit both the Council and tenants alike.

Tenants felt that older properties with long term tenants get left behind, resulting in the condition of their properties growing increasingly poor. This means that more work and money has to be spent on them when access is finally achieved.

9.3 Wider engagement and on-line consultation (September/October 2019):

Once the draft plan was approved by Council Executive Members for consultation, an online survey was made available and publicised on the Council's website. A draft copy of the plan was attached, and tenants were able to provide their feedback on the proposals included in the draft as well as any additions they felt were lacking. In order to maximise engagement once again, the online survey was complimented by drop-in sessions held at our Sherburn-In-Elmet and Tadcaster Community Centres, and a focus group held at the Council's Civic Centre in Selby. These were made available to all Council tenants and leaseholders wanting to attend, and provided time to look over the draft plan and receive feedback on the various proposals included within it.

9.4 Taking on board feedback and final amendments (October 2019):

Feedback received from the various engagement opportunities was collated and used to make final changes to the draft plan, ready for its approval by Executive Members in December 2019. This included survey feedback as well as the more general discussions that took place with our tenants throughout the consultation period.

10. Summary and Conclusion

- 10.1 Self-financing has resulted in Selby District Council having much greater control over its housing business. It gives us a real opportunity to both increase and invest in our housing stock to better meet our tenant's needs, both now and in the future. Through the business plan process, we are also able to consider how we want to improve our current housing stock, as well as improve the service we offer our tenants.
- 10.2 As previously noted, the objectives contained within this plan have undergone a careful and rigorous viability assessment to ensure they are achievable. Our investment programmes are set against a robust framework and supported by a solid financial plan. Recent changes, such as the lifting of the borrowing cap, potential changes to Right to Buy receipts, funding possibilities and an increase in rental yields all enable the Council to better meet the housing needs of those living in the Selby district.
- 10.3 Of course, it is also important to acknowledge that this business plan comes at a time of considerable and frequent change, whether political, legal, economic or social. We must therefore have due regard to the risks which could impact on and influence our Housing Revenue Account and associated business plan. This includes changing rental incomes and populations, as well as a potential increase in the vulnerabilities and needs of our tenants.
- 10.4 Finally, due to the ambitious nature of the work we are expecting to complete as part of this HRA Business Plan 2020-2025, the corresponding 'action plan' provides a summary of current planned actions and works. We know however that this plan will continue to evolve, and it is therefore expected that the action plan, alongside the business plan, will become a 'live' document which can be updated regularly; either when business needs change or when policy demands it.

Appendix A: HRA Business Plan Action Plan 2020 – 2025

Task No.	What will we do?	When will we do it by?	Responsible Officer?	What does success look like?
1	We will implement our proposed Capital Investment Programme and carefully monitor its impact on tenants and our properties.	Ongoing	Property & Commercial Services Manager Housing & Environmental Health Service Manager	The programme will be running throughout the district with tenants seeing visible improvements in their properties.
2	We will utilise the additional funding bids for energy efficiency, using example 'off-gas' properties to evidence viability.	2019-2021	Property & Commercial Services Manager Property Management Team Leader	More energy efficient homes with working examples of alternative energy sources in our 'off-gas' properties to illustrate viability for future funding bids.
3	Continue reviewing our rural needs housing provision.	Ongoing	Rural Housing Enabler	Housing needs surveys continue to be routinely completed and rural exception sites are permitted for development.
4	Complete stock condition surveys on 10% of our stock every year.	Ongoing	Property & Commercial Services Manager	An informed and detailed database will be produced to inform our planned repairs and investment programme.
5	Once available, we will use our new IT provisions to better manage our Asset repairs and capital investment programme.	Ongoing	Property & Commercial Services Manager Property Improvement Team Leader	Staff will be confident with the new IT provisions and funding bids will be part of a wider planned programme of investment.
6	Write and implement a Council Adaptation Policy.	2020	Housing Strategy Officer	The publishing of a policy which will clearly state the procedure for Council adaptation requests.
7	Review our supported housing provision and consider options to expand this.	2020	Housing & Environmental Health Service Manager Housing Strategy Officer	The review will be complete with any recommendations taken forward for further vetting and future bidding.
8	Continue trying to increase tenant participation and update our Tenant Participation Strategy.	Ongoing	Housing Strategy Officer Tenant Participation Officer	We will have a representative and increased number of residents engaging with us, and a new Tenant Participation Strategy.

9	Monitor the use of our flexible fixed-term tenancies as part of our wider Tenancy Policy.	Ongoing (first reviews 2021)	Housing Tenant Services Team Leader	Tenancy data will be monitored quarterly and any adaptations to the Tenancy Policy made as and when required.
10	Continue to monitor our county-wide Allocation Policy.	Ongoing	Housing Tenant Services Team Leader	Allocations data monitored and changes in policy agreed county-wide.
11	Use additional funding to improve safety of our communal areas and work to best-practice.	2019 - 2021	Property & Commercial Services Manager	Communal areas will be of a safe and decent standard, and these standards maintained.
12	As opportunities arise, consider demolishing garages/surplus land to provide additional affordable housing.	Ongoing	Head of Operational Services	Council owned garage sites will be utilised to their full potential, including using them for residential development.
13	Complete an options appraisal for the implementation of service charges for our tenants living in blocks.	2020	Housing Strategy Officer Housing & Environmental Health Service Manager	Options appraisal complete and if appropriate, project work to commence to consult our tenants and implement the preferred option.
14	Provide and/or replace carbon monoxide detectors to all relevant tenants.	2019 - 2021	Property & Commercial Services Manager	All relevant tenants will have working Carbon Monoxide alarms and funding will be secured to repair and replace these as required.
15	Consider new and alternate ways to gather resident feedback on our repairs process.	Ongoing	Housing Strategy Officer Property Improvement Team Leader	A new and effective feedback tool will have been decided on and the process of collecting feedback started.
16	Ensure Local Lettings Initiatives are implemented for relevant new build schemes allocated via North Yorkshire Home Choice.	Ongoing	Housing Tenant Services Team Leader	All relevant properties will include a Local Lettings Initiative to ensure local connection is a key consideration in allocating properties throughout the district.
17	Ensure that Section 106 money is drawn down and made best use of to either develop or acquire new affordable housing in the district.	Ongoing	Head of Operational Services	Section 106 funds will be utilised to their maximum and will help to fund the development and acquisition of new affordable housing within the district.

18	Increase the amount of empty homes we are able to bringing back into use.	Ongoing	Empty Homes Officer	More empty homes in the district will be brought back into use for our residents.
19	Review provisions in the Enforcement team to ensure maximum effectiveness.	2020	Head of Operational Services Housing & Environmental Health Service Manager	The Enforcement team will be adequately staffed and reaching its potential.
20	We will complete a thorough review of our housing Community Centres throughout the district.	2019 - 2020	Housing & Environmental Health Service Manager	An appraisal will be completed and if required, project work to commence to consult our tenants and implement the preferred option.
21	The HRA will help towards achieving our corporate commitment to build 200 new homes by 2020.	2020	Head of Operational Services	200 new homes will be built in the district by 2020.
22	Try to meet, and look to exceed, the Government's one-for-one replacement target on properties sold through Right to Buy.	Ongoing	Head of Operational Services	Continued building of new affordable homes in the district, greater or in-line with properties sold through the Right to Buy initiative.
23	Implement a Void Management Strategy to reduce property void times	2020	Housing Strategy Officer Housing & Environmental Health Service Manager Property & Commercial Services Manager	Property void times will be reduced with less rental loss.
24	Bid for new funding available to help increase affordable housing or improve current housing stock.	Ongoing	Head of Operational Services	Funding bids will be placed as suitable opportunities arise.
25	Maintain the Government's new Social Rent setting guidance and consider writing a Rent Policy.	2020	Housing Strategy Officer	A local rent setting policy will be written and adhered to in regards to Social and Affordable Rent.

Appendix B: 3 Year Capital Investment Programme 2019-2022

The main focus of the Council's investment programme is its relationship to the Decent Homes Standard. This is the minimum standard our homes should meet according to Government. For information, below is a summary of the current Decent Homes Standard (it is noted however that landlords are not expected to make a home decent if this goes against a tenant's wishes, as work can be undertaken when the dwelling is next void). The standards expect that:

- The property is free from any hazard which may be a serious risk to your health and safety.
- The property is in a reasonable state of repair. For a property to fail, one or more of the 'key building components' (or two or more the more general building components) will, need replacing or major repair. The 'key building components' are:

External walls	Chimneys	Storage heaters
Roof structure and covering	Central heating system	Plumbing
Windows/doors	Gas fires	Electrics

- The property has reasonably modern facilities (note, a home without two of these conditions or fewer can still be classed as decent and a dwelling would not fail this criterion where it is impossible to make the required improvements to components for physical or planning reasons):
 - a kitchen which is 20 years old or less
 - a kitchen with adequate space and layout
 - a bathroom which is 30 years old or less
 - an appropriately located bathroom and WC
 - adequate external noise insulation
 - adequate size and layout of common entrance areas for blocks of flats
- It provides a reasonable degree of thermal comfort. For this, the primary heating system must have a distribution system sufficient to provide heat to two or more rooms of the home. Because of the differences in efficiency between gas/oil heating systems and other heating systems, the level of appropriate insulation differs.

Following the introduction of the Decent Homes Standard, a considerable amount of work was completed pre-2010 to ensure these standards were achieved throughout SDC properties. However, 55.2% of Selby's properties had no work done (including a 3% refusal rate) and 44.8% of properties had work done, but this was either a kitchen or a bathroom, not both. Further investment campaigns have also been limited in the years since, meaning there remains opportunity for improvement in regards to our overall property standards.

In 2018, Executive Members approved a significant increase in property investment from 2019, for a period of 3 years. The table below summarises the Council's Capital Investment Programme for this period. These plans are separated into four primary fields of investment, the first being those concerned with safety and securing legislative standards. We then move on to planned and/or cyclical works which will help to maintain these standards throughout the investment programme; and then works concerned with energy efficiency and making best use of our stock. Finally, we move on to new investment work which will move towards improvement of current stock standards. These bids directly link to our intention to improve tenancy sustainability, ensuring that our tenants do not move-on from our properties unnecessarily and reducing the likelihood of needless voids.

Area of works	Capital	2019/20	2020/21	2021/22	Total	Comments
<u>Safety</u>	Fire risk assessments	£100,000	£50,000	£0.00	£150,000	Essential Health and Safety work required by legislation.
	Works involving fire risk assessments	£0.00	£2,500	£10,000	£12,500	Works linked to above.
	Asbestos surveys	£120,000	£120,000	£120,000	£360,000	Essential Health and Safety work required by legislation.
	Works involving asbestos surveys	£10,000	£10,000	£10,000	30,000	Works linked with above.
	Electrical rewires	£240,000	£240,000	£240,000	£720,000	Existing approved budget (2021/22 assumes funding at same rate).
<u>Planned and/or cyclical</u>	Damp Surveys and works	£220,000	£220,000	£220,000	£660,000	Existing approved budget (2021/2022 assumes funding at same rate).
	Door replacements	£197,600	£197,600	£197,600	£592,800	Replacement bid based on 5% of properties p.a.
	Window replacements	£453,300	£453,300	£453,300	£1,359,900	Replacement bid based on 5% of properties p.a.
	Kitchen Replacements	£180,000	£180,000	£180,000	£540,000	Replacement bid based on 2% of properties p.a.
	Bathroom Replacements	£180,000	£180,000	£180,000	£540,000	Replacement bid based on 2% of properties p.a.
	Void Property Repairs	£145,000	£145,000	£145,000	£435,000	Existing approved budget (2021/2022 assumes continued funding at same rate).
	Fencing and Gates	£40,000	£40,000	£40,000	£120,000	Existing approved budget (2021/2022 assumes funding at same rate).
	Pointing Works	£300,000	£300,000	£300,000	£900,000	Existing approved budget (2021/2022 assumes funding at same rate).
	Community Centre Refurbishment	£48,000	£30,000	£0.00	£78,000	Existing approved budget.
	Sheltered homes Adaption	£165,000	£150,000	£0.00	£315,000	Existing approved budget.
<u>Energy Efficiency</u>	Central heating - gas	£470,000	£470,000	£470,000	£1,410,000	Existing approved budget (2021/22 assumes funding at same rate).
	Central heating – solid fuel	£75,000	£75,000	£75,000	£225,000	Existing approved budget (2021/22 assumes funding at same rate). This budget is to fund the cost of replacing

						redundant solid fuel heating systems.
	Roof Replacements	£400,000	£0.00	£0.00	£400,000	Existing approved budget.
	Energy efficiency programme - pilot	£150,000	£0.00	£0.00	£150,000	New bid linked to sustainable tenancies. Estimated costs for pilot programme of switching 12 to 15 properties from solid fuel/electric only heating to energy efficient air source heat pump systems. Programme would look to upgrade other energy efficiency measures at the same time to maximise benefits e.g. doors, windows, cavity wall insulation etc.
Investment	CO detection installation programme	£226,600	£0.00	£0.00	£226,600	New bid for installation of mains powered CO detection (assumes 75% of properties require new installation) to deliver best practice level of detection across property portfolio.
	CO detection replacement programme	£0.00	£37,800	£37,800	£75,600	New bid for installation of replacement mains powered CO detection (assumes 25% of properties with existing installation require replacement) to deliver best practice detection across property portfolio.
	Communal area refurbishment programme	£230,000	£230,000	£230,000	£690,000	New bid links to sustainable tenancies and covers estimated costs for refurbishing communal entrances and staircases of our domestic blocks. Estimated costs are based on completing 10% of our blocks p.a.
	Empty Homes Programme	£700,000	£700,000	-	£1,400,000	Existing approved budget.
	Footpath Repairs	£172,500	£172,500	£172,500	£517,500	New bid for refurbishment of Council owned footpaths across the district. Bid based on replacing circa 1,500m p.a.
	Estate Enhancements	£100,000	£0.00	£0.00	£100,000	Existing approved budget.
	St Wilfrid's Court refurbishment	£100,000	£0.00	£0.00	£100,000	Existing approved budget.
	New build projects	£2,280,000	-	-	£2,280,000	Existing approved budget.
	Sewage pumping station replacement programme	£120,000	£120,000	£120,000	£360,000	New bid as many sewage pumping stations are reaching the end of their lifecycle and are in need of replacement. Aimed at replacing 2 stations p.a.

Appendix D: Risk Register

The financial elements of the business plan do however carry a number of risks which we must consider and try to mitigate, detailed below:

Risk	Detail
Inflation (economic uncertainty)	Inflation is of key consideration impacting on HRA rent modelling. The business plan would need to be reviewed accordingly if this were to rise. Inflation is also a key factor when investing in both our existing housing stock and in new supply, impacting on construction costs. As these costs continue to rise with inflation, rental income has conversely been constrained by the four years of rent reductions introduced by the Welfare Reform and Work Act; compounding the difficulties faced by Local Authorities when trying to invest.
Interest Rates	The council decided to take on fixed-rate borrowing from PWLB for its self-financing loans and therefore mitigate the risk of exposure to increasing interest rates as the economy potentially starts to recover. Should we borrow more in the future, the risk of higher rates for new borrowing remains.
Brexit	Uncertainty around Brexit makes it difficult to predict impact on the HRA. However, construction costs and the labour force are likely to be impacted. Ultimately, the risk is that the Council fails to prepare appropriately for the impact of Brexit on the delivery of Council services.
Rents and Welfare Reform	<p>Council rents are modelled using Social Rent policy and 2019/20 will see the fourth and final year of annual 1% rent reductions. This action was intended to help protect taxpayers from the rising costs of subsidising rents through Housing Benefit, and protect tenants from rising housing costs.</p> <p>In October 2017, the Government announced its intention to set a long-term rent deal for both Local Authority landlords and Housing Associations. This would permit annual rent increases on both Social and Affordable Rent properties of up to CPI +1% (at September of the previous year) for a period of at least 5 years. This policy recognises the need for a stable financial environment to support the delivery of new homes and will come into effect from 1 April 2020.</p> <p>Although this rent increase has evident benefits, this should be balanced with the potential for lower rent collection rates. This is because welfare reform, unemployment, inflation and other economic factors all affect our tenants' ability to afford higher rents. As rent collection forms the overwhelming majority of income</p>

	<p>received for the HRA, it is vital it is both collected at maximum capacity and used effectively.</p> <p>The introduction of Universal Credit also means that an increased proportion of tenants personally receive their housing costs, increasing the risk of rent arrears/late payments. More generally, an uncertain economic climate can also prevent private sector investment in jobs and negatively impact on additional housing supply, leading to increased pressure on affordable housing.</p>
<p>Assets</p>	<p>The viability of the HRA Business Plan, when originally developed, was based on total stock numbers reducing with then-current forecasts of Right to Buys losses. However, this new plan must consider the impact of Government policy to reinvigorate the scheme (with maximum discounts increasing and qualifying years reducing). New projections must therefore be incorporated into our financial forecast, noting that in the last five years (2013-2018), the Council has seen 100 of its properties bought and lost via Right to Buy, peaking in 2014/15 with 25.</p> <p>Increased asset disposal evidently results in reduced rental income, but also reduces maintenance liabilities and affects the repayment of associated debt. The Council therefore has taken on a range of loans over a mix of maturity dates, to allow flexibility for repayment, and this risk has been built into the business plan.</p> <p>The risk of asset disposal from Right to Buy is also alleviated in our new build properties by the 'cost floor' ruling, which could potentially reduce or remove entirely a tenant's Right to Buy discount. This rule applies if a property has been recently purchased or built by the Local Authority, or costs have been incurred by the Council on repairing or maintaining the property.</p> <p>The 'cost floor' period is either:</p> <ul style="list-style-type: none"> • The 10 year period prior to receipt of the Right to Buy application form: or • 15 years if the property was built or acquired by the landlord after 2nd April 2012. <p>Essentially, the 'cost floor' rule prevents the Council from having to sell their property for less than the costs incurred in building or repairing/improving it, during the previous 15 year period. The costs that can be included within this calculation are set out in The Housing (Right to Buy) (Cost Floor) (England) Determination 1999. Whilst this may deter tenants from buying Council homes at the earliest</p>

opportunity, it more importantly ensures that the loss on the sale of these properties is reduced.

Whilst the protection afforded to the Council by the 'cost floor' rule should not be discounted, it should however be noted that any new build property bought under Right to Buy before it has achieved 100% payback will have a detrimental impact on the long term business model, in terms of lost assets and rental income. Conversely, when Council properties currently being built surpass their payback (are older than 30 years), they will have no outstanding borrowing against them and will therefore bring a greater net income to the HRA.

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SELBY DISTRICT COUNCIL - HRA 30 YEAR FINANCIAL PLAN (Based on:	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Mid Case Scenario															
KEY ASSUMPTIONS	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	2043/44	2044/45	2045/46	2046/47	2047/48	2048/49
Inflation	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Estimated Sales	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20
Estimated New Build	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Rent Increase CPI + 1%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Number of Dwellings (Mid Year Average)	3,044	3,044	3,044	3,044	3,044	3,044	3,044	3,044	3,044	3,044	3,044	3,044	3,044	3,044	3,044
Average Rent - Rent Restructuring	128.42	132.27	136.24	140.33	144.54	148.87	153.34	157.94	162.68	167.56	172.58	177.76	183.10	188.59	194.25
Rent Weeks	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00
Rent Income (£)	-18,763,587	-19,326,494	-19,906,289	-20,503,478	-21,118,582	-21,752,140	-22,404,704	-23,076,845	-23,769,150	-24,482,225	-25,216,691	-25,973,192	-26,752,388	-27,554,960	-28,381,608
Void loss	-375,272	-386,530	-398,126	-410,070	-422,372	-435,043	-448,094	-461,537	-475,383	-489,644	-504,334	-519,464	-535,048	-551,099	-567,632
Provision for Bad & Doubtful Debts	-404,543	-416,679	-429,180	-442,055	-455,317	-468,976	-483,045	-497,537	-512,463	-527,837	-543,672	-559,982	-576,781	-594,085	-611,907
Net Rent Income	-17,983,772	-18,523,285	-19,078,984	-19,651,353	-20,240,894	-20,848,121	-21,473,564	-22,117,771	-22,781,304	-23,464,743	-24,168,686	-24,893,746	-25,640,559	-26,409,775	-27,202,069
% Increase in Rent	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
REVENUE FINANCING															
Dwellings Rents	-17,983,772	-18,523,285	-19,078,984	-19,651,353	-20,240,894	-20,848,121	-21,473,564	-22,117,771	-22,781,304	-23,464,743	-24,168,686	-24,893,746	-25,640,559	-26,409,775	-27,202,069
Garage Rents	-139,297	-142,083	-144,925	-147,823	-150,780	-153,796	-156,871	-160,009	-163,209	-166,473	-169,803	-173,199	-176,663	-180,196	-183,800
Total Resources (£)	-18,123,069	-18,665,369	-19,223,909	-19,799,177	-20,391,674	-21,001,916	-21,630,436	-22,277,780	-22,944,513	-23,631,217	-24,338,488	-25,066,945	-25,817,221	-26,589,971	-27,385,869
REVENUE BUDGET															
Operational Services	2,437,473	2,486,223	2,535,947	2,586,666	2,638,399	2,691,167	2,744,991	2,799,891	2,855,888	2,913,006	2,971,266	3,030,692	3,091,305	3,153,132	3,216,194
Commissioning Contracts & Procurement	149,069	152,051	155,092	158,193	161,357	164,584	167,876	171,234	174,658	178,151	181,714	185,349	189,056	192,837	196,694
Contingency	97,020	98,961	100,940	102,959	105,018	107,118	109,261	111,446	113,675	115,948	118,267	120,633	123,045	125,506	128,016
CEC Recharge from General Fund Savings Target	3,627,912	3,700,470	3,774,480	3,849,969	3,926,969	4,005,508	4,085,618	4,167,331	4,250,677	4,335,691	4,422,405	4,510,853	4,601,070	4,693,091	4,786,953
Debt Management Costs	7,762	7,917	8,075	8,237	8,401	8,569	8,741	8,916	9,094	9,276	9,461	9,651	9,844	10,041	10,241
Investment Interest - Notional Sum	-181,599	-186,139	-190,792	-195,562	-200,451	-205,462	-210,599	-215,864	-221,260	-226,792	-232,462	-238,273	-244,230	-250,336	-256,594
Repayment of HRA Reform Loan (Interest)	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,254,150	1,254,150	1,254,150	1,254,150	1,254,150	1,254,150	1,254,150
Contribution to Computer Development Reserve	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Net Service Costs	8,029,543	8,151,388	8,275,647	8,402,368	8,531,599	8,663,391	8,797,793	8,934,858	9,074,883	9,214,931	9,360,003	9,510,203	9,665,631	9,826,407	9,992,655
Net Service Surplus / Deficit before contribution to MRR & CAA	-10,093,526	-10,513,981	-10,948,262	-11,396,809	-11,860,075	-12,338,525	-12,832,642	-13,342,922	-14,457,631	-15,001,786	-15,563,686	-16,143,892	-16,742,981	-17,361,551	-18,000,214
Voluntary MRP for Self-Financing Debt	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	0	0	0	0	0	0	0
Assumed Voluntary MRP for HDP	1,566,900	1,677,188	1,789,682	1,904,426	2,021,464	2,140,844	2,262,611	2,386,813	2,513,499	2,642,719	2,774,524	2,908,964	3,028,805	3,137,047	3,256,257
Assumed HDP Interest	1,072,055	1,146,830	1,223,101	1,300,897	1,380,249	1,461,189	1,543,747	1,627,956	1,713,849	1,801,460	1,890,824	1,981,974	2,060,944	2,130,157	2,207,885
Net Resources Transferred to Major repairs Reserve	-5,172,921	-5,408,312	-5,653,829	-5,909,836	-6,176,711	-6,454,843	-6,744,635	-7,046,504	-7,362,283	-7,694,606	-8,038,339	-8,392,953	-8,758,632	-9,135,685	-9,524,372
Major Repairs Reserve															
Opening Balance	29,024,236	31,429,855	29,914,214	28,226,709	26,548,481	24,723,411	23,328,367	26,806,901	24,144,641	18,449,679	12,749,714	6,816,013	363,929	-6,320,727	-13,606,190
Transfers															
Revenue Contributions	-5,172,921	-5,408,312	-5,653,829	-5,909,836	-6,176,711	-6,454,843	-6,744,635	-7,046,504	-7,362,283	-7,694,606	-8,038,339	-8,392,953	-8,758,632	-9,135,685	-9,524,372
Assumed Capital Programme	7,578,540	3,892,671	3,966,324	4,231,608	4,351,641	5,059,799	10,223,169	4,384,244	4,535,320	4,857,641	4,964,638	4,800,869	4,968,576	4,808,883	5,796,002
Closing Balance	31,429,855	29,914,214	28,226,709	26,548,481	24,723,411	23,328,367	26,806,901	24,144,641	18,449,679	12,749,714	6,816,013	363,929	-6,320,727	-13,606,190	-20,346,260
CFR/Cashflow															
Opening Balance	-44,623,238	-48,471,788	-52,430,627	-56,501,959	-60,688,035	-64,991,149	-69,413,643	-73,957,904	-61,833,367	-64,346,866	-66,989,585	-69,764,109	-72,673,073	-75,701,878	-78,838,925
Less unfinanced capital expenditure (internal borrowing)															
Add Voluntary MRP	-3,848,550	-3,958,838	-4,071,332	-4,186,076	-4,303,114	-4,422,494	-4,544,261	-4,668,463	-2,513,499	-2,642,719	-2,774,524	-2,908,964	-3,028,805	-3,137,047	-3,256,257
Less Debt Repaid								16,793,000							
Closing Balance	-48,471,788	-52,430,627	-56,501,959	-60,688,035	-64,991,149	-69,413,643	-73,957,904	-61,833,367	-64,346,866	-66,989,585	-69,764,109	-72,673,073	-75,701,878	-78,838,925	-82,095,182
Net Cashflow	-17,041,934	-22,516,413	-28,275,250	-34,139,554	-40,267,739	-46,085,276	-47,151,002	-37,688,725	-45,897,187	-54,239,871	-62,948,095	-72,309,144	-82,022,605	-92,445,115	-102,441,443

SELBY DISTRICT COUNCIL - HRA 30 YEAR FINANCIAL PLAN (Based on	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Best Case Scenario	← 2019/20	Medium Term Financial Plan 2020/21	→ 2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
KEY ASSUMPTIONS															
Inflation	2.00%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Estimated Sales	-20	-15	-15	-15	-15	-15	-15	-15	-15	-15	-15	-15	-15	-15	-15
Estimated New Build	19	40	40	40	40	40	40	40	40	40	40	40	40	40	40
Rent Increase CPI + 1%	-1.00%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%
Number of Dwellings (Mid Year Average)	3,045	3,057	3,082	3,107	3,132	3,157	3,182	3,207	3,232	3,257	3,282	3,307	3,332	3,357	3,382
Average Rent - Rent Restructuring	82.43	85.31	88.30	91.39	94.59	97.90	101.32	104.87	108.54	112.34	116.27	120.34	124.55	128.91	133.42
Rent Weeks	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00
Rent Income (£)	-12,045,611	-12,516,347	-13,060,377	-13,627,157	-14,217,612	-14,832,706	-15,473,440	-16,140,855	-16,836,034	-17,560,103	-18,314,233	-19,099,641	-19,917,593	-20,769,404	-21,656,443
Void loss	-240,912	-187,745	-195,906	-204,407	-213,264	-222,491	-232,102	-242,113	-252,541	-263,402	-274,714	-286,495	-298,764	-311,541	-324,847
Provision for Bad & Doubtful Debts	-259,703	-209,586	-218,696	-228,187	-238,074	-248,374	-259,103	-270,279	-281,919	-294,044	-306,672	-319,823	-333,520	-347,784	-362,637
Net Rent Income	-11,544,995	-12,119,015	-12,645,775	-13,194,563	-13,766,274	-14,361,841	-14,982,235	-15,628,463	-16,301,574	-17,002,658	-17,732,848	-18,493,323	-19,285,309	-20,110,079	-20,968,959
% Increase in Rent	-1.00	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50
REVENUE FINANCING															
Dwellings Rents	-11,544,995	-12,119,015	-12,645,775	-13,194,563	-13,766,274	-14,361,841	-14,982,235	-15,628,463	-16,301,574	-17,002,658	-17,732,848	-18,493,323	-19,285,309	-20,110,079	-20,968,959
Garage Rents	-102,591	-105,156	-107,785	-110,480	-113,242	-116,073	-118,974	-121,949	-124,998	-128,122	-131,326	-134,609	-137,974	-141,423	-144,959
Total Resources (£)	-11,647,586	-12,224,171	-12,753,560	-13,305,042	-13,879,515	-14,477,914	-15,101,210	-15,750,412	-16,426,572	-17,130,780	-17,864,174	-18,627,932	-19,423,283	-20,251,503	-21,113,918
REVENUE BUDGET															
Operational Services	1,824,651	1,881,622	1,907,539	1,922,576	1,970,640	2,019,906	2,070,404	2,122,164	2,175,218	2,229,598	2,285,338	2,342,472	2,401,033	2,461,059	2,522,586
Commissioning Contracts & Procurement	108,720	111,380	114,410	117,540	120,479	123,490	126,578	129,742	132,986	136,310	139,718	143,211	146,791	150,461	154,223
Contingency	75,000	75,000	75,000	76,875	78,797	80,767	82,786	84,856	86,977	89,151	91,380	93,665	96,006	98,406	100,867
CEC Recharge from General Fund	2,775,200	2,741,768	2,800,669	2,860,584	2,932,099	3,005,401	3,080,536	3,157,549	3,236,488	3,317,400	3,400,335	3,485,344	3,572,477	3,661,789	3,753,334
Savings Target	-214,000														
Debt Management Costs	6,000	6,000	6,000	6,150	6,304	6,461	6,623	6,788	6,958	7,132	7,310	7,493	7,681	7,873	8,069
Investment Interest - Notional Sum	-135,000	-135,000	-135,000	-137,025	-139,423	-142,211	-145,411	-149,046	-153,145	-157,740	-162,472	-167,346	-172,366	-177,537	-182,863
Repayment of HRA Reform Loan (Interest)	2,378,430	1,889,387	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905
Contribution to Computer Development Reserve	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Net Service Costs	6,869,001	6,620,157	6,660,523	6,738,605	6,860,800	6,985,719	7,113,420	7,243,958	7,377,387	7,513,758	7,653,516	7,796,744	7,943,528	8,093,957	8,248,120
Net Service Surplus / Deficit before contribution to MRR & CAA	-4,778,585	-5,604,014	-6,093,037	-6,566,438	-7,018,716	-7,492,195	-7,987,790	-8,506,454	-9,049,185	-9,617,022	-10,210,658	-10,831,188	-11,479,755	-12,157,546	-12,865,798
Voluntary MRP for Self-Financing Debt	1,260,000	1,260,000	1,260,000	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650
Assumed Voluntary MRP for HDP	149,780	313,671	480,841	651,353	825,276	1,002,677	1,183,626	1,368,194	1,556,454	1,748,479	1,944,344	2,144,127	2,347,905	2,555,759	2,767,769
Assumed HDP Interest	111,247	222,366	335,706	451,314	569,233	689,511	812,195	937,332	1,064,972	1,195,165	1,327,962	1,463,414	1,601,576	1,742,501	1,886,244
Net Resources Transferred to Major repairs Reserve	-3,257,557	-3,807,977	-4,016,490	-3,182,121	-3,342,556	-3,518,356	-3,710,318	-3,919,277	-4,146,109	-4,391,729	-4,656,702	-4,941,997	-5,248,624	-5,577,637	-5,930,134
Major Repairs Reserve															
Opening Balance	-8,177,969	-5,537,621	-1,989,674	1,333,162	5,383,356	9,462,774	13,593,693	18,763,942	23,183,435	27,613,692	32,206,806	37,096,267	37,161,726	34,687,225	32,530,562
Transfers	-766,697														
Revenue Contributions	-3,257,557	-3,807,977	-4,016,490	-3,182,121	-3,342,556	-3,518,356	-3,710,318	-3,919,277	-4,146,109	-4,391,729	-4,656,702	-4,941,997	-5,248,624	-5,577,637	-5,930,134
Assumed Capital Programme	6,664,602	7,355,924	7,339,327	7,232,314	7,421,975	7,649,275	8,880,567	8,338,771	8,576,366	8,984,842	9,546,164	5,007,456	2,774,123	3,420,974	3,001,065
Closing Balance	-5,537,621	-1,989,674	1,333,162	5,383,356	9,462,774	13,593,693	18,763,942	23,183,435	27,613,692	32,206,806	37,096,267	37,161,726	34,687,225	32,530,562	29,601,493
CFR/Cashflow															
Opening Balance	-8,319,960	-9,729,740	-4,803,412	-6,544,252	-9,477,255	-12,584,181	-15,868,508	-19,333,784	-22,983,628	-26,821,732	-30,851,861	-35,077,855	-39,503,632	-44,133,186	-48,970,595
Less unfinanced capital expenditure (internal borrowing)															
Add Voluntary MRP	-1,409,780	-1,573,671	-1,740,841	-2,933,003	-3,106,926	-3,284,327	-3,465,276	-3,649,844	-3,838,104	-4,030,129	-4,225,994	-4,425,777	-4,629,555	-4,837,409	-5,049,419
Less Debt Repaid		6,500,000													
Closing Balance	-9,729,740	-4,803,412	-6,544,252	-9,477,255	-12,584,181	-15,868,508	-19,333,784	-22,983,628	-26,821,732	-30,851,861	-35,077,855	-39,503,632	-44,133,186	-48,970,595	-54,020,014
Net Cashflow	-15,267,362	-6,793,086	-5,211,090	-4,093,899	-3,121,406	-2,274,815	-569,842	199,807	791,960	1,354,945	2,018,412	-2,341,906	-9,445,962	-16,440,033	-24,418,522

SELBY DISTRICT COUNCIL - HRA 30 YEAR FINANCIAL PLAN (Based on 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Medium Term Financial Plan			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
Worst Case Scenario															
KEY ASSUMPTIONS															
Inflation	2.00%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
Estimated Sales	-20	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25
Estimated New Build	19	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Rent Increase CPI + 1%	-1.00%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Number of Dwellings (Mid Year Average)	3,045	3,037	3,022	3,007	2,992	2,977	2,962	2,947	2,932	2,917	2,902	2,887	2,872	2,857	2,842
Average Rent - Rent Restructuring	82.43	84.49	86.60	88.77	90.98	93.26	95.59	97.98	100.43	102.94	105.51	108.15	110.86	113.63	116.47
Rent Weeks	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00
Rent Income (£)	-12,045,611	-12,314,307	-12,559,813	-12,809,897	-13,064,636	-13,324,105	-13,588,383	-13,857,546	-14,131,676	-14,410,850	-14,695,152	-14,984,661	-15,279,461	-15,579,636	-15,885,271
Void loss	-240,912	-307,858	-313,995	-320,247	-326,616	-333,103	-339,710	-346,439	-353,292	-360,271	-367,379	-374,617	-381,987	-389,491	-397,132
Provision for Bad & Doubtful Debts	-259,703	-417,824	-426,154	-434,640	-443,283	-452,087	-461,054	-470,187	-479,488	-488,960	-498,606	-508,430	-518,432	-528,617	-538,987
Net Rent Income	-11,544,995	-11,588,625	-11,819,663	-12,055,010	-12,294,737	-12,538,916	-12,787,619	-13,040,921	-13,298,896	-13,561,619	-13,829,166	-14,101,615	-14,379,043	-14,661,528	-14,949,152
% Increase in Rent	-1.00	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
REVENUE FINANCING															
Dwellings Rents	-11,544,995	-11,588,625	-11,819,663	-12,055,010	-12,294,737	-12,538,916	-12,787,619	-13,040,921	-13,298,896	-13,561,619	-13,829,166	-14,101,615	-14,379,043	-14,661,528	-14,949,152
Garage Rents	-102,591	-104,130	-105,692	-107,278	-108,887	-110,520	-112,178	-113,860	-115,568	-117,302	-119,061	-120,847	-122,660	-124,500	-126,367
Total Resources (£)	-11,647,586	-11,692,755	-11,925,355	-12,162,287	-12,403,623	-12,649,436	-12,899,797	-13,154,782	-13,414,464	-13,678,921	-13,948,228	-14,222,462	-14,501,703	-14,786,028	-15,075,519
REVENUE BUDGET															
Operational Services	1,824,651	1,880,596	1,905,446	1,919,374	1,948,164	1,977,387	2,007,047	2,037,153	2,067,710	2,098,726	2,130,207	2,162,160	2,194,592	2,227,511	2,260,924
Commissioning Contracts & Procurement	108,720	111,380	114,410	117,540	119,303	121,093	122,909	124,753	126,624	128,523	130,451	132,408	134,394	136,410	138,456
Contingency	75,000	75,000	75,000	76,125	77,267	78,426	79,602	80,796	82,008	83,238	84,487	85,754	87,041	88,346	89,671
CEC Recharge from General Fund	2,775,200	2,741,768	2,800,669	2,860,584	2,903,493	2,947,045	2,991,251	3,036,120	3,081,661	3,127,886	3,174,805	3,222,427	3,270,763	3,319,825	3,369,622
Savings Target	-214,000														
Debt Management Costs	6,000	6,000	6,000	6,090	6,181	6,274	6,368	6,464	6,561	6,659	6,759	6,860	6,963	7,068	7,174
Investment Interest - Notional Sum	-135,000	-135,000	-135,000	-137,025	-139,423	-142,211	-145,056	-147,957	-150,916	-153,934	-157,013	-160,153	-163,356	-166,623	-169,956
Repayment of HRA Reform Loan (Interest)	2,378,430	1,889,387	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905
Contribution to Computer Development Reserve	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Net Service Costs	6,869,001	6,619,131	6,658,430	6,734,593	6,806,890	6,879,918	6,954,027	7,029,234	7,105,554	7,183,004	7,261,601	7,341,361	7,422,302	7,504,441	7,587,796
Net Service Surplus / Deficit before contribution to MRR & CAA	-4,778,585	-5,073,624	-5,266,925	-5,427,695	-5,596,733	-5,769,518	-5,945,770	-6,125,548	-6,308,911	-6,495,917	-6,686,627	-6,881,101	-7,079,401	-7,281,587	-7,487,723
Voluntary MRP for Self-Financing Debt	1,260,000	1,260,000	1,260,000	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650
Assumed Voluntary MRP for HDP	149,780	190,753	232,545	275,173	318,654	363,004	408,242	454,384	501,449	549,455	598,421	648,367	699,311	751,275	804,277
Assumed HDP Interest	111,247	139,027	167,362	196,264	225,744	255,813	286,484	317,769	349,679	382,227	415,426	449,289	483,830	519,061	554,997
Net Resources Transferred to Major repairs Reserve	-3,257,557	-3,483,844	-3,607,018	-2,674,608	-2,770,685	-2,869,050	-2,969,394	-3,071,746	-3,176,133	-3,282,585	-3,391,130	-3,501,795	-3,614,610	-3,729,602	-3,846,799
Major Repairs Reserve															
Opening Balance	-8,177,969	-5,537,621	-3,949,594	-2,613,473	-562,302	1,465,431	3,501,577	6,470,869	8,715,932	10,956,149	13,338,519	16,029,962	20,808,551	23,545,065	26,762,844
Transfers	-766,697														
Revenue Contributions	-3,257,557	-3,483,844	-3,607,018	-2,674,608	-2,770,685	-2,869,050	-2,969,394	-3,071,746	-3,176,133	-3,282,585	-3,391,130	-3,501,795	-3,614,610	-3,729,602	-3,846,799
Assumed Capital Programme	6,664,602	5,071,872	4,943,138	4,725,779	4,798,418	4,905,196	5,938,686	5,316,809	5,416,350	5,664,955	6,082,573	6,280,383	6,351,124	6,947,380	6,635,041
Closing Balance	-5,537,621	-3,949,594	-2,613,473	-562,302	1,465,431	3,501,577	6,470,869	8,715,932	10,956,149	13,338,519	16,029,962	20,808,551	23,545,065	26,762,844	29,551,086
CFR/Cashflow															
Opening Balance	-8,319,960	-9,729,740	-4,680,493	-6,173,038	-8,729,862	-11,330,166	-13,974,820	-16,664,712	-19,400,745	-22,183,844	-25,014,949	-27,895,020	-30,825,037	-33,805,998	-36,838,923
Less unfinanced capital expenditure (internal borrowing)															
Add Voluntary MRP	-1,409,780	-1,450,753	-1,492,545	-2,556,823	-2,600,304	-2,644,654	-2,689,892	-2,736,034	-2,783,099	-2,831,105	-2,880,071	-2,930,017	-2,980,961	-3,032,925	-3,085,927
Less Debt Repaid	6,500,000														
Closing Balance	-9,729,740	-4,680,493	-6,173,038	-8,729,862	-11,330,166	-13,974,820	-16,664,712	-19,400,745	-22,183,844	-25,014,949	-27,895,020	-30,825,037	-33,805,998	-36,838,923	-39,924,850
Net Cashflow	-15,267,362	-8,630,087	-8,786,512	-9,292,164	-9,864,735	-10,473,243	-10,193,842	-10,684,813	-11,227,695	-11,676,430	-11,865,057	-10,016,486	-10,260,933	-10,076,079	-10,373,764

SELBY DISTRICT COUNCIL - HRA 30 YEAR FINANCIAL PLAN (Based on 3																
	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Worst Case Scenario																
KEY ASSUMPTIONS	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	2043/44	2044/45	2045/46	2046/47	2047/48	2048/49	
Inflation	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	
Estimated Sales	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	
Estimated New Build	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
Rent Increase CPI + 1%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	
Number of Dwellings (Mid Year Average)	2,827	2,812	2,797	2,782	2,767	2,752	2,737	2,722	2,707	2,692	2,677	2,662	2,647	2,632	2,617	
Average Rent - Rent Restructuring	119.38	122.36	125.42	128.56	131.77	135.07	138.44	141.90	145.45	149.09	152.82	156.64	160.55	164.57	168.68	
Rent Weeks	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	
Rent Income (£)	-16,196,449	-16,513,258	-16,835,785	-17,164,118	-17,498,344	-17,838,555	-18,184,839	-18,537,289	-18,895,995	-19,261,052	-19,632,550	-20,010,586	-20,395,253	-20,786,647	-21,184,864	
Void loss	-404,911	-412,831	-420,895	-429,103	-437,459	-445,964	-454,621	-463,432	-472,400	-481,526	-490,814	-500,265	-509,881	-519,666	-529,622	
Provision for Bad & Doubtful Debts	-549,546	-560,295	-571,238	-582,379	-593,719	-605,262	-617,012	-628,970	-641,141	-653,527	-666,132	-678,959	-692,011	-705,291	-718,802	
Net Rent Income	-15,241,992	-15,540,132	-15,843,652	-16,152,636	-16,467,167	-16,787,329	-17,113,207	-17,444,886	-17,782,454	-18,125,998	-18,475,604	-18,831,362	-19,193,361	-19,561,690	-19,936,440	
% Increase in Rent	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	
REVENUE FINANCING																
Dwellings Rents	-15,241,992	-15,540,132	-15,843,652	-16,152,636	-16,467,167	-16,787,329	-17,113,207	-17,444,886	-17,782,454	-18,125,998	-18,475,604	-18,831,362	-19,193,361	-19,561,690	-19,936,440	
Garage Rents	-128,263	-130,187	-132,140	-134,122	-136,134	-138,176	-140,248	-142,352	-144,487	-146,655	-148,854	-151,087	-153,353	-155,654	-157,989	
Total Resources (£)	-15,370,255	-15,670,319	-15,975,792	-16,286,758	-16,603,300	-16,925,504	-17,253,455	-17,587,238	-17,926,942	-18,272,652	-18,624,459	-18,982,449	-19,346,715	-19,717,344	-20,094,428	
REVENUE BUDGET																
Operational Services	2,294,838	2,329,260	2,364,199	2,399,662	2,435,657	2,472,192	2,509,275	2,546,914	2,585,118	2,623,895	2,663,253	2,703,202	2,743,750	2,784,906	2,826,680	
Commissioning Contracts & Procurement	140,533	142,641	144,781	146,952	149,157	151,394	153,665	155,970	158,309	160,684	163,094	165,541	168,024	170,544	173,102	
Contingency	91,016	92,382	93,767	95,174	96,602	98,051	99,521	101,014	102,529	104,067	105,628	107,213	108,821	110,453	112,110	
CEC Recharge from General Fund Savings Target	3,420,166	3,471,469	3,523,541	3,576,394	3,630,040	3,684,490	3,739,758	3,795,854	3,852,792	3,910,584	3,969,243	4,028,781	4,089,213	4,150,551	4,212,809	
Debt Management Costs	7,281	7,391	7,501	7,614	7,728	7,844	7,962	8,081	8,202	8,325	8,450	8,577	8,706	8,836	8,969	
Investment Interest - Notional Sum	-173,355	-176,822	-180,358	-183,966	-187,645	-191,398	-195,226	-199,130	-203,113	-207,175	-211,319	-215,545	-219,856	-224,253	-228,738	
Repayment of HRA Reform Loan (Interest)	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,254,150	1,254,150	1,254,150	1,254,150	1,254,150	1,254,150	1,254,150	
Contribution to Computer Development Reserve	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	
Net Service Costs	7,672,385	7,758,225	7,845,336	7,933,736	8,023,443	8,114,478	8,206,860	8,300,608	8,400,988	8,502,530	8,605,000	8,708,198	8,812,807	8,918,188	9,024,082	
Net Service Surplus / Deficit before contribution to MRR & CAA	-7,697,870	-7,912,093	-8,130,456	-8,353,022	-8,579,857	-8,811,026	-9,046,595	-9,286,630	-10,118,954	-10,368,122	-10,621,959	-10,880,531	-11,143,907	-11,412,156	-11,685,346	
Voluntary MRP for Self-Financing Debt	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	2,281,650	0	0	0	0	0	0	0	
Assumed Voluntary MRP for HDP	858,340	913,484	969,731	1,027,103	1,085,622	1,145,312	1,206,195	1,268,297	1,331,640	1,396,250	1,462,152	1,529,372	1,598,649	1,618,954	1,666,830	
Assumed HDP Interest	591,651	629,039	667,174	706,072	745,748	786,218	827,497	869,602	912,548	956,354	1,001,035	1,046,611	1,079,094	1,100,890	1,130,253	
Net Resources Transferred to Major repairs Reserve	-3,966,229	-4,087,920	-4,211,901	-4,338,197	-4,466,836	-4,597,846	-4,731,253	-4,867,082	-7,874,766	-8,015,519	-8,158,772	-8,304,548	-8,484,165	-8,692,312	-8,888,263	
Major Repairs Reserve																
Opening Balance	29,551,086	32,356,331	32,113,611	31,802,009	31,595,020	31,372,199	31,703,746	36,525,146	35,888,548	32,346,653	28,936,040	25,466,121	21,683,787	17,852,937	13,658,488	
Transfers																
Revenue Contributions	-3,966,229	-4,087,920	-4,211,901	-4,338,197	-4,466,836	-4,597,846	-4,731,253	-4,867,082	-7,874,766	-8,015,519	-8,158,772	-8,304,548	-8,484,165	-8,692,312	-8,888,263	
Assumed Capital Programme	6,771,475	3,845,201	3,900,299	4,131,208	4,244,015	4,929,394	9,552,652	4,230,485	4,332,870	4,604,906	4,688,853	4,522,214	4,653,315	4,497,863	5,337,135	
Closing Balance	32,356,331	32,113,611	31,802,009	31,595,020	31,372,199	31,703,746	36,525,146	35,888,548	32,346,653	28,936,040	25,466,121	21,683,787	17,852,937	13,658,488	10,107,360	
CFR/Cashflow																
Opening Balance	-39,924,850	-43,064,840	-46,259,974	-49,511,356	-52,820,109	-56,187,381	-59,614,343	-63,102,188	-49,859,135	-51,190,774	-52,587,024	-54,049,176	-55,578,548	-57,159,197	-58,778,151	
Less unfinanced capital expenditure (internal borrowing)																
Add Voluntary MRP	-3,139,990	-3,195,134	-3,251,381	-3,308,753	-3,367,272	-3,426,962	-3,487,845	-3,549,947	-1,331,640	-1,396,250	-1,462,152	-1,529,372	-1,580,649	-1,618,954	-1,666,830	
Less Debt Repaid								16,793,000								
Closing Balance	-43,064,840	-46,259,974	-49,511,356	-52,820,109	-56,187,381	-59,614,343	-63,102,188	-49,859,135	-51,190,774	-52,587,024	-54,049,176	-55,578,548	-57,159,197	-58,778,151	-60,444,981	
Net Cashflow	-10,708,509	-14,146,363	-17,709,346	-21,225,088	-24,815,182	-27,910,596	-26,577,043	-13,970,586	-18,844,122	-23,650,984	-28,583,055	-33,894,761	-39,306,260	-45,119,663	-50,337,620	

HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME - DECENT HOMES + (15 Year Programme)

	Revised Programme 2019/20 £	Estimated Programme 2020/21 £	Estimated Programme 2021/22 £	Estimated Programme 2022/23 £	Estimated Programme 2023/24 £	Estimated Programme 2024/25 £	Estimated Programme 2025/26 £	Estimated Programme 2026/27 £	Estimated Programme 2027/28 £	Estimated Programme 2028/29 £	Estimated Programme 2029/30 £	Estimated Programme 2030/31 £	Estimated Programme 2031/32 £	Estimated Programme 2032/33 £	Estimated Programme 2033/34 £
PROJECTS															
Safety															
Electrical Rewires	240,000.00	533,140.40	543,803.21	554,679.27	565,772.86	577,088.31	588,630.08	600,402.68	612,410.74	624,658.95	637,152.13	649,895.17	662,893.08	676,150.94	689,673.96
Fire Risk Assessments	100,000.00	51,000.00													
Asbestos Assessments	120,000.00	122,400.00	124,848.00												
Energy Efficiency															
Central Heating - Gas	526,773.00	413,916.00	422,194.32	430,638.21	439,250.97	448,035.99	1,426,622.55	724,590.92	802,352.34	990,492.72	981,046.71	795,510.88	864,687.26	738,390.66	1,014,415.27
Central Heating - Solid Fuel / Systems	75,000.00	76,500.00	78,030.00	79,590.60	81,182.41	82,806.06	84,462.18	86,151.43	87,874.45	89,631.94	91,424.58	93,253.07	95,118.13	97,020.50	98,960.91
Roof Replacements	1,111,805.00	1,028,874.00	1,049,451.48	1,070,440.51	1,091,849.32	1,113,686.31	1,135,960.03	1,158,679.23	1,181,852.82	1,205,489.87	1,229,599.67	1,254,191.66	1,279,275.50	1,304,861.01	1,330,958.23
Energy Efficiency Programme	150,000.00														
Planned and/or cyclical															
Damp Surveys & Works	348,110.00	224,400.00	228,888.00	233,465.76	238,135.08	242,897.78	247,755.73	252,710.85	257,765.06	262,920.37	268,178.77	273,542.35	279,013.19	284,593.46	290,285.33
Door & Window Replacements	687,563.00														
Window Replacements		567,732.00	579,086.64	590,668.37	602,481.74	614,531.38	626,822.00	639,358.44	652,145.61	665,188.52	678,492.29	692,062.14	705,903.38	1,441,853.95	766,089.37
Kitchen Replacements	305,076.00	371,076.00	378,497.52	386,067.47	393,788.82	401,664.60	409,697.89	417,891.85	426,249.68	434,774.68	443,470.17	2,746,365.17	830,444.73	847,053.62	863,994.69
Door Replacement		172,114.80	175,557.10	179,068.24	182,649.60	186,302.59	190,028.65	193,829.22	197,705.80	201,659.92	205,693.12	465,196.06	429,984.70	438,584.39	447,356.08
Void Property Repairs	145,000.00	138,036.60	130,736.66	123,089.52	115,084.19	106,709.41	97,953.61	88,804.89	79,251.04	69,279.52	58,877.43	48,031.55	36,728.28	24,953.67	12,693.39
Fencing & Gates	60,830.00	40,800.00	41,616.00	42,448.32	43,297.29	44,163.23	45,046.50	45,947.43	46,866.38	47,803.70	48,759.78	49,734.97	50,729.67	51,744.27	52,779.15
Bathroom Replacements	134,400.00	522,076.80	532,518.34	543,168.70	554,032.08	565,112.72	576,414.97	587,943.27	599,702.14	611,696.18	623,930.10	636,408.71	649,136.88	662,119.62	675,362.01
Pointing Works	575,461.00	306,000.00	312,120.00	318,362.40	324,729.65	331,224.24	337,848.73	344,605.70	351,497.81	358,527.77	365,698.33	373,012.29	380,472.54	388,081.99	395,843.63
Pre Paint & Cyclical Repairs	418,966.00														
Laurie Backhouse Court Refurbishment	38,231.00														
Aids & Adaptations		183,600.00	187,272.00	191,017.44	194,837.79	198,734.54	202,709.24	206,763.42	210,898.69	215,116.66	219,419.00	223,807.38	228,283.52	232,849.19	237,506.18
Community Centre Refurbishment	78,000.00					33,122.42					36,569.83				
Sheltered Homes Adaption	249,799.00	153,000.00									201,134.08	186,506.15			
Investment															
Empty Homes Programme	1,300,000.00	700,000.00													
Estate Enhancements	224,412.00										121,899.44				
Ousegate Refurbishment	55,804.00														
St Wilfrids Court Refurbishment	113,000.00														
New Build Projects	3,479,400.00														
Environmental Improvement Plan	145,710.00														
Co Detection Installation Programme	226,600.00														
Co Detection Replacement Programme		38,556.00	39,327.12				42,568.94	43,420.32				46,999.55	47,939.54		
Communal Area Refurbishment Programme	230,000.00	234,600.00	239,292.00	244,077.84	248,959.40	253,938.58	259,017.36	264,197.70	269,481.66	274,871.29	280,368.72	285,976.09	291,695.61	297,529.53	303,480.12
Footpath Repairs	184,062.00	175,950.00	179,469.00	183,058.38	186,719.55	190,453.94	194,263.02	198,148.28	202,111.24	206,153.47	210,276.54	214,482.07	218,771.71	223,147.14	227,610.09
Sewage Pumping Station Replacement Programme	120,000.00	122,400.00	124,848.00												
TOTAL	11,444,002.00	6,176,172.60	5,367,555.38	5,169,841.03	5,262,770.73	5,390,472.11	6,465,801.47	5,853,445.62	5,978,165.47	6,258,265.56	6,701,990.69	9,034,975.27	7,051,077.73	7,708,933.94	7,407,008.39
SUMMARY OF FUNDING															
Revenue Contributions	6,664,602.00	5,476,172.60	5,367,555.38	5,169,841.03	5,262,770.73	5,390,472.11	6,465,801.47	5,853,445.62	5,978,165.47	6,258,265.56	6,701,990.69	9,034,975.27	7,051,077.73	7,708,933.94	7,407,008.39
Borrowing	2,900,000.00														
Capital Receipts	779,400.00	280,000.00													
HCA Grant Funding	390,000.00	210,000.00													
S.106 Commuted Sums - affordable housing subsidy	710,000.00	210,000.00													
TOTAL	11,444,002.00	6,176,172.60	5,367,555.38	5,169,841.03	5,262,770.73	5,390,472.11	6,465,801.47	5,853,445.62	5,978,165.47	6,258,265.56	6,701,990.69	9,034,975.27	7,051,077.73	7,708,933.94	7,407,008.39

HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME - DECENT HOMES + (15 Year Programme)

	Estimated Programme 2034/35 £	Estimated Programme 2035/36 £	Estimated Programme 2036/37 £	Estimated Programme 2037/38 £	Estimated Programme 2038/39 £	Estimated Programme 2039/40 £	Estimated Programme 2040/41 £	Estimated Programme 2041/42 £	Estimated Programme 2042/43 £	Estimated Programme 2043/44 £	Estimated Programme 2044/45 £	Estimated Programme 2045/46 £	Estimated Programme 2046/47 £	Estimated Programme 2047/48 £	Estimated Programme 2048/49 £	
PROJECTS																
Safety																
Electrical Rewires	703,467.44							4,166,718.35	114,402.50	116,690.55	119,024.36	121,404.84	123,832.94	126,309.60	128,835.79	427,090.65
Fire Risk Assessments																
Asbestos Assessments																
Energy Efficiency																
Central Heating - Gas	1,034,703.58	1,503,200.35	1,533,264.35	1,563,929.64	1,595,208.23	1,627,112.40	1,304,988.72	347,845.43	439,954.89	680,368.96	654,601.79	391,579.84	471,100.67	287,268.99	644,631.62	
Central Heating - Solid Fuel / Systems	100,940.13	102,958.93	105,018.11	107,118.47	109,260.84	111,446.05	113,674.98	115,948.48	118,267.44	120,632.79	123,045.45	125,506.36	128,016.49	130,576.82	133,188.35	
Roof Replacements	1,357,577.39															
Energy Efficiency Programme																
Planned and/or cyclical																
Damp Surveys & Works	296,091.03	302,012.86	308,053.11	314,214.17	320,498.46	326,908.43	333,446.60	340,115.53	346,917.84	353,856.19	360,933.32	368,151.99	375,515.02	383,025.33	390,685.83	
Door & Window Replacements																
Window Replacements	777,373.55	32,946.86	29,405.07	34,277.91	30,593.03	35,662.74	686,596.85	700,328.79	941,408.86	960,237.04	979,441.78	999,030.61	1,019,011.23	1,039,391.45	1,060,179.28	
Kitchen Replacements	881,274.59	399,480.64	407,470.25	651,280.29	664,305.89	677,592.01	691,143.85	704,966.73	719,066.06	733,447.39	748,116.33	763,078.66	778,340.23	793,907.04	809,785.18	
Door Replacement	456,303.20	233,785.41	238,461.11	243,230.34	287,865.89	293,623.21	319,199.33	325,583.32	332,094.99	338,736.88	345,511.62	352,421.85	359,470.29	366,659.70	373,992.89	
Void Property Repairs																
Fencing & Gates	53,834.73	54,911.43	56,009.66	57,129.85	58,272.45	59,437.90	60,626.65	61,839.19	63,075.97	64,337.49	65,624.24	66,936.72	68,275.46	69,640.97	71,033.79	
Bathroom Replacements	688,869.25						742,676.51	64,931.15	66,229.77	67,554.36	68,905.45	70,283.56	71,689.23	73,123.02	318,231.37	
Pointing Works	403,760.50	411,835.71	420,072.43	428,473.87	437,043.35	445,784.22	454,699.90	463,793.90	473,069.78	482,531.17	492,181.80	502,025.43	512,065.94	522,307.26	532,753.41	
Pre Paint & Cyclical Repairs																
Laurie Backhouse Court Refurbishment																
Aids & Adaptations	242,256.30	247,101.43	252,043.46	257,084.32	262,226.01	267,470.53	272,819.94	278,276.34	283,841.87	289,518.70	295,309.08	301,215.26	307,239.57	313,384.36	319,652.04	
Community Centre Refurbishment	40,376.05					44,578.42					49,218.18					
Sheltered Homes Adaption						245,181.32	227,349.95									
Investment																
Empty Homes Programme																
Estate Enhancements						148,594.74										
Ousegate Refurbishment																
St Wilfrids Court Refurbishment																
New Build Projects																
Environmental Improvement Plan																
Co Detection Installation Programme																
Co Detection Replacement Programme		51,891.30	52,929.13				57,292.19	58,438.03				63,255.20	64,520.31			
Communal Area Refurbishment Programme	309,549.72	315,740.71	322,055.53	328,496.64	335,066.57	341,767.90	348,603.26	355,575.32	362,686.83	369,940.57	377,339.38	384,886.17	392,583.89	400,435.57	408,444.28	
Footpath Repairs	232,162.29	236,805.53	241,541.64	246,372.48	251,299.93	256,325.93	261,452.44	266,681.49	272,015.12	277,455.43	283,004.53	288,664.62	294,437.92	300,326.68	306,333.21	
Sewage Pumping Station Replacement Programme						178,313.69	181,879.96	185,517.56								
TOTAL	7,578,539.75	3,892,671.15	3,966,323.84	4,231,607.98	4,351,640.65	5,059,799.48	10,223,169.49	4,384,243.75	4,535,319.97	4,857,641.34	4,964,637.80	4,800,869.23	4,968,575.84	4,808,882.96	5,796,001.90	
SUMMARY OF FUNDING																
Revenue Contributions	7,578,539.75	3,892,671.15	3,966,323.84	4,231,607.98	4,351,640.65	5,059,799.48	10,223,169.49	4,384,243.75	4,535,319.97	4,857,641.34	4,964,637.80	4,800,869.23	4,968,575.84	4,808,882.96	5,796,001.90	
Borrowing																
Capital Receipts																
HCA Grant Funding																
S.106 Commuted Sums - affordable housing subsidy																
TOTAL	7,578,539.75	3,892,671.15	3,966,323.84	4,231,607.98	4,351,640.65	5,059,799.48	10,223,169.49	4,384,243.75	4,535,319.97	4,857,641.34	4,964,637.80	4,800,869.23	4,968,575.84	4,808,882.96	5,796,001.90	

Summary of feedback

(Approximately 40 respondents – combination of survey results and qualitative feedback).

Objective 1

- There was unanimous approval of the decision to increase Selby's Decent Homes Standard. However, there was discussion in the focus group as to whether 15 years was too long. It was explained that this was to introduce a cyclical process of upgrades and does not mean tenants will be waiting 15 years to have this work done – ensure this is clear in the plan.
- 79% wanted SDC to consider ways to be more energy efficient. Only 2 respondents were against this proposal; however it should be noted that this question was specifically focused on off-gas properties, so will not have been relevant to all respondents. Having a more general discussion in the focus group, it was suggested that energy efficiency should also consider loft insulation and adequate windows and doors - ensure this is also made clear in the plan.
- 91% agreed that we should increase property inspections to learn more about our properties. There was no opposition to this proposal; but it was stressed that it is not just about the number of properties that are inspected but the quality of the inspection – this needs to be thorough and consider the whole of the property. Agreed this is important and will be included more in the plan.
- 79% of respondents agreed that we need to focus more on specialist housing needs (rural and supported housing). The remaining 21% were non-committal. In the focus group it was stressed that people who live outside of the larger villages are 'forgotten' about, especially in terms of needing more affordable housing for younger people wanting to buy their first home but being priced out of rural markets. They also felt that the district should offer more in terms of supported housing for both elderly and younger people, to gain or maintain independence.
- In terms of additional things tenants wanted to raise for Objective 1, these were:
 - To increase free play areas for children and young adults.
 - To be more flexible on the eligible age for bungalows and to help single people in big properties find smaller accommodation.
 - Focus more on estate security, such as good fencing, quality locks and doors and lighting over doors.

Objective 2

- 89% of respondents want SDC to increase their relationship with tenants. This should be secured by the publication of our Tenant Participation Strategy.
- 89% also agreed that we should look to improve our responsive repairs programme through the use of new IT provisions. Only 1 respondent was against this proposal. In the focus group, communication between tenants and staff in the Property Services team was noted as an issue. This was surrounding updates on repairs and when workmen are planning to attend. It is hoped these issues will be improved by the use of our new automated system. Another issue born from this

discussion was around the different levels of communication and service provided in regards to Council versus contractor repairs. This issue will be passed to the Property Services team to look into further.

- 89% again agreed that fire safety in communal areas should be provided additional funding. No respondent opposed the plan, the rest neither approved nor disapproved.
- 82% agreed with plans to initially prioritise people with local connection for available properties on the housing register.
- In terms of additional things tenants wanted to raise for Objective 2, these were:
 - Wanting us to utilise empty buildings more, helping to lower the housing waiting list.
 - Stressing that not all residents have access to IT or the knowledge to use it, when looking at feedback opportunities.
 - Wanting SDC to act on the reports given to Neighbourhood Officers by local residents, making them feel valued.
 - The need to get younger tenants involved in engagement opportunities.

Objective 3

- 91% agreed we should be building more affordable housing in partnership with the Housing Trust. No one opposed this proposal. This need was also stressed in the focus group.
- 91% also agreed that we should commit to the 'one for one' replacement promise. Only 1 respondent did not agree.
- 85% agreed that housing need should be the deciding factor in regards to the type, size and location of the properties we build. In the focus group it was also stressed that new build properties should have a focus on green energy. The group also felt we needed to do more to ensure that empty homes are brought back into use to replenish stock lost through Right to Buy. The focus group were not supportive of this initiative. There was also a discussion in regards to modular housing and the group were interested in how this works and what kind of quality it offers.
- When discussing the definition of Affordable housing, the focus group felt that the Council needed to be as flexible as possible on this definition to ensure local people were truly able to access affordable housing. They also questioned why more social housing was not being built, or one bedroom properties for single and young people.
- 88% agreed SDC need to look at reducing void times in our properties.
- In terms of additional things tenants wanted to raise for Objective 2, these were:
 - To ensure properties are fit for purpose prior to tenancy signing.
 - To increase the amount of workmen available so that voids are made available faster.
 - Stressing that community cohesion is more important than housing need.



Report Reference Number: E/13/34

To: Executive
Date: 5 December 2019
Status: Non Key Decision
Author: Paula Craddock, Senior Planning Policy Officer
Lead Executive Member Cllr Richard Musgrave, Lead Executive Member for Place Shaping
Lead Officer: Dave Caulfield, Director of Economic Regeneration & Place

Title: Proposed removal by British Telecom (BT) of eleven BT Payphones in the Selby District.

Summary:

On 28 August 2019 British Telecom (BT) notified Selby District Council of their proposed removal of eleven payphones (and call boxes) in the Selby District (see Appendix 1). There is a tight statutory deadline to consult and respond. If no response is made, the phoneboxes will be removed. This report therefore seeks **delegated authority** from Executive to the Director of Economic Regeneration & Place in consultation with the Lead Councillor for Place Shaping to take a decision.

According to BT the consultation has been driven by the decline in the overall use of payphones. Local authorities have the right (and thus a responsibility) from Ofcom, the telecommunications regulator, to gather views from local communities and to provide a reasoned response either objecting or agreeing to the removal of payphones.

The Council has carried out an initial consultation with local communities by contacting Parish and Town Councils and the responses received are set out in Appendix 1.

The next stage of the process is for the Council to publish its draft decision in the form of a notification ("the First Notification"). This invites further representations by the public and other local public bodies. A copy of the First Notification is sent to the Secretary of State. After the set time period for the First Notification the Council must make a final judgement on retaining or removing payphones by considering relevant factors set out in Ofcom's guidance and based on the views of the public and Parish and Town Councils, the quality of mobile phone coverage, the use for 999 calls and usage by local communities.

It is considered that payphones should be seen as a key part of the resilience and emergency infrastructure of local communities.

Recommendations:

1. To approve the scope of the consultation as set out in Appendix 2 and the publication of the First Notification for further consultation as set out in Appendix 3.
2. To delegate authority to the Director of Economic Regeneration & Place in consultation with the Lead Councillor for Place Shaping to make a decision in relation to any further responses received to the First Notification and to determine the final response (the “Final Notification”) to BT and the Secretary of State.

Reasons for recommendation

The Council has a right to respond to this consultation in line with the 2005 Ofcom (Office of Communications) rules for the removal of telephones and phone boxes. These rules give Local Authorities the power to object to such removals and this report seeks approval for consultation to take place on an initial objection, and delegated authority be given to the Director of Economic Regeneration & Place to consider the results and whether to maintain objection in consultation with the Lead Councillor for Place Shaping.

1. Introduction and background

- 1.1 In 2005 Ofcom (Office of Communications) agreed a new set of rules which BT must follow if it wishes to remove the only telephone box in a local area. These rules give Local Authorities the power to provide evidence to retain the payphones and veto the removal.
- 1.2 The Council was informed by BT of its proposal to remove eleven payphones in August 2019 and the 42 Day Notices were posted by BT in each of the payphones proposed for removal. These Notices advised people to contact the Local Planning Authority with their comments on the proposed removal. Only one response was received as a result of these notices. This was from a member of the public at Whitley wanting to retain the payphone,
- 1.3 The Council followed Ofcom’s guidelines to carry out a two stage consultation exercise, the first stage commenced immediately after receiving the notification letter in August. The Council informed Parish and Town Councils on 29 August 2019, 3 September 2019 and again on 24 September 2019 with a request to respond by 7 October 2019. The Council sent a further email to the Parish and Town Councils seeking clarification on some responses.

2. The Report

First Stage Consultation: pre-First Notification

- 2.1 The Council, in its emails to the Parish and Town Councils, asked whether they objected to or supported BT’s proposal to remove their payphone. The BT consultation letter was forwarded to them which also provided links to further information and Ofcom advice. The information provided from BT records showed

that calls had been made in the last 12 months from all 11 payphones. The usage ranged from 2 calls to 116 calls.

- 2.2 As part of the consultation information regarding BT's 'adopt a phone box' scheme was included so that communities could also consider an alternative use for the phone box or kiosk if the payphone was removed.

Results of the First Stage consultation

- 2.3 Of the ten relevant Town and Parish Councils consulted, seven responded to the first stage consultation regarding 8 of the 11 payphones (2 payphones are located in Church Fenton). The responses are set out in Appendix 1. The initial responses indicate that:
- two Parish/Town Councils object to the proposed removal and wish to retain their payphones as they are still in use;
 - one wishes to retain both payphones in their parish but if they are removed would like to adopt the 2 phone boxes;
 - one wishes to adopt their phone box, but did not clarify either support or not for the removal of the payphone;
 - one did not want to adopt the phone box, but again did not clarify either support or not for the removal of the payphone, and
 - two supported the removal of their payphones and did not wish to adopt the phone boxes.

First Decision

- 2.4 It is clear that payphones need to be considered as a key part of the resilience and emergency infrastructure of local communities. The Core Strategy Local Plan (2013) resists the loss of existing services and facilities and encourages the establishment of new facilities to serve the day-to-day needs of existing communities and the planned growth of communities outside of the established town centres (Policy SP14). The main objectives of the community services policies in the Selby District Local Plan (2005) set out to safeguard and enhance the provision of community facilities and to ensure that redundant community facilities are re-used for uses that benefit local communities.
- 2.5 The District Council has been gathering information in line with the guidance provided by Ofcom for considering whether or not a payphone should be removed. This includes: housing tenure, population / households, number of emergency calls and mobile phone coverage. For example: Selby District is generally covered by mobile phone signals. However, there are differences in the quality of the service provision between the four main providers: Vodaphone, O2, EE and 3. Some areas of the district including those settlements where the identified payphones are located do not have a reliable signal from each of these service providers.
- 2.6 With respect to heritage designations, three payphones and phone boxes are within designated Conservation Areas and two of these phone boxes are traditional red phone boxes (Stillingfleet and Monk Fryston). A further traditional red phone box and payphone is within an area that is identified as a potential Conservation Area in the emerging Church Fenton Neighbourhood Plan. The contribution each payphone

and phone box makes to the street scene is important and is considered. The Selby phone box identified for potential removal is a modern kiosk, but is just outside of the Millgate Conservation Area. Whilst 2 more of the identified phone boxes are traditional red phone boxes and can be considered to positively contribute to the street scene (Church Fenton and Cridling Stubbs).

- 2.7 For the First Notification it is suggested that as a call has been made from every payphone in the last 12 months, and considering other factors, such as the responses from the consultees, housing tenure in the area, population, conservation area designation, emergency calls and mobile phone coverage it is proposed that all eleven proposed payphone removals are objected.

Second Stage Consultation: post First Notification

- 2.8 The second stage consultation is the publication of the First Notification for comments. It is proposed that this will begin on 18 December 2019 and close at 5.00pm on 20 January 2020. Consultees will be asked whether they support, or not, the Council's First Decision. The local Fire, Police and Ambulance services will also be invited to respond to the consultation.
- 2.9 It is proposed the First Notification will be publicised in accordance with Appendix 2.
- 2.10 After receipt of any responses to the First Notification the Director of Economic Regeneration & Place in consultation with the Lead Councillor for Place Shaping will consider the responses and determine the Final Notification to be sent to BT and the Secretary of State detailing the Council's decision regarding each of the eleven payphones.

3. Alternative Options Considered

- 3.1 If a consultation process by the District Council publishing the "First Notification" does not take place then all the payphones identified by BT will be removed. Consultation gives an opportunity for consultees to have a say in the decision making process regarding payphone removal.

4. Implications

4.1 Legal Implications

- 4.1.1 There are no legal implications attached to this decision. The Council has followed the guidelines for consultation as set down by Ofcom and kept BT informed of the process being followed.

4.2 Financial Implications

- 4.2.1 There are no financial implications for the Council regarding the potential removal of the eleven payphones. In objecting to the proposed removal, the Council will need to ensure that the reasons for objecting are fully reasoned, robust and defensible to reduce any risk of costs.

4.2.2 The decision to adopt a phone box, should the payphone be removed, is the decision of the relevant Parish and Town Council in an agreement with BT. There will be no financial implications for the Council regarding the maintenance of the phone box.

4.2.3 The preparation of the current consultation material and arrangements for the consultation process will be met by the Planning Policy Team budget.

4.3 Policy and Risk Implications

4.3.1 The Ofcom guidelines set out that the consultation by BT allows for a 90 day consultation period for the completion of the 42 Day Notices posted by BT, the consideration by the Local Authority of any responses to the 42 Day Notice, the publication of the First Notification and the consideration of the consultation responses before the Local Authority decides on the Final Notification. To meet Executive timetabling and due consideration of the responses, Officers have negotiated with BT an extension of the 90 days to 31 January 2020. By delegating to the Director of Economic Regeneration & Place in consultation with the Lead Councillor for Place Shaping to make a decision on the Final Notification, there is minimal risk that the Council will miss this deadline.

4.3.2 Failing to respond to the consultation by the deadline agreed will mean that all eleven payphones will be removed. Only those phone boxes (with no payphone inside) where the Parish or Town Council has agreed with BT to adopt a phone box will be retained for an alternative use.

4.4 Corporate Plan Implications

4.4.1 To make a difference – the consultation will empower and enable people and communities to be involved in decisions that affect their area

4.5 Resource Implications

4.5.1 The preparation of the consultation material and arrangements for the consultation process will be met by the Planning Policy Team budget.

4.6 Other Implications

Data Protection

4.6.1 The consultation arrangements meet the requirements under the General Data Protection Regulations (GDPR). The Planning Policy Privacy Notice together with the Corporate privacy Notice will be drawn to the attention of those submitting comments on the First Notification.

4.7 Equalities Impact Assessment

4.7.1 Selby District Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics: age, disability, gender

reassignment, marriage and civil partnership, pregnancy and maternity race, religion or belief, sex and sexual orientation. The removal of payphones, particularly in areas where there is limited mobile phone network coverage or a predominance of elderly / vulnerable residents who may not have access to a mobile phone or landline, will create a variety of disadvantages for those residents and the wider community to engage. However, BT has a duty under the Equality Act 2010 to ensure that services are accessible and that it is not indirectly discriminating against the disabled or elderly.

4.7.2 Therefore, it is suggested that the Council should raise this with BT when responding with the Council's Final Notification.

5. Conclusion

5.1 The publication and consultation on the First Notification will meet the Ofcom guidelines for consultation on the potential removal of payphones. It will also provide the wider community with the opportunity to be involved in the decision making process.

5.2 The Executive are asked to consider this report on the consultation undertaken to date and to release the First Notification (as in Appendix 3) for consultation as set out in Appendix 2. The Executive are also asked to consider delegating authority to the Director of Economic Regeneration & Place in consultation with the Lead Councillor for Place Shaping to make a decision in relation to any responses received to the First Notification and to determine the final response (the "Final Notification") for sending to BT and the Secretary of State.

6. Background Documents

None

7. Appendices

Appendix 1 – List of Payphones and responses

Appendix 2 - Consultation proposed

Appendix 3 - Draft First Notification

Contact Officer:

Paula Craddock

Senior Planning Policy Officer

pcraddock@selby.gov.uk

01757-292096

Appendix 1: Schedule of 11 Telephones identified by BT for removal and Pre-First Notification Responses

	Telephone Number	Location	Town / Village	Postcode	Total Number of calls in last 12 months	Number of emergency calls in last 12 months	Selby District Council Draft Decision (Object / Consent)	Pre-First Notification Responses
1	01757228690	PCO PCO1 Main Road	Hambleton	YO8 9JD	16	0	Object	"Hambleton PC would like to adopt the phone box on Main Road, Hambleton please."
2	01757638220	PCO1 Near junction Villa Close, Main Street	Hemingbrough	YO8 6QF	43	0	Object	"The proposal to remove the payphone kiosk on Main Street (near junction with Villa Close) was discussed at a recent Parish Council meeting but the information supplied by British Telecom indicates that 43 calls have been made from the payphone in the last 12 months so the Parish Council object to the removal as the payphone is still being used on a regular basis."
3	01757702204	Junction Charles Street and Bondgate PCO Cockret Lane	Selby	YO8 4RT	116	0	Object	No response received from Town Council
4	01757704902	Junction with York Road, PCO1 Northfield	Barlby	YO8 5JS	21	3	Object	".. after due discussion it was decided NOT to adopt the phone box. So no objections to the removal. "
5	01904728421	PCO PCO1 York Road	Stillingfleet	YO19 6SJ	4	0	Object	"Stillingfleet Parish Council is not wanting to adopt the phone box and supports the removal of the payphone."
6	01937557232	PCO Post Office, Station Road	Church Fenton	LS24 9RA	57	0	Object	"I can confirm that the Parish Council has no active desire for the phone equipment to be removed, but does not objection to its removal, and wishes to see the phone boxes retained in the village."
7	01937557298	Outside Fenton Flyer, PCO1 Main Street	Church Fenton	LS24 9RF	7	0	Object	"I can confirm that the Parish Council has no active desire for the phone equipment to be removed, but does not objection to its removal, and wishes to see the phone boxes retained in the village."

	Telephone Number	Location	Town / Village	Postcode	Total Number of calls in last 12 months	Number of emergency calls in last 12 months	Selby District Council Draft Decision (Object / Consent)	Pre-First Notification Responses
8	01937835860	O/S parade of Shops PCO1 Stutton Road	Tadcaster	LS24 9HJ	23	0	Object	"Further to the council meeting on the 24 September it has been decided not to purchase/adopt the phone box with telephone number 01937 835860 and address O/S Parade of Shops PCO1 Stutton Road, Tadcaster"
9	01977661557	CT34 O/S Chantry No4 PCO1 Doncaster Road	Whitley	DN14 0HY	6	0	Object	No response received from Parish Council. Member of the public responded to 42 day Notice: "Whilst I acknowledge that use of Public Payphone's has reduced significantly in recent years I still think that in some areas they provide an essential form of communication, in particular in cases of emergencies. This particular Payphone is sited on the A19, a main road used by motorists. I would think that having a Payphone as a fall back should mobile communications fail is an important provision for the community. I understand that there were still some calls made from the Payphone so I think this demonstrates there is still a need."
10	01977673391	O/S 37 Croft Lea PCO1 Wrights Lane	Cridling Stubbs	WF11 0AS	5	1	Object	No response received from Parish Council
11	01977682703	PCO1 CT34 Opposite Crown Hotel	Monk Fryston	LS25 1XX	2	0	Object	"The Parish Council agreed at its meeting that it doesn't want the telephone box to be removed and it wants it to remain as a working payphone. In 2018 BT gave an undertaking to the PC to refurbish it and the PC wants that undertaking to be actioned. For the record in the previous consultation in 2017 Monk Fryston Time Team expressed to the Parish Council the same view as that of Selby District Council, being that the kiosk should remain here in Monk Fryston as an iconic feature in the village.

	Telephone Number	Location	Town / Village	Postcode	Total Number of calls in last 12 months	Number of emergency calls in last 12 months	Selby District Council Draft Decision (Object / Consent)	Pre-First Notification Responses
								Nothing has changed in the interim."

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Appendix 2: Proposed Consultation Arrangements for Publication of First Notification

Proposed consultees to be sent First Notification for response

- The relevant Parish and Town Councils
- SDC Disability Forum
- Community Centres (relevant wards)
- Village Halls (relevant wards)
- Salvation Army, Selby
- North Yorkshire Fire Service
- North Yorkshire Police
- North Yorkshire Ambulance

Publication of First Notification Displayed at/on:

- Selby District Council website
- Notice Board o/s Civic Centre
- Notice Board at Customer Contact Centre
- Notice Board at Community House
- Community Centres (relevant wards)
- Village Halls (relevant wards)
- Libraries
- Leisure Centres – Tadcaster & Selby
- Church Fenton Village Shop
- On the Outside of the relevant Telephone Boxes

Publication of First Notification / Press release

- Winter Citizen's Link (if in time)
- Local newspapers
 - Selby Times
 - Harrogate Advertiser
 - Pontefract and Castleford Express
 - The York Press

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Appendix 3

FIRST NOTIFICATION

Notification under section 49(4) of the Communications Act 2003

Draft decision by Selby District Council in response to a proposal by British Telecommunications plc for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

1. Selby District Council, in accordance with section 49 (4) of the Communications Act 2003 ('the Act') hereby make the following draft decision in response to a proposal by British Telecommunications plc for the removal of public call boxes pursuant to Part 2 of the Direction.
2. The draft decision is set out in the Schedule to this Notification.
3. The effect of, and Selby District Council's reasons for making, the draft decision is set out in the Schedule to this Notification.
4. Selby District Council consider that the draft decision complies with the requirements of sections 45 to 50 of the Act, as appropriate and relevant to the proposal.
5. In making the draft decision, Selby District Council has considered and acted in accordance with the six community requirements in section 4 of the Act.
6. Representations may be made to Selby District Council about the draft decision by 5.00pm on 20 January 2020.
7. A copy of this Notification has been sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
8. The Schedule to this Notification shall form part of this Notification.

Name

A person authorised by Selby District Council to sign this Notification

Date

Schedule

Draft decision by Selby District Council in response to a proposal by British Telecommunications plc for the removal of public call boxes pursuant to part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

	Telephone Number	Location			Number of calls in last 12 months	Decision (Object / Consent)	Consultee Responses
1	01757228690	PCO PCO1 Main Road	Hambleton	YO8 9JD	16	Object	"Hambleton PC would like to adopt the phone box on Main Road, Hambleton please."
2	01757638220	PCO1 Near junction Villa Close, Main Street	Hemingbrough	YO8 6QF	43	Object	"The proposal to remove the payphone kiosk on Main Street (near junction with Villa Close) was discussed at a recent Parish Council meeting but the information supplied by British Telecom indicates that 43 calls have been made from the payphone in the last 12 months so the Parish Council object to the removal as the payphone is still being used on a regular basis."
3	01757702204	Junction Charles Street and Bondgate PCO Cockret Lane	Selby	YO8 4RT	116	Object	No response received from Town Council
4	01757704902	Junction with York Road, PCO1 Northfield	Barlby	YO8 5JS	21	Object	".. after due discussion it was decided NOT to adopt the phone box. So no objections to the removal. "
5	01904728421	PCO PCO1 York Road	Stillingfleet	YO19 6SJ	4	Object	"Stillingfleet Parish Council is not wanting to adopt the phone box and supports the removal of the payphone."
6	01937557232	PCO Post Office, Station	Church Fenton	LS24 9RA	57	Object	"I can confirm that the Parish Council has no active

	Telephone Number	Location			Number of calls in last 12 months	Decision (Object / Consent)	Consultee Responses
		Road					desire for the phone equipment to be removed, but does not objection to its removal, and wishes to see the phone boxes retained in the village."
7	01937557298	Outside Fenton Flyer, PCO1 Main Street	Church Fenton	LS24 9RF	7	Object	"I can confirm that the Parish Council has no active desire for the phone equipment to be removed, but does not objection to its removal, and wishes to see the phone boxes retained in the village."
8	01937835860	O/S parade of Shops PCO1 Stutton Road	Tadcaster	LS24 9HJ	23	Object	"Further to the council meeting on the 24 September it has been decided not to purchase/adopt the phone box with telephone number 01937 835860 and address O/S Parade of Shops PCO1 Stutton Road, Tadcaster"
9	01977661557	CT34 O/S Chantry No4 PCO1 Doncaster Road	Whitley	DN14 0HY	6	Object	No response received from Parish Council. Member of the public responded to 42 day Notice: "Whilst I acknowledge that use of Public Payphone's has reduced significantly in recent years I still think that in some areas they provide an essential form of communication, in particular in cases of emergencies. This particular Payphone is sited on the A19, a main road used by motorists. I would think that having a Payphone as a fall back should mobile communications fail is an important provision for the community. I understand that there were still some calls made from the Payphone so I think this demonstrates

	Telephone Number	Location			Number of calls in last 12 months	Decision (Object / Consent)	Consultee Responses
							there is still a need."
10	01977673391	O/S 37 Croft Lea PCO1 Wrights Lane	Cridling Stubbs	WF11 0AS	5	Object	No response received from Parish Council
11	01977682703	PCO1 CT34 Opposite Crown Hotel	Monk Fryston	LS25 1XX	2	Object	"The Parish Council agreed at its meeting that it doesn't want the telephone box to be removed and it wants it to remain as a working payphone. In 2018 BT gave an undertaking to the PC to refurbish it and the PC wants that undertaking to be actioned. For the record in the previous consultation in 2017 Monk Fryston Time Team expressed to the Parish Council the same view as that of Selby District Council, being that the kiosk should remain here in Monk Fryston as an iconic feature in the village. Nothing has changed in the interim."



Report Reference Number: E/19/35

To: Executive
Date: 5 December 2019
Status: Non Key Decision
Ward(s) Affected: All
Author: Stuart Robinson, Head of Business Development and Improvement
Lead Executive Member: Mark Crane, Leader of the Council
Lead Officer: Stuart Robinson, Head of Business Development and Improvement

Title: Corporate Performance Report - Quarter 2 – 2019/20 (July to September)

Summary:

The quarterly Corporate Performance Report provides a progress update on delivery of the Council's Corporate Plan 2015-20 as measured by a combination of: progress against priority projects/high level actions; and performance against KPIs.

Recommendations:

- i. The report is noted and approved
- ii. Executive consider any further action they wish to be taken as a result of current performance

Reasons for recommendation

The reporting of performance data enables the Council to demonstrate progress on delivering the Corporate Plan Priorities to make Selby District a great place.

1. Introduction and background

- 1.1 High level performance reporting of progress against the Council's priorities – as set out in the Corporate Plan 2015-20 – is a key element of the performance management arrangements.
- 1.2 Progress on delivering the Council's priorities is demonstrated by a combination of:
 - progress against priority projects/high level actions (are we meeting/expecting to meet delivery timescales); and
 - performance against KPIs (are targets being met; are we getting better)

- 1.3 The Corporate Performance Report (see Appendix A) sets out the detail in terms of progress (or otherwise) against the Council's priorities.

2. Reporting Period

- 2.1 The specific focus of this report covers the period July to September 2019. The Corporate Plan 2015-20 has provided consistency in terms of the direction the Council is seeking to follow and the specific priorities.

2.2 Summary of progress

Quarter 2

To summarise progress in quarter 2:

- 50% of KPIs are showing improvement over the longer term, or have maintained 100% performance.
- 55% of KPIs are on target - a further 27% of KPIs are within acceptable tolerances.

2.3 What went well in quarter 2

- Empty homes - A total of 27 empty homes were brought back into use in Q2. The majority of these were due to the Empty Homes Officer working more closely with Council Tax colleagues to target more properties. 2 were as a result of enforcement discussions and 1 was through the Empty Homes Grant. The properties are spread throughout the district and include 9 in Selby town and 6 in Tadcaster.
- Average void re-let time - The Property Services and Housing Tenant Services teams have focused considerable efforts on improving performance, both for standard and major void re-lets. Q2 performance on standard voids is 22 days against a target of 26 days. This is a significant improvement on the Q1 figure of 39.6 days. The Q2 figure for Major void re-lets is 50.2 days. Whilst this is below the target of 45 days, it represents an improvement of 30 days compared to Q1.
- Customer Contact Centre wait times – The average wait time before a customer was seen was 5 minutes for Q2, a decrease of 2 minutes compared to Q1 and ahead of the 10 minute target. The average wait time before a customer phone call was answered was 1.36 minutes in Q2, compared to 1.92 minutes in Q1 and ahead of the 2.00 minute target.
- Leisure centre – Membership at combined leisure centres was 4,324, above the target of 4,143 and an improvement on Q1 (4,263).
- Leisure centre – Health referral programme - 72% of participants completed the programme, exceeding the 54% target and an improvement on Q1 (24%).

2.4 What did not go so well in quarter 2 – and what are we doing about it

- Council housing rent and arrears collected – Collection for Q2 was 94.83%, which is slightly below the 95.24% target, but an improvement on the Q1 figure of 92.99%. The impact of Universal Credit is resulting in some accounts falling into arrears whilst waiting for their claims to be processed. In most cases once the claims are processed we are receiving back dated payments, although they are about 6-8 weeks behind in their payment schedules.
- Sundry debt collected – Collection for Q2 is 63.86%, which is below the 73.09% target and is down compared to Q2 last year (73.09%). This was due to a number of large invoices outstanding, the majority of which we have now received payment for in Q3. The majority of the team were heavily involved in system testing during Q2 which has impacted on day to day work and subsequently collection rates.
- People accessing Benefits forms and Taxation direct debit forms on line in relation to other channels – 32.41% against a target of 50%. Some delays in the roll out of automated online Revenues and Benefits software. Citizens Access Revenues should be completed in Q3; Citizens Access Benefits will be late Q4/early Q1. Increases in the proportion of Benefit Claims direct from DWP (Universal Credit), reduces opportunities for claimants to apply directly via SDC online.
- £777 of new savings are expected to be achieved in the year, £363k short of the target. The main shortfall in savings are due to delays on asset rationalisation, commercial acquisitions and the digital programme which are being progressed. A review of the planning service suggests the current £200k target will not be achieved. This is under review, with a forecast of £15k in 19/20 and 67k in 20/21.
- Corporate complaints – 66.67% of stage 2 complaints received a response within the required timescale, this is below the 90% target and lower than the Q1 figure (100%). This low figure is due to three complaints which were responded to one day late. 77% of stage 1 complaints received a response within the required timescale, this is below the 90% target and lower than Q1 (96%).
- Employee sickness – Q2 saw a reduction in absence of almost half a day per employee - 8.49 days in Q2 compared with 8.94 in Q1. September was within target. There were fewer long term absence cases at the end of Q2. Additional HR capacity has been secured from NYCC. This will support a review of absence management policies and procedures. The new arrangements are scheduled for launch in Q4 – along with a training programme for managers and new self-service software for reporting and monitoring absence. In the meantime, absence will continue to be actively monitored and managed.

3. Alternative Options Considered

N/A

4. Implications

N/A

4.1 Legal Implications

None

4.2 Financial Implications

Delivery of Corporate Plan priorities is reflected in the Medium Term Financial Strategy.

4.3 Policy and Risk Implications

Performance is a corporate risk. Failure to adequately perform will result in the corporate priorities not being delivered. Performance reporting is part of a suite of mitigating actions which make up our Performance Management Framework.

4.4 Corporate Plan Implications

This report provides a progress update on delivery of the Council's Corporate Plan.

4.5 Resource Implications

Performance reporting highlights areas where we are not performing well or are performing too well. Where an under or over allocation of resource is highlighted as a reason for poor performance we can explore opportunities to adjust resources to support effective implementation of the Corporate Plan as part of our on-going business and budget planning.

4.6 Other Implications

N/A

4.7 Equalities Impact Assessment

An Equality, Diversity and Community Impact Assessment screening report has been undertaken on the Corporate Plan and its priorities – and due regard has been given.

5. Conclusion

- 5.1** The performance data demonstrates continued performance improvement and delivery against Corporate Plan Priorities.

6. Background Documents

None

7. Appendices

Appendix A: Corporate Performance Report Quarter 2 2019/20

Contact Officer:

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Delivering corporate priorities

Corporate Performance Report

Quarter 2 2019/20

Delivering corporate priorities: Summary Q2 2019/20

Key

-  Corporate priority is on track
-  There are some concerns about this corporate priority
-  Significant concerns

Key focus of our work

What's gone well; what are we concerned about

Delivering Priority 1 - A great place to... **do Business**

Secure new investment in the district

(Lead Director: D Caulfield)



What's gone well this quarter:

- Successful bid for Historic England High Street Fund - awarded £430,000 to invest in Selby town centre over the next four years.
- Completed Phase 1 of the Local Cycling and Walking Infrastructure Plans - to identify development opportunities for cycling and walking - for Selby, Tadcaster and Sherburn. Phase 2 plans due by end 2019.
- Transforming Cities Fund - Selby train station. To support our funding bid, public consultation commenced on the multi-million pound proposals and will complete next quarter. To date, 95% of responses support/strongly support our plans.
- Additional staffing capacity secured for the Economic Development and Regeneration team with the arrival of two new recruits.
- Proactively engaged with and supported the LEP on developing the Local Industrial Strategy - ensuring key businesses have been involved.
- Proactively engaged with and supported the emerging Devolution proposals to ensure our views and aims are fully represented.

What are we concerned about:

- Olympia Park – The Council, landowners and developers have reluctantly concluded that conditions attached to the Housing Infrastructure Fund grant cannot be met, within the timescales required. All parties remain committed to supporting growth, and enabling the delivery of appropriate new development. Olympia Park Development are exploring alternative proposals for the site.
- Ongoing capacity issues in the Economic Development and Regeneration team - despite the arrival of 2 new recruits, two further vacancies have occurred in the service. Replacements will be sought in due course.
- Community, Partnerships and Customers team - staffing resource and capacity continues to be a concern.

Improve employment opportunities

(D Caulfield)



What's gone well this quarter:

- St Francis Group accelerated development of the Eggborough site – ongoing engagement to influence site ambitions

What are we concerned about:

- One key employer at Sherburn may be considering local closure of business rationalisation, so jobs may be at risk. Whilst, many of these jobs are held by residents from outside the district, we will continue monitoring closely, and consider mitigating action.

Improve access to training and skills for work

(D Caulfield)



What's gone well this quarter:

- Annual Jobs Fair at Selby College well supported by a diverse range of businesses from across the district. SDC assisted in promoting the event and encouraging businesses to be engaged with the opportunity.
- Skills support for the workforce – a wider scheme to increase and enhance uptake of in-work training and development. Within the scheme, Selby has had 49 learners access funding, more than any other area, and at a lower average cost.

What are we concerned about:

- N/A

Help Selby, Tadcaster and Sherburn reach their potential

(D Caulfield)



What's gone well this quarter:

- Over 400 people took part in the Selby 950 carnival parade, including Selby Swans WI, Thorpe Willoughby Football Club, North Yorkshire Fire & Rescue and children from dance and theatre groups. It attracted an audience of over 3000 people and social media feedback was excellent. Press coverage included BBC TV & Radio; York TV, and Minster FM.
- UCI world race championships – the district hosted two races, showcasing the district to the world through international media coverage.
- Para-cycling international race - Tadcaster successfully hosted the start and provided an opportunity for the community to celebrate equality.
- Town Revitalisation work continues in Selby and has begun to be rolled out to Sherburn through business engagement.
- The media partnerships we negotiated over the summer are now bearing fruit, with significant coverage for the district in various targeted trade publications and websites.

What are we concerned about:

- N/A

Delivering Priority 2 - A great place to... **Enjoy Life****Improving the supply of housing**

(Lead Director: D Caulfield)

**What's gone well this quarter:**

- Housing Needs Surveys in Fairburn and Stutton, to find out if there is a need for affordable homes in these parishes and the type and mix of homes that may be needed;
- The new council homes built in Byram featured in July's LGA First Magazine as a good example of councils delivering social housing;
- New suite of major works contracts put in place to deliver increased investment aimed at improving the quality of our existing housing stock. New specifications have been developed for replacement kitchens and bathrooms, gas and alternative heating provision, roofing, wiring etc., so that our customers can benefit from modern facilities in more thermally efficient homes;
- First Council house buy back as part of the Housing Development Programme and the Empty Homes Programme.

What are we concerned about:

- N/A

Improving healthy life choices

(D Caulfield)

**What's gone well this quarter:**

- A new bottle exchange scheme with Drax rolled out – with community exchange points located across the district. Selby College, Selby High and ourselves hosted exchanges.
- An initial meeting with Three Haggas Wood, Drax, the Forestry Commission and Natural England identified local opportunities to establish a forest partnership and attract funding from the Northern Forest initiative. Further engagement plans are due in Q3/4.
- As part of the Selby Health Matters group, developed a pilot programme with North Yorkshire County Council Public Health, Inspiring Healthy Lifestyles and Selby High School to look at a Healthy Schools Zone.
- Work has started on two projects in Selby Park. A community gardening project at the side of the old greenhouses led by Selby Hands of Hope and improvement works to the sensory garden led by Selby HSBC as part of their Corporate Social Responsibility work.

What are we concerned about:

- N/A

Delivering Priority 3 - A great place to... **Make a Difference****Empowering and involving people in decisions about their area and services**

(Lead Director: D Caulfield)

**What's gone well this quarter:**

- Consultation on our draft Council Tax Reduction Scheme, which proposes significant changes to the scheme (following the introduction of Universal Credit Full Service in our area).
- Review of polling districts and polling places consultation.
- Housing Revenue Account Business Plan consultation – on-line survey.
- Satisfaction survey for new tenants – undertaken by the tenant and leaseholder group.
- Housing Development Programme Phase 2 consultation – provided an opportunity for local communities to influence the design and mix of proposed development. Feedback received was incorporated into the schemes. Having the designs robustly challenged has ensured the best possible development is forthcoming.
- Launch of Selby station masterplan consultation, to shape proposals that will be considered for the government's Transforming Cities Fund.

What are we concerned about:

- N/A

Enabling people to get involved, volunteer and contribute to delivering services locally

(D Caulfield)

**What's gone well this quarter:**

- Consultation on our draft Tenants Participation Strategy 2019-2022, which details our ambitions as to how we engage with our tenants and leaseholders over the coming years. In addition to an online survey, the consultation included a drop-in session in Tadcaster and Sherburn-in-Elmet.

What are we concerned about:

- N/A

Facilitating people to access and use alternative service delivery methods

(D Caulfield)

**What's gone well this quarter:**

- The Scan station at the Customer Contact Centre continues to be well used – Q2 saw 492 submissions for council tax, housing benefit and council tax support. During Q2 a total of 37,441 pages were processed for scanning.

What are we concerned about:

- N/A

Delivering Priority 4 - Delivering Great Value

Working with others and co-developing the way in which services are delivered

(Lead Director: J Slatter)



What's gone well this quarter:

- A multi-agency enforcement evening took place in Selby Town. The joint operation between North Yorkshire Police and SDC Licensing and Enforcement teams focused on checking licensed premises and taxis on the rank. Feedback from the night was positive.
- Closer working with the Police on things that are important/make a difference to the community - e.g. Anti-Social Behaviour.
- As part of the launch of a two week campaign in Selby to raise awareness of County Lines and the dangers of drugs gangs, the Crimestoppers UK advertising van spent time in Selby, Sherburn and Tadcaster. County Lines is an emerging trend in the area. Members of the public were spoken with and awareness materials, including reporting methods, were handed out.

What are we concerned about:

- N/A

Commissioning those best placed to deliver services on our behalf

(J Slatter)



What's gone well this quarter:

- Seven procurement exercises have concluded during this period ranging from Housing maintenance materials supplies to Selby 950 services;
- Commissioning work has been completed on Surveys and Studies in support of our Local Plan and two vehicle contracts for waste collection fleet replacement and our Housing maintenance fleet replacement to be awarded in Q3

What are we concerned about:

- N/A

Making sure we communicate well with customers to help us understand what matters, to listen and learn and to enable us to offer the right support

(J Slatter)



What's gone well this quarter:

- We published our Annual Report for 2018/19;
- Our resident's newspaper, Citizen Link, included a short survey to find out the things people are most interested in reading about and how they would prefer to receive the information.

What are we concerned about:

- N/A

Helping people access services digitally

(J Slatter)



What's gone well this quarter:

- 'My View' HR system has been rolled out to all employees and training is ongoing with Councillors, delivering value for money from our payroll services by making them effective and efficient;
- A new way of communicating with the organisation has been introduced with our first series of podcasts about the Digital Workforce project;
- SDC trades teams can now access the intranet via their phones – improving their connectivity to the Council communications whilst out and about;
- Bring your own device is now live for staff and councillors mobile phones. This allows access and the intranet for staff's own phone or tablet – enabling them to work flexibly when away from the office;
- A new remote access solution has been implemented for all users called 'Global Connect' – this means those using laptops remotely will connect to our network securely, simply and effectively.

What are we concerned about:

- Some delays in the roll out of automated online Revenues and Benefits software. Citizens Access Revenues should be completed in Q3; Citizens Access Benefits will be late Q4/early Q1.

Delivering corporate priorities: Exceptions Q2 2019/20

KPIs Summary



Indicator/action	Exception	Actions/Comments
------------------	-----------	------------------

Positive performance - KPIs

Total number of Empty Homes (6 months +) brought back into use through direct action	Target exceeded	27 long-term empty properties were brought back into use in Q2, taking the total for the year to date to 34. These were split as follows: 6-24 months (15), 24-60 months (8) and over 60 months (8). The majority of the increase is due to our Empty Homes Officer working more closely with Council Tax colleagues to target more properties. 1 property was through the Empty Homes Grant and 2 following enforcement discussions. The properties are spread
Average days to re-let Standard Void Types	Target exceeded	The Property Services and Housing Tenant Services teams have focused considerable efforts on ensuring performance improvements noted in Q1 have continued into Q2, with standard void re-let times now at 22 days (target 26 days) . It is important to ensure the teams remain focused, particularly as we approach the winter months, where the number of void properties traditionally increase, to ensure recent hard-won gains are not lost.
Average wait time (in minutes) before a customer is seen by an advisor	Target exceeded	The average wait time before a customer was seen was 5 minutes for Q2, a decrease of 2 minutes compared to Q1 and ahead of the 10 minute target.
Average wait time (in minutes) before a customer phone call is answered by an advisor	Target exceeded	The average wait time before a customer phone call was answered was 1.36 minutes in Q2, compared to 1.92 minutes in Q1 and ahead of the 2.00 minute target
% of FOI responded to within 20 days	Target exceeded	We continue to exceed the target of 86%, with performance in Q2 at 89.19%, an improvement on the Q1 figure of 87.76%.
% participants completing health referral programme	Target exceeded	72% of participants completed health referral programmes, against a target of 54%. This is a significant improvement from Q1 (24%)
Memberships at combined leisure centres	Target exceeded	The membership figure at Q2 was 4,324, above the 4,143 target and an improvement on Q1 (4,263).

Delivering corporate priorities: Exceptions Q2 2019/20

Indicator/action	Exception	Actions/Comments
Performance concerns - KPIs		
% of corporate complaints fully responded to in required time	Target not met	3 stage 2 complaints were responded to 1 day late resulting in a performance figure of 66.67% against a target of 90%. 77% (16 out of 22) of stage 1 complaints due a response were responded to in time, against a target of 90%.
% of emergency/urgent repairs to council-owned properties completed within agreed timescales	Target not met	We are currently investigating technical issues with trade handheld devices and the housing system. Data transfer between these systems does not appear to accurately reflect service delivery. A manual checking process has taken place which has calculated the Q2 figure to be 95.87%, within 5% of target (97%). We will continue to investigate the issue in order to rectify it.
Average days to re-let Major Void Types	Target not met	The Property Services Housing Tenant Services teams have been working hard to sustain and improve performance on both standard and major voids. Performance is still slightly below target with the average re-let time for Q2 sitting at 50.2 days against a target of 45 days, However, this represents an improvement of an average of 30 days compared to Q1. The focus for Q3 is to continue to drive improvement across the teams and to bring this KPI within target, against the background of the winter months when void numbers traditionally tend to increase.
% of Council Housing Rent & Arrears collected	Target not met	Collection for Q2 is 94.83%, slightly below the 95.24% target, but an improvement on Q1 (92.99%). The impact of Universal Credit is resulting in some accounts falling into arrears whilst waiting for their claims to be processed. In most cases once the claims are processed we are receiving back dated payments, although they are about 6-8 weeks behind in their payment schedules.
% of Sundry Debt collected	Target not met	Collection for Q2 is 63.86%, below the 73.09% target and down compared to Q2 last year (73.09%). This was due to a number of large invoices outstanding, the majority of which we have now received payment for in Q3. The majority of the team were heavily involved in system testing during Q2 which has impacted on day to day work and subsequently collection rates.
% of people accessing Benefits forms and Taxation direct debit forms online in relation to other channels	Target not met	32.41% against a target of 50%. Some delays in the roll out of automated online Revenues and Benefits software. Citizens Access Revenues should be completed in Q3; Citizens Access Benefits will be late Q4/early Q1. Increases in the proportion of Benefit Claims direct from DWP (Universal Credit), reduces opportunities for claimants to apply directly via SDC online.
Amount of planned savings achieved	Target not met	£777k of new savings are expected to be achieved in the year, £363k short of the target. The main shortfall in savings are due to delays on asset rationalisation, commercial acquisitions and the digital programme which are being progressed. A review of the planning service suggests the current £200k target will not be achieved. This is under review, with a forecast of £15k in 19/20 and 67k in 20/21.
Average days sick per FTE (full time employee) Rolling 12 months	Target not met	Q2 saw a reduction in absence of almost half a day per employee - 8.49 days in Q2 compared with 8.94 in Q1. September was within target. There were fewer long term absence cases at the end of Q2. Additional HR capacity has been secured from NYCC. This will support a review of absence management policies and procedures. The new arrangements are scheduled for launch in Q4 – along with a training programme for managers and new self-service software for reporting and monitoring absence. In the meantime, absence will continue to be actively monitored and managed.

Delivering corporate priorities: KPIs Q2 2019/20

PI Status		Long Term Trends		Short Term Trends	
	Alert		Improving		Improving
	Warning		No Change/Not applicable		No Change/Not applicable
	OK		Getting Worse		Getting Worse

KPI	Direction of Travel	Q2 2018/19	Q3 2018/19	Q4 2018/19	Q1 2019/20	Current Value	Target	Short Term Trend	Long Term Trend	Status
		Value	Value	Value	Value					
Residual household waste per household (kg)	Aim to Minimise	144	133	140	139	135	142			
% Household waste recycled	Aim to Maximise	48.7	43.08	36.25	33.23	48.72	33.02			
Number of SMEs supported	Aim to Maximise	53	47	107	45	45	50			
% of emergency/urgent repairs to council-owned properties completed within agreed timescales	Aim to Maximise	99.67	100	99.68	92.99	95.87	97.00			
Total number of Empty Homes (6 months +) brought back into use through direct action	Aim to Maximise	11	7	0	7	27	5			
% of Council Tax collected	Aim to Maximise	57.13	84.65	98.35	29.65	56.99	57.90			
% of Council Housing Rent & Arrears collected	Aim to Maximise	94.96	97.24	97.81	92.99	94.83	98.10			
% of Non-domestic Rate collected	Aim to Maximise	55.50	80.88	99.62	28.48	54.41	55			
% of Sundry Debt collected	Aim to Maximise	73.09	80.03	95.62	44.61	63.86	73.09			
External auditor Value for Money conclusion	Not measured for Quarters					Yes	Yes			
Amount of planned savings achieved (£)	Aim to Maximise	896k	855k	828k	829k	777k	1.14m			
Average days to process new benefit claims (total)	Aim to Minimise	21.14	17.19	17.02	14.33	17.19	22.00			
Average days to process Change of Circumstances	Aim to Minimise	5.54	4.33	2.06	3.04	3.82	8.40			
% of Major applications within statutory or extension of time	Aim to Maximise	100.00	78.57	81.82	100	77.78	60			
% of non-major applications within statutory or extension of time limit	Aim to Maximise	73.53	80.43	69.51	66	68.05	70			
% stage 1 corporate complaints fully responded to in required timescale	Aim to Maximise	94	81	94	96	77	90			
% of FOI responded to within 20 days	Aim to Maximise	89.06	86.27	90.56	87.76	89.19	86			
The average wait time - in minutes - before a customer is seen by an advisor.	Aim to Minimise	6.33	4.33	5.00	7.00	5.00	10			

KPI	Direction of Travel	Q2 2018/19	Q3 2018/19	Q4 2018/19	Q1 2019/20	Current Value	Target	Short Term Trend	Long Term Trend	Status
		Value	Value	Value	Value					
The average wait time - in minutes - before a customer phone call is answered by an advisor	Aim to Minimise	1.25	0.53	1.27	1.92	1.36	2	↑	↓	✓
% of people accessing Benefits forms and Taxation direct debit forms online in relation to other channels	Aim to Maximise	32.17	29.2	50	53.14	32.41	50	↓	↑	✗
Corporate health & safety : The number of incidents reported	Aim to Minimise	8	3	4	3	3	3	-	↑	✓
Average days sick per FTE (full time employee) Rolling 12 months	Aim to Minimise	8.10	8.19	8.91	8.94	8.49	5	↑	↓	✗
Amount of Business Rates retained (million £s)	Aim to Maximise	10.01	10.01	10.01	11.2	11.2	7.5	-	↑	✓
Council Tax base	Aim to Maximise	30871	31160	31094	31212	31479	31200	↑	↑	✓
Percentage of stage 2 corporate complaints fully responded to in required time	Aim to Maximise	100	100	100	100	66.67	90	↓	↓	✗
Number of missed waste collections	Aim to Minimise		NEW		243	270	321	↓	-	✓
Number of visits to combined leisure centres	Aim to Maximise	95.7k	80.2k	112.3k	110.8k	96.34k	103.1k	↓	↑	⚠
% of active members participating in one or more sessions a week	Aim to Maximise		NEW		44.7	43.3	51	↓	-	⚠
% conversions to full membership from participants in health referral programmes	Aim to Maximise		NEW		155	36	30	↓	-	✓
% participants completing health referral programme	Aim to Maximise		NEW		24	72	54	↑	-	✓
Memberships at combined leisure centres	Aim to Maximise		NEW		4,263	4,324	4,143	↑	-	✓
Average days to re-let Standard Void Types	Aim to Minimise		NEW		39.6	22	26	↑	-	✓
Average days to re-let Major Void Types	Aim to Minimise		NEW		80.2	50.2	45	↑	-	⚠

Context indicators

Q2 2019/20

These indicators are those which we may be able to influence, but not directly affect.

Indicator	Update frequency	Previous Value	Latest Value	Regional comparison
Resident population of the district	annual	87,900	89,100	n/a
% of the district population of working age (16-64)	annual	61.6	61.4	below average
% of the district population aged 65+	annual	19.9	20.1	above average
% working age population in employment	quarterly	77.0	76.5	above average
% working age population claiming Job Seekers Allowance	quarterly	0.3	0.3	below average
% working age population qualified to Level 4+ (annual measure)	annual	28	34.7	below average
% working age population with no qualifications (annual measure)	annual	7.6	8.3	above average
Total Gross Value Added (£)	annual	1,930m	2,110m	n/a
Business births	annual	480	580	n/a
% business survival rate (2-year)	annual	77.8	74	above average
Median Gross Weekly Pay for Full-Time Workers £ (Workplace- based)	annual	553.40	546.9	above average
Unemployment Rate - % of 16-64 working age population	quarterly	2.9	3.2	below average
% adults defined as overweight or obese (annual measure)	annual	63.5	69.6	above average
% children defined as obese (at year 6) (annual measure) (to be reported in Q4)	annual	17.87	18.2	below average

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Report Reference Number: E/19/36

To: Executive
Date: 5 December 2019
Author: Stuart Robinson, Head of Business Development and Improvement
Lead Executive Member: Cllr Crane, Leader of the Council
Lead Officer: Stuart Robinson, Head of Business Development and Improvement

Title: Draft Council Plan 2020-2030

Summary:

This report provides Executive Members with an update on the draft Council Plan 2020-2030. It provides details of the public consultation methodology, the outcome and resulting minor proposed changes to the Plan as a result of the consultation feedback. It provides an updated final draft of the Plan for the Executive to consider, agree and present to 17 December Council for approval.

Recommendation:

It is recommended that Executive Members consider and agree the final draft Council Plan 2020-2030, prior to presenting to Council for approval on 17 December.

Reasons for recommendation:

The Council Plan sets the overarching policy direction for the Council including the long term vision, priorities and the high level actions to deliver on those priorities.

1. Introduction and background

- 1.1 The Council Plan sets out our big ambitions for our district. It focuses our work on delivering the things that are important. The current Plan expires in 2020.
- 1.2 A new draft Council Plan which sets out the Council's ambition and direction up to 2030 has been developed. It sets out the proposed strategic policy framework for the next ten years. It will guide the Council's short, medium and long term resourcing priorities and provides a framework against which delivery will be tested.

1.3 The priorities and objectives of the draft Council Plan 2020-2030 are:

Priority	Objective
a great place... <i>to live</i>	improved housing supply
	better quality council homes
	improved town centres
a great place... <i>to enjoy</i>	improved environmental quality
	safe neighbourhoods
	more sustainable transport
a great place... <i>to grow</i>	more investment in the district
	more well paid jobs
	higher skills levels
a great place... <i>with a council delivering great value</i>	digitally enabled customer service
	good quality services
	financially sustainable

1.4 The draft Plan was presented to the Executive on 3 October 2019. At the meeting Executive agreed that officers undertake a consultation exercise on the draft Council Plan 2020-2030 – and the strategic framework.

2.0. The Report

2.1 Consultation

2.1.1 Consultation commenced following the Executive meeting and finished on 22 November 2019. The consultation methodology included:

- a simple online feedback portal;
- discussions with community groups and sharing with specific stakeholder groups such as the County Council, Parish Councils, strategic partners (e.g. Police, Health), business representatives; Selby College;
- a communication campaign;
- hard copies of the draft Plan available at our customer contact centre and Selby, Barlby, Sherburn and Tadcaster libraries;
- included in the October issue of 'Bulletin', the Council's Councillor and employee monthly newsletter;
- interactive staff workshops held on 6 November 2019;
- Policy Review Committee on 15 October 2019; and
- Scrutiny Committee on 21 November 2019.

2.1.2 Consultees were directed towards the online survey. A total of 163 responses were received this way.

2.1.3 A headline summary of responses is provided below:

- 75% of respondents feel the proposed Plan covers the right things;
- Of the four priorities ‘Enjoy’ received the most support – rated most important by 36% of respondents;
- In order of preference, the remaining priorities were: ‘to Live’ followed by ‘to Grow’ followed by ‘Great Value’ (see table below for details of averages of ranking 1 - 4)

Priority	Average score	Number rated 1 st
Live	2.01	54
Enjoy	1.90	59
Grow	2.03	37
Great Value	2.69	20

2.1.4 Respondents had the opportunity to suggest alternative priorities. Around fifty people suggested alternatives. A simple analysis of these qualitative responses shows that they fall into a relatively small number of themes. The most common themes – along with a short commentary on how they will be addressed – is captured below:

Theme	Response
More ambitious focus on environmental matters such as recycling, air quality, water quality; carbon neutral homes etc	Detailed actions to address these specific aspects of the ‘a great place to enjoy’ priority will be incorporated into the Delivery Plans over the period of this Council Plan (and beyond). We will demonstrate the scale of ambition when setting targets for KPIs
More/better facilities for families and children – particularly in Selby town	Detailed actions to address these specific aspects of the ‘a great place to live’ priority will be incorporated into the Delivery Plans over the period of this Council Plan (and beyond).
More/better retail and visitor attractions for Selby town	Detailed actions to address these specific aspects of the ‘a great place to grow’ priority will be incorporated into the Delivery Plans over the period of this Council Plan (and beyond).
Improvements to the transport infrastructure	Transport infrastructure is the primary responsibility of North Yorkshire County Council, Highways England and Network Rail. However, we will work closely with these and other strategic partners to ensure that district priorities are promoted and delivered. Future transport priorities will seek to address current shortfalls and the infrastructure required for new residential and commercial development. The Council will also work in partnership to bring forward improved facilities for cycling and walking and public transport – for example through our Better Together collaboration with NYCC.
Policing	Whilst we are not responsible for Policing, we do continue to work closely with the Police and are currently undertaking a review of the Community Safety

Hub, recommendations from which will form part of the Delivery Plan in March.

continued...

Theme	Response
Better links between SDC and NYCC and health. Working with the NHS to have better services for Selby.	We will continue to work closely with our strategic partners, including through our Better Together collaboration with the County Council (who have primary responsibility for public health and social care) and the NHS, for example through delivering the Selby Health Matters Action Plan. This looks at strategic working, understanding local community and provider assets and making the best of them to reduce pressures on collective services.
Development of rural areas and communities	The two principles of collaborative working and being community-centred will encourage robust consideration of the implications of our decisions on areas such as these. More specifically, we are currently implementing the recommendations following the recent review of community engagement forums. Development of the new Local Plan will take account of all parts of the district.
More green spaces and trees	The Council recognises the social, environmental, economic and health benefits of green spaces and trees. Our Tree Policy sets out how we will ensure that we safeguard and maximise the benefits that trees (on Council owned land) provide. We will continue to work closely with our delivery partners to ensure Council owned woodland areas continue to be maintained and available for the enjoyment of the public as well as the potential for 'offsetting' as part of our work on reducing carbon.
More could be done to keep the young active and promote good education outside of school.	We will continue to work with NYCC and community provision to understand localised needs, assets in the district and opportunities for young people.
More leisure activities. More leisure facilities e.g. a running track, cycling track, to compliment the facilities already available	We will continue to work to facilitate and promote leisure services in the district to ensure that a diverse range of leisure activities are available. Examples of recent healthy lifestyle initiatives include community based running groups and promotion of the 'Couch to 5K' challenge. Development of the new Local Plan will consider local outdoor and indoor playing facilities needs and prioritisation.

2.1.5 Feedback received from the staff workshops was similar to a number of the on-line comments in terms of priorities. This included: improving town centres; more shops and facilities; more community/family events; cycling/walking infrastructure; better public transport; good quality, affordable housing; more green spaces; environmental considerations; green technologies; and more digital services.

2.1.6 At Policy Review on 15 October, the Committee discussed and endorsed the draft Plan as an approach to the formulation of the final Plan, subject to changes made due to comments received during the public consultation.

2.1.7 Scrutiny Committee considered the draft Council Plan 2020-30 on 21 November. Committee members broadly supported the draft Plan as a basis for future delivery. Committee particularly welcomed the new focus on the environment. Key points raised included:

- a recommendation to be ambitious in delivery of the green agenda;
- a concern that the work around economic growth should prioritise sustainability;
- a request that we retain a focus on wellbeing and quality of life;
- agreement with existing responses from consultees around the need to improve the retail offer in Selby town – particularly Gowthorpe – including public realm interventions such as improving access and movement around Selby town, pedestrianisation and easier parking.

2.2 Proposed changes to the draft plan following consultation

2.2.1 The following changes are proposed – these have been incorporated into the Draft Plan at Appendix A and subsequent ‘Plan on a Page’ at Appendix B.

Vision No suggested change

Strategic Priorities No suggested change

The consultation feedback strongly supports the decision to introduce a new high level strategic priority – a great place to Enjoy - around sustainable environment. A frequently reoccurring theme from the consultation responses was that the environment is a key priority for people, particularly around climate change and the importance of reducing carbon emissions. Furthermore, whilst ‘Enjoy’ was the most popular of the four priorities, qualitative feedback suggests there is an opportunity for the Council to be ambitious in its activities on this agenda.

Objectives No suggested change – at this stage

Further work will be undertaken around the ‘Measures of success’ to ensure data is available to benchmark existing performance and measure future performance.

Delivery Priorities suggested minor changes

We have altered the wording of a small number of Delivery Priorities to reflect the qualitative feedback – particularly around:

- delivery of increased housing supply;
- market town regeneration;
- improved environmental standards;
- enhancing community safety;
- responding to climate change;
- promoting green infrastructure;
- a new Local Plan for the district;
- growing the visitor economy; and
- using our physical and financial assets

Principles	Rationalisation from five to four to reduce duplication and simplify The two draft Principles around 'self-sufficiency' and being 'tech-enabled' are essentially about how we deliver to our customers. Therefore, it is proposed to re-focus these two Principles into one called 'Customer-centred'. The implication is that we will put the customer at the heart of service delivery whilst supporting them to be more self-sufficient through expanding digital service delivery.
Values	No suggested change The Council's Core Values will be reviewed in the next 12 months as part of the Delivery Plan to ' <i>Support and develop a workforce to deliver our ambitions</i> ' (part of the 'Great Value' strategic priority).

3. Implications

3.1 Equality Implications

To ensure compliance with the Council's Public Sector Equality Duty, an Equality, Diversity & Community Impact Assessment (EDCI) screening document has been completed. The EDCI screening document has been reviewed and updated throughout the development of the Council Plan 2020-30. There are no negative impact scores identifying as high impact/priority and therefore a full Impact Assessment has not been completed. In addition, each priority action will be subject to EDCI screening as detailed delivery proposals emerge.

Analysis of the consultation responses showed a fairly even split between the male and female respondents (55% female; 45% male). Responses were received from across the different age band ranges, with the highest number of responses (38) from the 45-54 age band.

Whilst not a protected equality characteristic, geographic location is also an important factor when considering inclusivity. Analysis of consultation respondents shows a good representative split from across all the five CEF areas.

3.2 Financial Implications

It is important to fully resource the delivery of the Council Plan. This will require choices to be made if new priority actions are to be funded at a time of limited budgets. Development of Council budgets for 2020/21 and beyond is aligned to the draft Plan.

3.3 Legal Implications

The Council Plan is a central part of the Council's Budget and Policy Framework and informs all subsequent policies and strategies. Full Council is responsible for the adoption of the Budget and Policy Framework. Once in place, it is the responsibility of the Executive to implement it.

4. Conclusion

4.1 The draft Council Plan 2020-2030 sets the proposed strategic policy framework for the next ten years. It will guide the Council's short, medium and long term resourcing priorities and provides a framework against which delivery will be tested.

A period of consultation has taken place in order to test the proposals. The majority of respondents supported the priorities within the draft Plan, with the highest level of support for the 'Enjoy' priority. No significant changes are proposed to the final draft Plan, however a number of minor amendments have been made to reflect the consultation feedback. The final draft will be presented to Council for approval on 17 December 2019.

5. Next Steps

5.1 Once Executive has considered the final draft of the Council Plan 2020–2030, if approved, it will be presented to Council on 17 December 2019 with a recommendation to approve.

5.2 A detailed Delivery Plan is currently being developed. This will set out the specific actions to be delivered over the next three years. The Delivery Plan will be published in March 2020 following approval of the Council Budget.

Approval of the Delivery Plan will be the responsibility of the Executive, provided that it is in line with the approved Budget and Policy Framework. The Delivery Plan will be renewed and agreed every three years as a minimum.

5.3 The Council Plan Performance Framework will be published alongside the Delivery Plan. The Performance Framework will be based around:

- Progress on delivering the 'Objectives' as measured by the relevant 'Measures of Success'. Collectively they will form a basket of Key Performance Indicators (KPIs) which will be supplemented by a secondary set of performance indicators where required to provide a sufficiently detailed and timely view of progress.
- Progress on implementing the activity outlined in the 'Delivery Plan'.

6. Appendices

5.1 Appendix A: Proposed Draft Council Plan 2020-2030
Appendix B: Proposed Plan on a Page

Contact Officer:

Stuart Robinson, Head of Business Development & Improvement

APPENDIX A:

Selby District Council Plan 2020-2030

Introduction [note: due to purdah, this introduction will be tabled at Council]

A new strategic framework

This new Council Plan sets out our ambitions for the district for the next ten years. It sets out our vision of the Selby district as “**a great place**”; our priorities; and how we plan to deliver those priorities.

Our strategic priorities highlight four key ambitions for Selby district in 2030; they are that Selby district is:

- **a great place to live;**
- **a great place to enjoy;**
- **a great place to grow;** and that
- **Selby District Council delivers great value.**

The Plan sets out our approach to delivering our ambitions:

- **we will work collaboratively with others** – recognising we are not experts in everything, we will use the best expertise, resources and skills across our partners and communities;
- **we continue to be close to our communities** – involving more people in decisions about their area and their services;
- **we will put the customer at the heart of service delivery** – supporting residents to be more self-sufficient and maximising use of digital technology in service delivery; and
- **we will support the wellbeing of our residents** – considering how our decisions impact on healthy life choices and the environment.

These Principles of: *collaboration*; *community-focused*; *customer-centred*; and *wellbeing* will be formally considered and tested as part of our decision-making in delivering the Council Plan.

Delivery Plans

Delivery of the Council Plan will be underpinned by detailed three year Delivery Plans. These will set out the specific actions that the Council will deliver in that period in order to reach the stated ambitions by the end of the decade. These Delivery Plans will be the basis for performance monitoring and reporting.

The first Delivery Plan will cover the period 2020 – 2023 and will be published in March 2020.

Performance Monitoring

The Council’s Executive will receive quarterly updates on performance. Performance reports will focus on:

- Progress on delivering the ‘Objectives’ as measured by the relevant ‘Measures of Success’. Collectively they will form a basket of Key Performance Indicators (KPIs) which will be supplemented by a secondary set of performance indicators where required to provide a sufficiently detailed and timely view of progress.
- Progress on implementing the activity outlined in the ‘Delivery Plan’.

A great place to LIVE

The Selby district is a great place to live – with a Council providing the leadership, the local planning framework, the commitment to both facilitating house building and building our own affordable homes and delivering a programme of council home improvements to ensure the district has enough homes of the right size and quality to enable our residents to live locally to fulfil their ambitions and aspirations. At the same time, working with residents and businesses to ensure our town centres and villages are places people want to live, visit and invest in.

Objective	Measure of success:
Improved housing supply	Number of additional homes in the district. Number of additional affordable homes in the district
Better quality council homes	% of council owned homes exceeding the ‘decent homes’ standard
Improved town centres	% increase in footfall within Selby town, Tadcaster and Sherburn % increase in the proportion of the population of working age

Delivery Priorities for the first three years

Accountable Director

Enable the delivery of increased housing supply through close working with strategic partners to ensure alignment with infrastructure, transport and environmental approaches and, with landowners and developers, promote sustainable development **and support improved environmental standards for housing and development in line with new national standards.**

Corporate Services & Commissioning

- Deliver the Selby District Action Plan element of the Regional Housing Strategy.
- Maximise the number of available homes in the Selby district through delivering the Empty Homes Strategy.

Increase the number of affordable homes in the Selby district through delivery of our housing development programme - including the strategic acquisition of existing homes - to ensure all households in the district can access sustainable accommodation that supports them to fulfil their ambitions and aspirations.

Corporate Services & Commissioning

- Create and implement a Selby District Council Housing Development Programme to help ‘step up’ housing delivery across Selby District.

Invest in improving the quality of Selby District Council housing stock through implementing the revised Housing Revenue Account Business Plan

Corporate Services & Commissioning

- Deliver the housing improvement programme element of the Housing Revenue Account (HRA) Business Plan 2025 to ensure good quality council housing which helps meet the needs of our local community.

Develop a long-term programme of market town regeneration to support development of vibrant town centres and places in Selby, Tadcaster and Sherburn and the provision of high quality leisure, service and accommodation offers for **residents, their families, visitors and businesses.**

Economic Regeneration & Place

- Develop and implement Key Town Masterplans and partnership plans for:

- Selby (focusing on the station area through the Transforming Cities Fund, High Streets Heritage Action Zone and access and movement planning);
- Tadcaster; and
- Sherburn-in-Elmet

A great place to ENJOY

The Selby district is a great place for residents and visitors to enjoy – with the Council actively reducing its carbon footprint, providing the leadership, commitment to **high** local environmental standards and close working with local partners to ensure the Selby district is clean, attractive, and is safe for residents, businesses and visitors – now and into the future.

Objective	Measure of success:
Improved environmental quality	% reduction in the tonnes of carbon per capita
	% reduction in the amount of household waste collected per household
	% increase in the proportion of household waste that is recycled
Safe neighbourhoods	% reduction the number of incidents of anti-social behaviour per 1000 residents
	% reduction the number of recorded crimes per 1000 residents
Improved sustainable transport	% increase in the proportion of journeys made in the district by active and sustainable travel.

Delivery Priorities for the first three years

Deliver improved environmental standards through working closely with delivery partners to **significantly** reduce household waste, improve recycling and uphold the cleanliness of Selby district streets and public spaces.

- Respond to emerging DEFRA Waste Strategy and implement the revised approach to recycling collections to reduce landfill
- Review the environmental service contracts and secure improved environmental standards
- Strengthen enforcement to reduce environmental crime

Enhance community safety and feelings of community wellbeing through working closely with strategic partners, building on co-location with the Police and enhancing town centres and public spaces.

- **Deliver locally, the North Yorkshire Community Safety Partnership Plan priorities.**
- **Strengthen existing ‘Safer Selby’ hub working arrangements to tackle the underlying issues of anti-social behaviour and crime**
- **Implement intelligence-led public campaigns and multi-agency operations which target specific locations and community safety themes.**
- **Strengthen the approach to use of community safety powers**

Respond to our developing understanding of the impacts of climate change to foster local resilience and assurance through identifying and promoting low carbon – including aiming for the Council to be Carbon neutral **before** 2050 - and working with strategic partners to explore the economic potential of a M62 low carbon energy corridor.

- Implement the recommendations of the Low Carbon Working Group.

Accountable Director

Corporate Services & Commissioning

Economic Regeneration & Place

Economic Regeneration & Place

- Identify and promote public and private sector low carbon projects, initiatives and funding schemes to support the District's transition to a low-carbon economy.
- Work with the local enterprise partnership and neighbouring councils to explore the economic potential of a M62 Low Carbon Energy Corridor linking key energy assets across Yorkshire & the Humber.
- Implement the New Street Air Quality Action Plan and learn lessons for improving air quality across the district.
- Review and consider available options to prioritise investment in solar and/or green energy.

Protect and promote Green Infrastructure to support wider health and socio-economic benefits through the setting of **robust** minimum standards and promotion of sustainable transport **to support climate change adaptation.**

Economic
Regeneration
& Place

- Complete a Green (and Blue) Infrastructure study that sets **robust** minimum standards for provision.
- Work with others to increase the use of active and sustainable travel through the Transforming Cities Fund.
- Improved cycling and walking connections through developing and implementing Local Cycling and Walking Infrastructure Plans and improving the appeal and use of cycling and walking corridors.
- Work with local partners to maintain and enhance local parks, play areas and open spaces.

A great place to GROW

The Selby district is a great place to grow - with the Council providing the leadership, the local planning framework, the support to enable others to invest in the district and our own direct delivery to ensure Selby district has a strong and sustainable economy that delivers benefits for the residents of the district.

Objective	Measure of success:
Increased investment in the district	% increase in private sector investment into the district % increase in the total business floor space
More well paid jobs	% increase in the number of working age adults who are in work % increase in the average weekly wage for full time employment.
Higher skill levels	% increase in the proportion of working age adults educated to NVQ Level 4 or above % reduction in the proportion of working age adults with no qualification

Delivery Priorities for the first three years

Accountable Director

Deliver a new Local Plan for the Selby District to set out the strategic priorities for **sustainable** development - including those covering housing, commercial, public and private development, transport infrastructure and protection for the local environment.

Economic Regeneration & Place

- Deliver the Local Plan by 2023

Enable a growing visitor economy underpinned by a sustained focus on enhancing the district's cultural, **retail and leisure** offer.

Economic Regeneration & Place

- Accelerate delivery of Phase 3 of the 'Selby District Visitor Economy Strategy 2018-22 – and beyond'.
- Develop and implement the Selby District Cultural Development Framework.

Support enterprise and business growth that benefits the residents of the district through development of the necessary infrastructure and support to attract new business investments and support local business to grow.

Economic Regeneration & Place

- Work with partners to improve infrastructure in the district, e.g. through an Infrastructure Masterplan for Sherburn-in-Elmet
- Deliver the key strategic sites and place making schemes as set out in the Selby District Economic Development Framework 2022...and beyond
- Support new enterprise space and effective sign posting to encourage SME growth in the district's town centres and rural locations;
- Establish a 'Key Account Management' approach to build effective relationships with major partners and business.

Support the local workforce to reach their potential: increasing apprenticeship and vocational training, **including in emerging clean growth industries**, removing health and transport barriers and supporting those out of work to drive productivity and growth.

Economic Regeneration & Place

- Produce a skills needs assessment to benchmark current/future skills needs across priority growth sectors, and develop appropriate training interventions
- Utilise planning obligations and funding bids to increase employment and training opportunities for residents in the district on key development schemes.
- Support unemployed adults into work, e.g. through encouraging local businesses to provide work experience/ volunteering placements; working with local training providers; and improving accessible transport options;
- Implement projects to connect key employment sites to housing areas, town centres and services by active and sustainable transport.

A Council delivering great value

Selby District Council is delivering great value – a well-managed Council that supports and develops its staff, maximises the benefits from digital technology, invests resources wisely and uses its assets effectively to ensure the Council is financially sustainable and delivers high quality services to residents through an accountable governance framework.

Objective	Measure of success:
Digitally enabled customer service	all core services accessible online % of all customer transactions are delivered digitally
Good quality services	all core services performing in the top 25% of comparable councils <u>% residents satisfied with the way that Selby Council runs things</u>
Financially sustainable	all planned savings delivered annual revenue spend is within +/- 2% of planned

Delivery Priorities for the first three years

Accountable Director

Adopt a digital first approach to delivering on customer needs, utilising digital technology to provide help, advice, information and easy access to services in a way that suits our customers.

Corporate Services & Commissioning

- Deliver Digital Strategy 2020 and develop a new Strategy up to 2025
- Develop the Selby District Council Customer Strategy 2030 and implement
- Deliver Contact Centre move to ensure continued access to quality services

Support and develop a workforce to deliver our ambitions with the right people in the right roles with the right skills and supported by digital technology.

Corporate Services & Commissioning

- Deliver People Plan 2025

Implement a strategic approach to the use of our physical and financial assets to ensure they support the future financial sustainability of the Council and realisation of our ambitions, **with a recognition of the importance of promoting a sustainable environment.**

Leadership Team

- Develop and implement the Asset Strategy 2030.
- Deliver the 'Programme for Growth' to ensure a balanced programme of projects that deliver enhanced benefits for the residents and businesses of the district whilst supporting the future sustainability of Selby District Council.

Ensure service delivery maximises value for money for residents, keeping service design and delivery under review, encourage innovation and improvement and maximise the benefits of a mixed economy of provision to keep costs down, build in resilience and maintain standards.

Leadership Team

- Re-procure contracts for waste and street cleaning.
- Explore further opportunities to build on existing Better Together

Resourcing the Plan

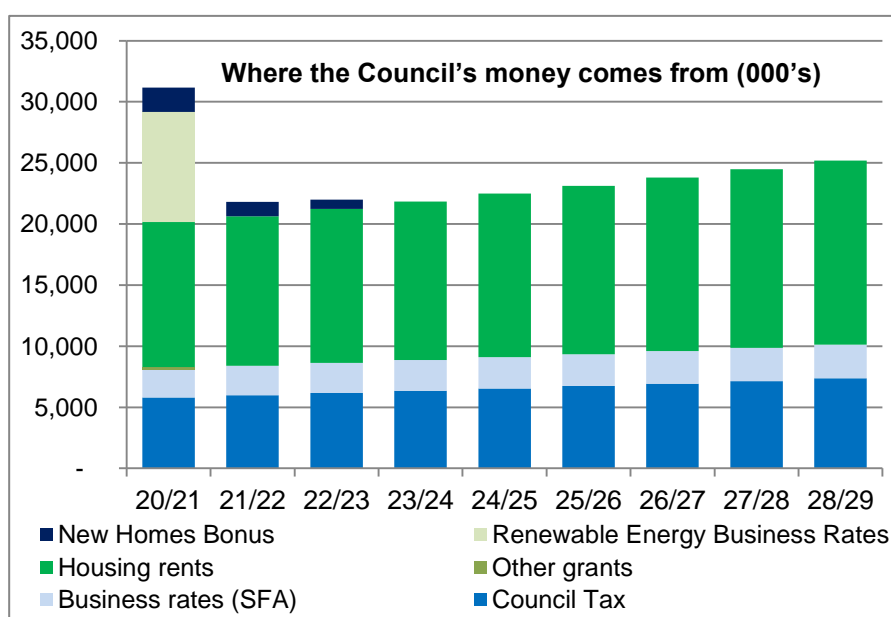
The Council Plan is underpinned by the Medium Term Financial Strategy (MTFS). The MTFS provides a high level forecast of resources and spending for both the General Fund and Housing Revenue Account (HRA) and the strategic framework for medium term financial planning (3 year draft budgets) and annual budget setting.

The outlook for Local Government finance is uncertain as we await the Government's review of funding allocations and the current Business Rates Retention system. The Council is currently benefitting from significant windfalls from renewable energy business rates and new homes bonus which is being used to deliver our corporate objectives and invest in front line services.

In broad terms the Council funding for the next 10 year is forecast as per the graph below:

We review these forecasts annually and will update the MTFS if and when the funding regime changes.

In addition to these resources we also set money aside and draw money from our earmarked reserves – ensuring we can afford our commitments for the longer term and plan for more significant investments.



Spending allocations are considered on 3 year basis which allows us to better understand service needs, although we plan for larger programmes of spend such as ICT and asset management over 10 years and Council homes over 30 years.

In broad terms our net General Fund Revenue Budget is about £11m and our HRA about £7m and in total recurring savings of £2.4m p.a. are planned over the next 3 years.

Capital spending fluctuates from year to year depending on requirements but on average we set aside around £400k for our building and ICT assets each year and then supplement this with other external grants and contributions and where appropriate prudential borrowing.

We are also investing in a 'Programme for Growth' – a strategic programme to support our Council Plan. Spending is subject to available resources (for example from renewable energy business rates) and currently the programme totals £10.9m spread

Medium Term Financial Strategy (Sept 2019)	2020/21
Revenue – General Fund (net)	£11m
Revenue – Housing Revenue Account	£7m
Capital - Housing	£5m
Capital – General Fund	£650k

over multiple years. Further funding windfalls are expected which means there is the potential to extend the programme to support this re-programme of the Council Plan and proposals for an additional £8.5m will be considered as part of the budget round for 2020/21.

Further information on our spending plans is available in the Medium Term Financial Strategy approved by Council in September each year.

APPENDIX B – COUNCIL PLAN 2030 ON A PAGE

Our VISION is...

The Selby district is *a great place*

Our STRATEGIC PRIORITIES are...

a great place to **LIVE**

a great place to **ENJOY**

a great place to **GROW**

a great place with a Council delivering **GREAT VALUE**

Our OBJECTIVES for successful delivery are...

- improved housing supply
- better quality council homes
- improved town centres

- improved environmental quality
- safe neighbourhoods
- improved sustainable transport

- increased investment in the district
- more well paid jobs
- higher skills levels

- digitally enabled customer service
- good quality services
- financially sustainable

Our HEADLINE DELIVERY PRIORITIES for the first three years to deliver those objectives are...

- **Enable the delivery of increased housing supply** through close working with strategic partners and with landowners and developers to promote sustainable development, support improved environmental standards for housing and development in line with national standards.
- **Increase the number of affordable homes** in the Selby district through delivery of our housing development programme - including the strategic acquisition of existing homes - to ensure all households in the district have access to sustainable accommodation that supports them to fulfil their ambitions and aspirations.
- **Invest in improving the quality of Selby District Council housing stock** through implementing the revised HRA Business Plan.
- **Develop a long-term programme of market town regeneration** to support the development of vibrant town centres and places in Selby, Tadcaster and Sherburn and the provision of high quality leisure, service and accommodation offers for residents, visitors and businesses.

- **Deliver improved environmental standards** through working closely with delivery partners to significantly reduce household waste, improve recycling and uphold the cleanliness of Selby district streets and public spaces.
- **Enhance community safety** and feelings of community wellbeing through working closely with strategic partners, building on co-location with the Police and enhancing public spaces.
- **Respond to our developing understanding of the impacts of climate change** to foster local resilience and assurance through identifying and promoting low carbon – including aiming for the Council to be Carbon neutral before 2050 - and working with strategic partners to explore the economic potential of a M62 low carbon energy corridor.
- **Protect and promote Green Infrastructure** to support wider health and socio-economic benefits through the setting of robust minimum standards and promotion of sustainable transport to support climate change adaptation.

- **Deliver a new Local Plan for the Selby District** to set out the strategic priorities for the sustainable development of the district - including those covering housing, commercial, public and private development, transport infrastructure and protection for the local environment.
- **Enable a thriving visitor economy** underpinned by a sustained focus on enhancing the district's cultural, retail and leisure offer.
- **Support enterprise and business growth** that benefits local residents through development of the necessary infrastructure and support to attract new business investments and support local business to grow.
- **Support the local workforce to reach their potential:** increasing apprenticeship and vocational training, including in emerging clean growth industries, removing health and transport barriers and supporting those out of work to drive productivity and growth.

- **Adopt a digital first approach to delivering on customer needs,** utilising digital technology to provide help, advice, information and easy access to services in a way that suits our customers.
- **Support and develop a workforce to deliver our ambitions** with the right people in the right roles with the right skills and supported by digital technology.
- **Implement a strategic approach to the use of our physical and financial assets** to ensure they support the future sustainability of the Council and realisation of our ambitions with a recognition of the importance of promoting a sustainable environment.
- **Ensure service delivery arrangements maximise value for money for residents,** keeping service design and delivery under review, encourage innovation and improvement and maximise the benefits of a mixed economy of provision to keep costs down, build in resilience and maintain standards.

Our staff will demonstrate the following VALUES...

Customer focused
"I'm happy that people get the help they need"

Business-like
"I feel like everything I do at work adds value"

One team Selby
"I feel I am an important part of something bigger"

Flexible
"I feel energised and positive about change"

Forward thinking
"I feel encouraged to come up with new ideas and that I am listened to"

Trustworthy
"I am treated fairly and honestly, so that's how I treat others"

In delivering these priorities we will be guided by our PRINCIPLES...

Collaborative
"We will be outward-focused and work with others to get things done"

Community-focused
"We will empower and involve people in decisions about their area and their services"

Customer-centred
"We will utilise digital technology to improve access to services and enable people to use self-service channels"

Wellbeing-led
"We will consider the impact on encouraging healthy life choices in our decision-making"



Report Reference Number: E/19/37

To: Executive
Date: 5 December 2019
Status: Key Decision
Ward(s) Affected: All
Author: Karen Iveson, Chief Finance Officer
Lead Executive Member: Councillor Cliff Lunn, Lead Executive Member for Finance and Resources
Lead Officer: Karen Iveson, Chief Finance Officer

Title: Draft Revenue Budget and Capital Programme 2020/21 and Medium Term Financial Plan

Summary:

This report presents the draft revenue budget; capital programmes and proposals for the Programme for Growth for 2020/21 to 2022/23. The 2020/21 budgets show a forecasted balanced budget after taking into account planned savings and reserve transfers.

In 2020/21 it is proposed that £9.89m is transferred to the Special Projects Reserve to support delivery of the Council's new Corporate Plan objectives. In accordance with the approved Medium Term Financial Strategy (MTFS), the allocation of these receipts will be subject to confirmation as part of the next MTFS refresh and budget for 2021/22 although indicatively, it is planned that these will be allocated to the Programme for Growth.

The Medium Term Financial Plan (3 year draft budget) shows there is an underlying gap between core spending and current assumed core funding as a result of New Homes Bonus being phased out and the renewable energy business rates windfalls ceasing. Beyond 2020/21 we await the outcome of the Government's Fair Funding Review, further consultation on the future of New Homes Bonus and reform of the Business Rates Retention System, to confirm the need for and level of future savings.

Whilst there is capacity in reserves to smooth the impact of savings, the on-going use of reserves to support the revenue budget is not a long term sustainable solution and therefore achievement of efficiency savings and additional income generation remain crucial as plans for Business Rates and Council Tax growth are brought to fruition.

The draft budget also includes recurring revenue budget growth proposals along with Capital Programme proposals for the General Fund and Housing Revenue Account (HRA) which are funded from reserves, external funding and borrowing, along with outline proposals for an extended Programme for Growth.

Recommendations:

It is recommended that the draft budgets, bids and savings be approved for public consultation with effect from 13 December 2019 and submitted to Policy Review for comments.

Reasons for recommendation

To enable the views of the public and Policy Review Committee members to be gathered through consultation.

1. Introduction and background

- 1.1 The Council approved its Medium Term Financial Strategy (MTFS) on 17 September 2019. The MTFS covers both General Fund activities and the Housing Revenue Account, and provides the strategic financial framework for medium term financial planning and annual budget setting.
- 1.2 The Housing Revenue Account (HRA) and Housing Investment Programme (HIP) are covered in more detail by the Housing Business Plan (HBP). A refreshed HBP, which aligns with the overarching financial framework set out in the MTFS, is elsewhere on this agenda.
- 1.3 The MTFS takes account of the Government's indicative one year roll-over spending review which was announced in September 2019. The MTFS recognises on-going reductions to Government 'incentive' funding (New Homes Bonus and renewable energy business rates) along with risk and uncertainty surrounding the fair funding review and the business rates retention system reset from 2021/22 as the key issues for the Council's finances.
- 1.4 At the time of writing this report we await the Government's provisional Local Government Finance Settlement – any necessary changes as a result of the settlement will be incorporated into the final budget proposals to be considered by the Executive in February 2020. The MTFS highlights the wider economic risks associated with the UK's exit from the European Union although realistic quantification of those risks is still not possible.
- 1.5 The MTFS also confirms the Council's strategic approach to securing financial sustainability by reducing its base net revenue budget in order to deliver services within its in-year resources; and investing 'one-off' or finite resources to stimulate local economic growth and achieve sustainable income through Council Tax and Business Rates growth.

- 1.6 From the HRA perspective the MTF5 includes a Consumer Price Index (CPI)+1% increase in housing rents – 2019/20 was the final year of the Government’s 4 year plan to reduce social housing rents by 1% year on year.
- 1.7 The MTF5 also confirms the Council’s reserves strategy - fundamentally avoiding the use of reserves to support the on-going revenue budget which is not sustainable in the long term. Instead it seeks to balance the set aside of sums to cover known commitments and financial risk, as well as earmarking resources to support delivery of the Council’s Corporate Plan.

2. The Report

- 2.1 The draft revenue budgets for the 3 years from 2020/21 to 2022/23 are presented at **Appendix A**, the proposed capital programmes are shown at **Appendix D** and the Programme for Growth is at **Appendix E**.

General Fund Revenue Budget

- 2.2 The draft budget includes provision for ‘contractual’ and other unavoidable inflation on expenditure, as well as inflation on income from the Council’s discretionary fees and charges. This includes an increase in Internal Drainage Board (IDB) levies of 11.3% over the 3 years to 2022/23 (of which Danvm IDB is 27.6%). A 2% provision for an annual pay award has also been included, although it should be noted that the trade unions have submitted a pay claim including 10% pay rise for 2020 – every 1% additional award above the 2% provision would add circa £82k p.a. to the Council’s pay budget. A 5% vacancy factor is included to help mitigate the rising pay bill and manage other cost pressures within the budget but cost increases above the rate of inflation would inevitably add to the on-going savings requirement.
- 2.3 £295k committed growth i.e. base budget growth which cannot be avoided, is included where considered necessary (**see Appendix B**):
- Minimum revenue provision for internal works to the Summit £33k p.a. over the life of the current contract;
 - A recurring £120k p.a. loss of recycling income due to changes to the global markets for recycled materials;
 - A current one-year reduction in planning fee income of £143k in 2020/21 due to the on-going downturn in larger planning applications – which emerged in 2018/19 and the trend continues into 2019/20.
- 2.4 The draft budget also includes bids for discretionary growth. **Appendix B** identifies revenue and capital proposals. Most of the growth bids are funded from reserves established for this purpose but a small number will, if approved, add to the base budget. In total, recurring discretionary base budget growth is estimated at £139k p.a. which will increase the long term savings requirement. These are:

- The extension of posts in Revenues and Benefits which help to maximise income from Council Tax and overpaid housing benefits - £56k p.a.
- Essential work to closed burial grounds - £10k p.a.
- On-going revenue costs associated with new ICT systems - £18k p.a. (purchase of systems etc is covered by the ICT reserve)
- Increased capacity in the human resources support - £50k p.a.
- Additional new vehicle fleet running costs - £5k p.a.

2.5 Following deferral of the 3 year Spending Review and reset of the business rates system, the draft budget includes an assumed £9m from renewable energy business rates in 2020/21. In accordance with the MTFs these receipts will be transferred to the Special Projects Reserve. In accordance with the approved MTFs, the allocation of such receipts will be subject to confirmation as part of the next MTFs refresh and budget for 2021/22 although indicatively, it is planned that these will be allocated to the Programme for Growth.

Indicative Local Government Finance Settlement

2.6 In September 2019 the Chancellor announced that the scheduled Comprehensive Spending Review would be delayed for a year and indicated that the Local Government Finance Settlement would largely be a one year roll-over of 2019/20 – uplifted for CPI. Therefore the MTFs assumed the following, which have been incorporated into the draft budget, pending the actual settlement announcement:

- Business Rates Baseline funding £2.281m (safety net level) to reflect Selby's anticipated non-pool status in 2020/21;
- New Homes Bonus – £1.988m in 2020/21;
- Rural Services Delivery Grant £108k.

2.7 Beyond 2020/21 the funding system is subject to review. For 2021/22 onwards the MTFs assumes current Business Rates Baseline (plus inflation) plus a small amount of growth within the savings plan (£100k in 2021/22 plus a further £100k in 2022/23).

2.8 Whilst the outlook for New Homes Bonus remains unclear, there is speculation about its continuation in some form. Accordingly, the draft budget takes a less pessimistic view than the approved MTFs and assumes that this funding will taper out over the next 3 years. Given the spending pressures facing the Council, rather than drawing down reserves as planned, the draft budget applies New Homes Bonus to the revenue budget in the first instance but in the medium term we continue to plan for the full withdrawal of this income stream. Should the assumed New Homes Bonus receipts not be forthcoming then there are sufficient receipts in the Business Rates Equalisation Reserve to compensate.

Council Tax

- 2.9 The approved MTFs mid-case assumes a Council Tax increase of £5 for a Band D property for 2020/21. A £5 increase will take the Council average Band D charge from £178.22 to £183.22 – a rise of just under 10p per week.
- 2.10 The tax base for Council Tax setting purposes has been calculated at 31,989 - a 1.89% increase on 2019/20. The MTFs assumed a 1% increase, so this additional growth will generate a further recurring £51k towards the cost of Council services. In total therefore, the Council Tax yield is estimated at £5.861m for 2020/21.
- 2.11 Taking the Council's overall service requirements and funding assumptions together, the estimated position for 2020/21 is summarised below with more detail at **Appendix A**:

General Fund	2020/21 £000's
Net Budget before contribution to/(from) Reserves*	15,077
Contributions to Reserves	10,351
Contributions from Reserves	(6,014)
Net Draft Revenue Budget (including reserve transfers)	19,414
RSG	0
Business Rates Baseline (safety net)	(2,281)
New Homes Bonus	(1,988)
Special & Specific Grants	(83)
Rural Services Delivery Grant	(108)
Renewable Business Rates Income	(9,019)
Council Tax	(5,861)
Collection Fund Deficit – Council Tax	(74)
Total Funding	(19,414)
Net Budget (Surplus)/Deficit	0

* After planned savings

- 2.12 Subject to the assumptions and risks within the budget and identification of further savings, the transfer to the Special Projects Reserve is estimated at £763k for 2020/21 and £179k for 2021/22 and then subject to savings delivery, a drawn down of £266k from the Business Rates Equalisation Reserve for 2022/23 (see **Appendix A**).

Housing Revenue Account

- 2.13 The HRA budgets have been prepared using the same assumptions on pay and price inflation as included in the General Fund and assumptions on rent changes are based on the Government's formula. In 2020/21 the CPI+1% increase has been applied.

2.14 The draft HRA budget also includes bids for discretionary growth. **Appendix B** identifies revenue and capital proposals. Most of the growth bids relate to improvements to the housing stock and are funded from the Major Repairs Reserve but again, a small number will, if approved, add to the base budget. In total recurring discretionary base budget growth is estimated at £175k p.a. which will increase the long term savings requirement within the HRA. These are:

- Staff uniforms - £500 p.a.
- Additional new vehicle fleet running costs - £30k p.a.
- Establishment changes £10k p.a.
- Review of trades team in line with the draft Business Plan - £134k

2.15 The estimated position on the HRA for 2020/21 is shown below, which aligns with the draft Business Plan. The HRA savings plan is on track to achieve although the timing is dependent upon implementation of the new housing system. However, opportunities for further efficiency will continue to be sought in order to maximise the resources available for investment in the service.

HRA	2020/21 £000's
Total Net Budget*	8,441
Less Dwelling Rents	(12,157)
Net Surplus available for Major Repairs	(3,716)

*After planned savings

2.16 Before consideration of the Housing Investment Programme requirements, a surplus position is anticipated for 2020/21. HRA surpluses are used to fund the HRA investment programme, which are smoothed annually through transfers to and from the Major Repairs Reserve. Investment proposals for 2020/21 total £6.2m (£4m previously approved and £2.2m new bids) which, if approved, will require a £5.5m drawdown from the Major Repairs Reserve. **Appendix F** shows the forecast on this reserve assuming all bids are approved.

2.17 Looking ahead the refreshed HRA Business Plan sets out the long term requirements for the Housing Revenue Account whilst balancing savings and investments within the context of a sustainable HRA.

Savings

2.18 The MTFs emphasises the careful balance that is required between savings and investment in order to ensure the Council's finances remain sustainable. Delivering on-going efficiencies is a key part of the Council's 'Great Value' priority – being as efficient as possible and living within our means, whilst using the financial capacity created to generate long-term gains to improve outcomes for citizens.

- 2.19 The Council has made good progress against its targets to date, but inevitably it is increasingly challenging to achieve further savings from a reducing cost base. However, as emphasised in the MTFs, the focus on delivering planned efficiency savings must be maintained, given their importance in achieving the Council's financial (and wider) objectives and to avoid the use of balances to support on-going spending which is unsustainable in the longer term. The Council's approach to savings covers three key strands:
- **Transforming** our business through the use of technology and flexible working to meet citizen and customer needs;
 - **Growing** our resources through investment in economic and housing growth to drive growth in Council Tax and Business Rates and through charging for services and trading externally;
 - **Commissioning** from and with partners to achieve shared efficiencies and reduce the demand for public sector services.
- 2.20 The draft budget for the General Fund and HRA, includes planned savings of £1.8m for 2020/21 rising to £2.2m for 2021/22 and to £2.5m by 2022/23.
- 2.21 The savings plan has been reassessed as part of the budget process and the revised plan is set out at **Appendix C**. Key changes include:
- Removal of the income generation saving;
 - Removal of commercial investment income – funds applied to match funding Station Master Plan project and pending business cases;
 - Re-profiling of the Business Rates growth;
 - A reduction in the planning service saving;
 - An increase the saving anticipated from the environmental contract;
 - The addition of a pension contribution saving following the latest triennial valuation and gains on the deficit payment made by the Council;
 - The addition of an efficiency saving from the introduction of Council Tax penalties;
 - The addition of a saving from extending the Empty Homes Council Tax Premium.
- 2.22 Taking the proposals for Council Tax, growth, reserve transfers and assumptions on Government funding, the draft budget shows that by 2022/23 further savings will be required in addition to those currently planned. The table below summarises the current plan and shows the additional savings estimated based on this draft Medium Term Financial Plan.

GF Savings Summary	2020/21 £000's	2021/22 £000's	2022/23 £000's
Low risk/completed	408	409	410
Medium risk/in progress	1,129	1,213	1,213
High risk/not started	0	100	200
New target – to be identified	0	0	276
Cumulative Savings	1,537	1,722	2,099
Annual Savings	761	184	377

HRA Savings Summary	2020/21 £000's	2021/22 £000's	2022/23 £000's
Low risk/completed	23	23	24
Medium risk/in progress	195	195	195
High risk/not started	0	0	0
New target – to be identified	0	170	175
Cumulative Savings	218	388	394
Annual Savings	218	170	6

- 2.23 The plan will continue to be monitored closely and opportunities for further savings will be considered as part of the next refresh of the MTFs. Progress against the savings plan is presented at **Appendix C**.

General Fund Capital Programme

- 2.24 The General Fund capital programme includes previously approved projects as well as new growth – a summary of the growth proposals is shown at **Appendix B** and the draft capital programme is attached at **Appendix D**.
- 2.25 Much of the programme is of a relatively routine nature and accordingly, subject to Council approval, officers will be given authority to progress schemes in 2020/21 based on the information contained within Appendices B and D. There are however, projects for which Detailed Business Cases will be required for Executive consideration before actual work commences. These are:
- Industrial Units improvement programme – a full review of industrial unit assets will be undertaken before expenditure is approved;
 - Purchase of land;
 - Selby and District Housing Trust loans – these loans are subject to viable business cases and variable subsidies within the overall funding package available. Although no new bids are proposed as part of this budget – current budgets are expected to be re-profiled over the coming 3 years.

For these 'non-routine' schemes, detailed business cases will be brought to the Executive for approval in due course.

- 2.26 There is limited room for additional revenue contributions to support the capital programme and therefore it is largely supported by capital receipts, external grants and earmarked reserves. Housing development loans are mainly funded through borrowing. The following table presents a summary of the proposed programme:

Programme	2020/21 £000's	2021/22 £000's	2022/23 £000's
Asset Management	1,219	252	116
Grants & Loans	512	482	482
ICT Replacement	249	369	174
Total Programme	1,980	1,103	772
Funding			
Capital Receipts	1,148	180	180
Grants	402	402	402
Reserves	430	521	190
Total Funding	1,980	1,103	772

- 2.27 Projects include: acquisition of land to facilitate affordable housing; the enhancement of existing assets such as the car parks, play areas and industrial units; Disabled Facilities Grants and ICT projects. The latter cover a range of replacement and new systems, hardware and infrastructure – funding for ICT projects is covered by the ICT Replacement Reserve.

Housing Investment Programme

- 2.28 The Housing Investment Programme (HIP) includes a number of growth proposals to ensure our homes continue to meet the decency standard – these proposals are shown at **Appendix B** and the updated HIP is at **Appendix D**. The following is a summary of the draft programme:

Programme	2020/21 £000's	2021/22 £000's	2022/23 £000's
Energy Efficiency Programme	490	500	510
Health & Safety Improvement Programme	707	669	555
Property refurbishment Programme	3,707	3,616	3,678
Investment Programme	572	583	427
Empty Home Programme	700		
Vehicle Fleet	61		
Total Programme	6,237	5,368	5,170
Funding			
Major Repairs Reserve	5,537	5,368	5,170
Capital Receipts	280		
HCA Grant	210		
S.106 Commuted Sums	210		
Total Funding	6,237	5,368	5,170

2.29 As with the General Fund, much of the HRA programme is of a relatively routine nature and again, subject to Council approval, officers will be given authority to progress schemes in 2020/21 based on the information contained within Appendices B and D. Projects for which Detailed Business Cases will be required for Executive consideration before actual work commences are:

- HRA new build programme (although no new bids are proposed as part of this budget – current budgets are expected to be re-profiled over the coming 3 years)

For these 'non-routine' schemes, detailed business cases will be brought to the Executive for approval in due course.

Programme for Growth

2.30 The 'Programme for Growth' is the Council's strategic programme to support delivery of its Corporate Plan. The programme comprises a range of cross cutting projects designed to 'make Selby a great place'. The current Programme was approved as part of the 2018/19 budget and regular progress reports have been presented to both Executive and the Overview and Scrutiny Committee.

2.31 Following a Corporate Peer Challenge in November 2017, the Programme was reviewed and refocussed with resources diverted into additional staffing capacity. The approved programme totals £10.9m over the 3 years from 2017/18 to 2019/20 although latest forecasts show that, given the complex nature of some of the schemes, it will take a further 3 years to deliver the programme.

2.32 The Programme is funded by New Homes Bonus and some business rates receipts from renewable energy facilities. At the end of 2019/20 it is forecast that there will be £8.479m available in the Special Projects Reserve for allocation to the Programme for Growth with the potential for a further £9.1m from April 2021. The draft budget proposes that these monies be made available to extend the programme to enable the priorities identified within the new Corporate Plan to be taken forward.

2.33 At this stage plans are in outline only and further engagement with Council members will be undertaken before an extended programme is finalised. However, some initial projects have been identified and are set out at Appendix E. It is stressed that these proposals are indicative only and subject to full business case approval before any expenditure would be authorised.

2.34 On-going staff capacity to deliver the programme remains crucial and accordingly new programme proposals allow for the extension of a number of posts over the coming 3 years.

2.35 The current budget and new proposals are summarised below:

Special Projects/Programme for Growth	Current Programme Budget £000's	Proposed New Programme Budget £000's	Indicative Future Programme* £000's
Staffing Resources	3,643	1,964	
Project Delivery	7,292	4,280	8,000
Unallocated	0	2,235	1,019
Total Programme	10,935	8,479	9,019

*Subject to receipts of renewable energy business rates

2.36 **Appendix E** sets out the current programme and proposals for a new and extended programme.

Reserves

2.37 The Council has a robust reserves strategy which is reviewed annually as part of the refresh of the MTFS. A forecast of reserve balances based on the MTFS assumptions and draft budget, is set out at **Appendix F**. As at 31 March 2020 reserves are forecast at:

Reserves	Forecast 31 March 2020 £000's
General Fund	
Commitments	3,650
Growth and improvement	13,268
Risk	7,975
Total General Fund Reserves	24,893
HRA	
Balances	1,500
Major Repairs	7,794
Total HRA Reserves	9,294
Capital receipts (from asset sales)	3,422
Restricted Funds (s106/CIL)	8,541

2.38 Reserves to fund commitments are replenished by regular revenue contributions to ensure they remain sustainable.

2.39 Reserves for growth and improvement include £4.18m for the Programme for Growth (from New Homes Bonus and the Business Rates windfall) which is fully committed and subject to spend profile and £8.479m in the Special Projects reserve which is available for allocation. Reserves to manage risk

include £5.793m from Business Rates to support the revenue budget (per MTF5) and £1.5m General Working Balance.

- 2.40 These earmarked reserves provide the financial capacity to fund the capital programmes and other irregular expenditure. Including the proposals within this draft budget for 2020/21 it is estimated that in total £8.522m will be required from General Fund and £1.428m from Capital reserves to fund on-going projects and new proposals.
- 2.41 The HRA reserves are General Balances and the Major Repairs Reserve (MRR) which are ring-fenced for the HRA. The HRA capital programme will require £5.537m from the MRR in 2020/21.
- 2.42 Contributions to reserves (including capital receipts) of £16.1m are forecast for 2020/21 (subject to the receipt of £9m renewable energy business rates), which includes resources set aside to support future revenue budgets and subject to savings delivery, future investments.

3. Alternative Options Considered

The MTF5 sets out scenarios and options for key assumptions including Council Tax.

4. Implications

4.1 Legal Implications

None as a result of this report.

4.2 Financial Implications

As set out in the report

4.3.1 Policy and Risk Implications

- 4.3.1 As part of the annual budget process a risk assessment of the Council's major budgets is undertaken. The continuing uncertainty in the wider economy as Brexit approaches and the uncertainty within the public sector funding regime, mean greater financial risk for the Council. Areas that are particularly high risk are central government funding and income (across key services such as planning, car parking and leisure) along with savings, and inflationary and demand led cost pressures – in services such as waste and recycling. The MTF5 quantified additional financial risk of £300k - £500k.

- 4.3.2 The Council's contingency budgets, earmarked reserves and general balances provide a buffer for these risks and are crucial to ensure sustained financial resilience and viability.

4.4 Corporate Plan Implications

The draft budget aims to support delivery of the Council's 'Corporate Plan'.

4.5 Resource Implications

The draft budget proposals include provision for the resources necessary to deliver the Council's objectives.

4.6 Other Implications

N/A

4.7 Equalities Impact Assessment

There are no equalities issues as a direct result of this report.

5. Conclusion

5.1 The draft General Fund Net Revenue Budget for 2020/21 totals £19.4m. It assumes a Council Tax rise of £5 for a Band D property and after the application of Central Government funding, transfers to reserves, and savings of £1.538m is a 'balanced budget'. Savings of £218k are forecast for the HRA.

5.2 Plans are in place to deliver the expected General Fund and HRA savings through a combination of efficiency and income generation. Resources remain available in the Business Rates Equalisation Reserve to support the revenue budget should this be necessary.

5.3 Progress is being made against the proposals identified within the approved plan but with risk to the Council's core funding and further savings expected to be required over the medium term, further opportunities for efficiency will continue to be sought.

5.4 The budget also provides for a capital programme to meet General Fund and HRA needs and includes proposals to extend the Programme of Growth – the Council's strategic programme which aims to deliver its Corporate Plan priorities, generating economic growth and sustainable income for the Council as core government funding reduces.

6. Background Documents

Medium Term Financial Strategy approved by Council September 2019

7. Appendices

- A – Revenue estimates
- B – Growth – commitments and bids
- C – Savings
- D – GF Capital programme and Housing Investment Programme
- E – Programme for Growth
- F – Reserves

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**GENERAL FUND SUMMARY INCLUDING
GROWTH BIDS 2020/21 - 2022/23**

	2020/21 Original £k	2021/22 Original £k	2022/23 Original £k	Comments
Leadership & Extended Leadership Team	881	898	915	Management Team
Operational Services	3,654	3,630	3,731	Environmental Health, Property Management, Benefits & Taxation, Contact Centre, Strategic Housing
Business Development & Improvement	1,287	1,238	1,250	ICT, Data & Systems, HR, Marketing & Transformation
Commissioning, Contracts & Procurement	3,976	4,094	4,242	Waste & Recycling Contracts, Grounds Maintenance & Leisure
Community, Partnerships & Customers	152	93	93	Includes miscellaneous grants & P4G Schemes
Economic Development & Regeneration	474	286	55	Includes P4G funded posts in Economic Development & Regeneration
Planning	464	(54)	(54)	Development Management & Planning Policy (Local Plan)
Finance Services	2,308	2,384	2,461	Finance, Audit & Internal Drainage Boards
Legal & Democratic	715	725	736	Legal, Licensing & Dem. Services - 19/20 includes District Election
Pension revaluation adjustment	(102)	(194)	(281)	Pension revaluation to be allocated once confirmed.
Service Budgets	13,808	13,101	13,150	
CEC Charged to HRA	(2,742)	(2,801)	(2,861)	
Net Service Budget	11,067	10,301	10,289	Reducing mainly due to P4G contracts ending
Investment Income	(650)	(650)	(650)	Includes increase in investment interest cap, property funds and housing trust loans per savings plan
External Interest Paid	75	75	75	
Capital Adjustments	(1,706)	(740)	(741)	
Previously Approved Growth bids/Projects	229	200	150	
New Bids - Revenue	318	282	360	Discretionary Growth
New Bids - Capital	1,349	501	221	Discretionary Growth
New P4G Bids - Revenue	3,195	1,507	1,777	As detailed in Appendix E2
New P4G Bids Capital	1,000	500	500	As detailed in Appendix E2
Contingencies	200	200	200	£100k operational contingency & £100k commissioning contingency
Net Budget before contribution to/(from) Reserves*	15,077	12,176	12,181	
Contribution To Reserves				
Asset Management	200	200	200	Per MTFS
ICT	177	213	250	Per MTFS
Pension Equalisation Reserve	-	97	185	Contributions proportion of the pension revaluation saving
District Election	34	38	38	Per MTFS
Special Projects	9,890	179	-	Business rates collection fund, RSDG, plus projected surplus in 20/21, 21/22
Local Plan	50	50	50	Per MTFS
Business Rates Equalisation	-	-	-	
Contribution From Reserves				
Asset Management	(185)	(155)	(16)	
Business Development Reserve	(68)	(69)	(71)	
ICT	(254)	(369)	(174)	
PFI	(139)	(141)	(144)	Updated per Year end model
Contingency	(100)	(100)	(100)	Funding for commissioning contingency - subject to annual review and sufficient funds in reserve.
Local Plan	(243)	(75)	(150)	
Special Projects	0	0	0	
Programme for Growth	(5,026)	(2,314)	(2,339)	Remaining project and salary costs
Business Rates Equalisation	0	0	(266)	Projected deficit in 22/23
NET REVENUE BUDGET	19,414	9,729	9,644	
NNDR	(2,281)	(2,410)	(2,458)	Funding Baseline
New Homes Bonus	(1,988)	(1,182)	(767)	
Special and Specific Grants*	(83)	-	-	Per MTFS.
RSDG	(108)	-	-	Per MTFS.
Business Rates Collection Fund Deficit/(Surplus)	(9,019)	(100)	(200)	Per Latest Estimate
Council Tax to be Levied	(5,861)	(6,037)	(6,219)	Ctax base growth is 1.89% base growth in 20/21 then 1% thereafter
Council Tax Collection Fund Deficit/(Surplus)	(74)	-	-	Surplus from 18/19
Shortfall / (surplus)	(0)	0	0	
Note: Savings Plan included in Service Areas	(1,537)	(1,721)	(1,823)	Savings per Appendix C

Tax Base	31,989.00	32,308.89	32,631.98
Band D Council Tax	183.22	186.87	190.58

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HOUSING REVENUE ACCOUNT SUMMARY INCLUDING GROWTH BIDS 2020/21 to 2022/23

	2020/21 Original £k	2021/22 Original £k	2022/23 Original £k	Comments
Operational Services	3,022	3,057	3,068	All salary costs removed (except Cleaners), only inflation increases reflected.
Commissioning, Contracts & Procurement	111	114	118	Increase in grounds maintenance contract
New Revenue Bids - Not yet approved	51	39	41	New bids per HRA bid appendix.
Service Budgets	3,184	3,211	3,226	
CEC Recharges from GF	2,742	2,801	2,861	Reflects charges for salaries and overheads attributable to the HRA
Net Service Budget	5,926	6,011	6,087	
Capital A/c Adjustment Capital Chgs	(1,297)	(1,297)	(1,297)	Reversal of Depreciation Charges
Contingency	75	75	77	To support housing development costs / properties held for redevelopment
Debt Management Expenses	6	6	6	Support TM costs, part of NYCC contract
Investment Income	(135)	(135)	(137)	Based on MTFS assumptions
HRA Debt - Payment of Interest	2,056	2,065	2,123	Assumes borrowing up to debt cap at current PWLB Maturity rate.
Provision for Bad & Doubtful Debts	267	275	284	Assume increase in provision for tenants on benefits as a impact of Universal Credit
Net Budget before contribution to/(from) Reserves	6,899	7,002	7,143	
Contribution To Reserves				
Comp Development Cont	50	50	50	Contribution to ICT Reserve
HRA Debt - Voluntary MRP	1,492	1,575	2,682	Provision to repay self financing debt
NET HRA REVENUE BUDGET	8,441	8,627	9,875	
Dwelling Rents	(12,157)	(12,522)	(12,897)	CPI + 1% Assumed from 2020/21
Net Surplus available for Major Repairs	(3,716)	(3,895)	(3,022)	Transfer to / (from) MRR to meet demands of capital programme and new build

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Appendix B1 : General Fund Commitments

Director	Description	Revenue			Comments
		20/21 £k	21/22 £k	22/23 £k	
	Pay inflation changes	139	141	142	
	Income inflation changes	-50	-51	-38	
	Cost inflation changes	327	385	427	
	Total inflation	692	809	921	
Karen Iveson	MRP Summit works	33	33	33	Commitment of 7 years (over remaining life of contract) from 2019/20 to fund Summit Refit
Julie Slatter	Reduction in income due from the sale of recyclable materials	120	120	120	Changes in the world market for recycled paper and card have caused the income to fall from £94.50 at April 17 to £10 per tonne at July 2019. In addition the tonnage of paper and card collected for recycling has reduced by 16.5%. This budget is the difference between the costs for bulking and transportation of material for recycling and the income received from the sale of goods. Currently there is no surplus as current bulking and transportation costs are higher than the income generated.
Dave Caulfield	Reduction in Planning Fee income	143	0	0	The impact of Brexit on the UK development industry has led to a general downturn in large scale strategic sites.
	Committed growth	295	153	153	
	Total GF Commitment	711	627	684	

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Appendix B1 : HRA Commitments

Description	Revenue			Comments
	20/21	21/22	22/23	
	£k	£k	£k	
Environmental Services (AMEY) Contract indexation	-1	-1	2	Annual contract indexation based on estimates as September index is applied to the contract from the October contract anniversary. Annual indexation applies until contract expiry in 2024
Total HRA Commitment	-1	-1	2	

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GENERAL FUND NEW GROWTH BIDS 2020/21 - 22/23

New Bid Ref	Director	Corporate Theme	Description	Strategic Theme / Priority	Revenue			Capital			Comments	Term	Funded From
					20/21	21/22	22/23	20/21	21/22	22/23			
					£k	£k	£k	£k	£k	£k			
GF1	Julie Slatter	Great value	Industrial Unit Investment Programme	The industrial units form a key element in delivering the Council's income targets and it is therefore essential significant investment is now made in order to provide an attractive rental proposition for interested parties.							SDC has a number of industrial and commercial units across the district which require investment to continue to realise income for the authority. Although funding was secured in 2019/20 for annual investment moving forwards, legislation which came in to effect in April 2018 has resulted in the units in Selby failing to meet minimum energy performance standards meaning we are legally unable to let them unless the energy performance rating is improved. Before committing significant additional funding towards bring these units back in to use, it is recommended consideration is given to the wider regeneration aspirations for the area e.g. Station Masterplan and the potential impact this may have on our current industrial unit portfolio. Therefore, this bid is focussed on providing capital investment for the units at Sherburn only in order to ensure we can continue to generate income for the authority. The programme of works will include: 1. Addressing external panel erosion, leaking guttering and ineffective roof lights. 2. Refurbishment of currently void units to provide an attractive rental proposition for potential tenants.	Fixed	Asset Mgmt
				Industrial Units - Rent reduction	39			50	47	7	Increase over existing Bid by £104,400	Fixed	
											Phased Rent increases have not been implemented due to the majority of tenants refusing to sign the new agreements and are continuing to pay the historic rents. However, the 19/20 budget was set up based on the new phased rents over 3 years. There are also a large number of voids due to a substantial investment being required to bring them to a legal standard to enable them to be let	One-off	Revenue
			Net Cost of Bid		39	0	0	50	47	7			
GF2	Julie Slatter	Great value	Delivery of Empty Homes Grant up to £80k annually, following the end of the P4G Empty Homes Programme from April 2020	To make Selby District a great place to enjoy life - improving the supply of housing. The bid will specifically contribute to improving the quality and supply of existing private sector housing.				80	80	80	Empty Homes Grant is proving a successful financial tool to bring long term empty homes back into use but is also being used to provide accommodation to people who are homeless or at risk of homelessness through grant conditions which require landlords to sign up to the Housing Options Tenant Find scheme. The grant is proving the most successful way of discharging homeless duties into the private sector, a process which is likely to impact on the amount of homelessness funding received from MHCLG to deliver homelessness and rough sleeping services. Bid annually of up to £80k driven by demand and issued through grants and loans which can be recycled in to the scheme.	Fixed	Capital Receipts
			Net Cost of Bid		0	0	0	80	80	80			
GF3	Julie Slatter	Enjoy	Upgrade of Ticket Machines and Signage.	To make Selby District a great place to enjoy life				36			To upgrade Car Park Ticket Machines and Signage	One-off	Asset Mgmt
			Net Cost of Bid		0	0	0	36	0	0			
GF4	Julie Slatter	Great value	Extension of Housing Benefits Overpayment Officer Post	Meets corporate priorities - 'Being on switched', 'Business like' and Delivering great value. Benefits to customers - Earlier intervention, encourage & improve customer contact/engagement & promote channel shift by offering new payment facilities. Benefits to organisation - Increases income by implementing new effective recovery procedures and efficient collection methods	27	28	28				Although future HBOs are expected to reduce due to the introduction of Universal Credit for working -age claimants, the migration of this is slow and HBO's are still currently being created. Existing overpayments are retained by the council and still provide an income stream for the authority. The bid is to extend the post for 3 years based on the increases in collection rates and reduction in HBOs. However, the secondment will only be extended for an additional 12 months. Any further extension will be based on a review in March 2021 assessing the impact of Universal Credit on HBO and the posts ability to evidence its role in increasing recovery of HBO. This post will provide a significant cash benefit to the Council.	Fixed	Revenue
			Net Cost of Bid		27	28	28	0	0	0			
GF5	Julie Slatter	Great value	Property Inspection Role in to the Benefits, Taxation & Debt Team	to do business' - a rise in the amount of Business rates collected. 'delivering great value' - the post generates a net income gain for the council and the other public bodies that are dependant on tax based income to deliver their services	27	28	28				The post provides direct benefits to the Council Tax based which is already included in the budget plus renewable hereditaments which are taken to the renewables reserve. Additional business rates are also collected but as we are in safety net, this currently does not provide a bottom line benefit to the general fund. A proposal is being submitted for NYCC to fund or partially contribute to the cost of the post, this is in the new savings opportunities schedule.	Fixed	Revenue
			Net Cost of Bid		27	28	28	0	0	0			
GF6	Julie Slatter	Enjoy	Capital Investment in Council Play Areas	This project will help deliver the Corporate Plan Priority 'to enjoy life' by developing healthy behaviours for a good quality of life and a familiarity with taking part in physical activity.				100	100	100	There are a number of play areas in need of refurbishment to improve the quality and accessibility of these important facilities for our communities. This bid is to refurbish the 6 oldest sites over 3 years.	Fixed	Capital Receipts
			Net Cost of Bid		0	0	0	100	100	100			
GF7	Julie Slatter	Enjoy	Repairs to safety surface at council owned play areas.	This project will support the Corporate Plan Priority 'to enjoy life' ensuring that play develops healthy behaviours in physical activity in safe play areas that are accessible to all..				5			As part of a wider review of Council owned play areas it has been identified that repairs are required to the safety surface in 6 locations where shrinkage has occurred round the edges creating potential trip hazards. S106 monies can be used to fund 4 sites but funding is required for the other 2.	One-off	Asset Mgmt
			Net Cost of Bid		0	0	0	5	0	0			
GF8	Julie Slatter	Enjoy	Tree Works at closed burial grounds	This project will support the Corporate Plan Priority 'to enjoy life' ensuring that the councils green spaces are well maintained and safe to use.	10	10	10				SDC are responsible for 11 closed burial grounds in the district. Recent legal advice have confirmed that SDC are responsible for the trees in these areas rather than the Parochial Church Council. A survey is now taking place and budget is required to carry out identified works and on-going maintenance in line with the Councils policy for the management of SDC owned trees.	One-off	Revenue
			Net Cost of Bid		10	10	10	0	0	0			
GF9	Julie Slatter	Great value	Digital Workforce - Mobile phone refresh programme, data tethering, meeting room projector	Digital workforce - Hardware refresh programme and mobile phones. The Digital Strategy sets out the theme of a digital workforce which states we will; 'Create a culture that embraces all things digital and ensure our employees have the right technology and the skills to make the most of that technology to deliver better services for residents. Success will see greater	7	7	7	35	10	10	To ensure users fully adopt and benefit from the new technologies being introduced (such as the housing management system, planning systems and document management system, Microsoft suite) and to enable officers to be fully mobile in the district, changing how they work to improve customer services, having reliable working mobile phones and data is key. The current projectors in 5 of the meeting rooms are dated and no longer supported by any supplier. It has become apparent it is neither cost effective nor possible in some cases to repair the faults that have occurred (there is no maintenance contract on the projectors). There has been frequent occurrences of failings with the projectors during meetings which has impacted on Member meetings and bookings by external clients.	One Off / Perm	ICT
			Net Cost of Bid		7	7	7	35	10	10			
GF10	Julie Slatter	Great value	ICT Bids to meet new regulations and Government Legislation. Upgrade of existing software to meet the PSN compliance rules and enhance security on the council infrastructure.	Bids will support the Digital Strategy by delivering digital transformation that will empower citizens and council employees to reach their full potential. The use of digital to improve our offer to customers is embedded in the business model through priorities such as 'facilitating people to access and use alternative delivery channels' and 'helping people to access services digitally'.	11	11	11	65	30	15	BIDS include the purchase of Security software following the introduction of Microsoft Office 365 and ensure compliance with Government Legislation. New Software applications will be purchased such as CivicaPay to increased/improved customer "self-service". Idox and Northgate Bids are all for upgrades to the applications to enable us to further develop the software for the End User and remain PSN compliant. The Assure software BID is integral to the integration and rationalising of software systems at the council. The software will be widely used by a number of Business Units across the Council	Perm / One-Off	Revenue / ICT
			Net Cost of Bid		11	11	11	65	30	15			
GF11	Julie Slatter	Great value	Increase in HR & OD Capacity	LT has agreed the need to increase the HR & OD Capacity to improve the Strategic HR, improve HR Policies, shift the culture from manager reliance on HR to managers taking greater responsibility, improve MI, deliver the People Plan / OD Strategy. It is currently expected that this increased capacity will be initially delivered via a Better Together pilot with NYCC.	50	50	50					Perm	Revenue
			Net Cost of Bid		50	50	50	0	0	0			

New Bid Ref	Director	Corporate Theme	Description	Strategic Theme / Priority	Revenue			Capital			Comments	Term	Funded From
					20/21	21/22	22/23	20/21	21/22	22/23			
GF12	Julie Slatter	Great value	Business Transformation Resources	This request is to fund the existing 2 fixed term posts from the Business Development Reserve for a period of 3 years from 1st April 2020. The resources are required to support delivery of the Business Transformation and Development Team work programme of transformation projects within the Digital Strategy and the forthcoming People Plan.	68	69	71				Two fixed term Business Transformation Project Officer posts were originally funded from the Business Development Reserve for a period of 2 years to assist with the delivery of Transformation projects. The objectives within the work programme are all linked to facilitating customer self service through the shift to digital access and creating efficiencies for staff through smarter working practices, flexible working and a reduction in administrative processes through automation. This is essential to maintain the existing level of service and achieve programme delivery.	One-off	Business Development Reserve
			Net Cost of Bid		68	69	71	0	0	0			
GF13	Julie Slatter	Great value	Storage Area Network (SAN) Space	- Modernise the ICT infrastructure to improve resilience and security. Modernise the ICT infrastructure to improve service availability (24/7/365), increase resilience to cyber-attack and ensure risk based and proportionate levels of information security. - Simplify the ICT estate Streamline internal systems and processes, reduce the number of applications, increase the commonality of applications and move towards a single platform - Better use of data Managing and using data securely and appropriately; improving data discovery tools; removing barriers to effective data use; and make better use of data to improve decision making					30		This is the Council's Storage Area Network which is the underlying disk space for all our servers, systems and data. This cost is to replace the existing storage which is approaching end of hardware support life with storage on the NYCC SAN.	One-off	ICT
			Net Cost of Bid		0	0	0	0	30	0			
GF14	Julie Slatter	Great value	Finance System replacement or upgrade of the existing system	Working with others and co-developing the way in which services are delivered. This work will help us to continually improve value to money in the business					150		The Finance software is integral to the integration and rationalising of software systems at the council. The majority of staff will use an element of the Finance system and subsequent modules such as Collaborative Planning for budgeting and E-Procurement for ordering or purchasing services for the council.	One-off	ICT
			Net Cost of Bid		0	0	0	0	150	0			
GF15	Julie Slatter	Enjoy	Additional funding for the replacement of Vehicle Fleet for Dog Warden Service & Property Management	SDC aims to offer a first class service to our customers and 'first impressions' play a key role in determining how the service is ultimately perceived.	5	5	5	8			The vehicle fleet is now five years old and approaching the end of its lease period. The Council therefore needs to invest in replacing the fleet, taking advantage of technological advancements in fuel efficiency, vehicle tracking/driver behaviour solutions and lightweight fit for purpose vehicle racking. This bid is in addition to the established budget	Perm	Revenue / Asset Management
			Net Cost of Bid		5	5	5	8	0	0			
GF16	Julie Slatter	Enjoy	Leisure Planned Maintenance Programme	The planned maintenance programme supports the Councils corporate priority to make Selby District a great place to enjoy life.				33	55	9	In the contract with Inspiring healthy lifestyles (IHL) the Council holds landlord responsibility for Selby Leisure Centre, Tadcaster Leisure Centre and Selby Park. The Council, as Landlord, is required under the terms of the contract to ensure that essential maintenance work is carried out at the facilities leased by IHL. It is therefore a contractual commitment to carry out the necessary repairs although annual programme is subject to variation as required by asset conditions. Details to be reported to the Executive on 5th December 2019.	Fixed	Asset Management
			Net Cost of Bid		0	0	0	33	55	9			
GF17	Dave Caulfield	Live	Costs for undertaking all the evidence to inform a new Local Plan	The preparation of a new Local Plan will help the Council to deliver its Corporate Plan objectives to make Selby a great place to do business and to enjoy life. More specifically it will contribute to the objective to have a local plan in place which will deliver more houses in the District, business opportunities, promote health and well-being and protect and enhance the local environment.	75	75	150				Planning legislation requires that Local Plans are reviewed at least every five years and therefore once this Local Plan is adopted further resources will be required to undertake a review. The main risk if evidence is not prepared is that the plan will be subject to challenge through the examination process. The lack of an up to date Local Plan increases the risk of ad hoc development taking place.	Fixed	Local Plan
			Net Cost of Bid		75	75	150	0	0	0			
GF18	Julie Slatter	Live	Purchase of land to help facilitate the housing development programme / Trust builds					938			Bid is to facilitate affordable housing development and acquisitions are subject to business case	Fixed	Capital receipts
			Net Cost of Bid		0	0	0	938	0	0			
			Total Value of new GF Bids		318	282	360	1,349	501	221			

Funding	20/21	21/22	22/23	20/21	21/22	22/23
ICT Reserve				100	220	25
Other (Final Bid TBC, Housing Options)	0	0	0	0	0	0
Local Plan Reserve	75	75	150			
Asset Management Reserve				132	102	16
Capital Receipts				1,118	180	180
Business Development Reserve	68	69	71			
Revenue	176	138	139			
Total	318	282	360	1,349	501	221

HRA NEW GROWTH BIDS 2020/21 - 22/23

Bid Ref	Description	Strategic Theme / Priority	Revenue			Capital			Comments	Term	Funding
			20/21	21/22	22/23	20/21	21/22	22/23			
			£k	£k	£k	£k	£k	£k			
HRA 1	Energy Efficiency Programme - Programme of works targeted at ensuring tenants benefit from innovations in energy efficient heating appliances.	In June 2019, the United Kingdom became the first major economy to sign in to law a commitment to deliver net-zero greenhouse gas emissions by 2050. As a district which benefits significantly from income streams associated with energy generation, the Council must be seen to be delivering on its obligations to achieve a net-zero position across its housing portfolio in conjunction with other district-wide initiatives.				545	545	545	This programme will be achieved by: 1. Cyclical replacement of gas boilers and central heating installations on a 'just in time' basis with modern energy efficient alternatives. 2. Replacement of obsolete solid fuel appliances with less carbon intensive heating systems, appropriate to the needs of the customer and location of the property. 3. Phased removal of all remaining solid fuel burning appliances from Council owned properties. All of the above works will be undertaken in conjunction with delivery of other capital investment programmes in order to maximise the thermal efficiency of the building envelope.	Perm	Major Repairs Reserve
Net Cost of Bid			0	0	0	-55	-45	-35	Savings against previous programme		
HRA 2	Health & Safety Improvement Programme - Targeted at delivering essential health & safety works required by legislation.	Compliance with the legislation highlighted is a statutory responsibility, with penalties for non-compliance including unlimited fines and imprisonment.				410	360	360	1. Fire Risk Assessments : SDC are required under the Regulatory Reform (Fire Safety) Order 2005 to complete and maintain Fire Risk Assessments for all communal areas located within our properties. The funding will be used to undertake essential works identified by the FRA process. 2. Asbestos surveys and related works: SDC are required under the Control of Asbestos Regulations 2012 to complete and maintain accurate records of the presence and condition of asbestos containing materials throughout our stock. 3. Electrical upgrade and testing: As part of SDC's aspiration to provide high quality social housing which meets the needs of our customers it is essential we ensure the electrical installations in our housing portfolio are installed and tested in accordance with the 18th Edition of the IEE Wiring Regulations. The bid is line with the funding requirements highlighted within the HRA Business Plan and will be utilised to renew the electrical installations in our stock on a rolling programme moving forwards.	Perm	Major Repairs Reserve
Net Cost of Bid			0	0	0	297	309	195	Increase against previous programme		
HRA 3	Property Refurbishment Programme - This programme of works is targeted at delivering essential elemental replacement works, ensuring our housing portfolio continues to achieve the Decent Homes Standard and providing high quality homes which meet the needs of our customers.	The programme will ensure SDC continues to maintain its property portfolio in a legislatively compliant manner.				1,820	1,670	1,670	The Homes (Fitness for Human Habitation) Act 2018 places a number of statutory duties on Landlord's including ensuring all our homes are free from category one hazards as set out in the Housing Health and Safety Rating System. The programme of works includes replacement of the following key elements: Kitchens; Bathrooms; Windows & external doors; Roofs; Damp Works; Pointing; Fencing 7 gates and Adaptations.	Perm	Major Repairs Reserve
Net Cost of Bid			0	0	0	1,887	1,945	2,007	Increase against previous programme		
HRA 4	Investment Programme - To support key aspects of the HRA Business Plan including; Empty Homes; Footpath repairs; Carbon Monoxide (CO) Detection; Sewage Pump Station Replacement & Communal Areas	The programme will contribute towards improving the kerb appeal of our properties and neighbourhoods, thereby helping to deliver the key strategic aims of the HRA Business Plan.				1,260	560	403	This bid for funding has been calculated so as to deliver the strategic aims and objectives of the HRA Business Plan. Funding for this programme is a long-term commitment designed to achieve the primary aspirations of the HRA Business Plan, namely delivering and sustaining high quality social houses which meet the needs of customers.	Perm / Fixed Term	Major Repairs Reserve
Net Cost of Bid			0	0	0	11	23	25	Increase against previous programme		
HRA 5	Replacement Uniforms for Property Services Operatives	SDC aims to offer a first class repairs and maintenance service to our social housing customers and 'first impressions' play a key role in determining how the service is ultimately perceived.	12	1	1				Although the Council routinely provides a small revenue budget via the HRA for purchase of new and/or replacement uniform for Property Services operatives, it has been a number of years since substantial investment was made refreshing the same for all operatives at the same time.	Perm	Revenue
Net Cost of Bid			12	1	1	0	0	0	Increase against existing budget		
HRA 6	Additional funding for the replacement of Vehicle Fleet for Property Services	SDC aims to offer a first class repairs and maintenance service to our social housing customers and 'first impressions' play a key role in determining how the service is ultimately perceived.	30	30	30	61			The Property Services vehicle fleet is now five years old and approaching the end of its lease period. The Council therefore needs to invest in replacing the fleet, taking advantage of technological advancements in fuel efficiency, vehicle tracking/driver behaviour solutions and lightweight fit for purpose vehicle racking. This bid is in addition to the established budget	Perm	Revenue / Major Repairs Reserve
Net Cost of Bid			30	30	30	61	0	0			

Bid Ref	Description	Strategic Theme / Priority	Revenue			Capital			Comments	Term	Funding
			20/21	21/22	22/23	20/21	21/22	22/23			
HRA 7	Housing Enforcement Officer 1 FTE @ 3C	To make Selby District a great place to enjoy life - improving the supply of housing. The role will ensure that our Housing Stock is effectively managed and by tackling cases involving ASB we will be supporting the wider community and ensuring that residents across the Selby District have a safe place to live. We will continue to ensure Council properties are maintained to a satisfactory level, tenancies are managed properly and any breaches are dealt with in a timely manner using the relevant level of enforcement sanctions available. We will ensure vulnerable tenants are protected and supported and Anti Social behaviour is dealt with to minimise the detrimental impact it has on our neighbourhoods and the quality of peoples lives it affects.	44	45	46				The bid request for funding for the continuation of the Housing Enforcement Role. The need for this role was identified in the last restructure when the post was added and funded for 3 years using P4G funding. The 3 years ends on 31.3.20. The role has been extremely successful and demand for housing enforcement resource has been constant since its conception. We have dealt with over 100 housing enforcement cases over the last 2 years, most of which have been social housing and we can deal with these using a range of sanctions from informal intervention methods & support to formal sanctions concluding in eviction from the property. All closed cases have had a successful resolution and where appropriate enforcement action has brought over 30 properties back into SDC possession which we have been able to re-let to individuals/families who are in need of housing. As the role is focused on Council Housing Enforcement the bid requests that it is funded in the future from the Housing Revenue account. Delete Neighbourhood Officer Post - Previously GF Post	Perm	Revenue
	Net Cost of Bid		-34	-36	-35	0	0	0			
HRA 8	Regrading of Trades Staff Team	To make Selby District a great place to live - investing in improving the quality of the housing stock.	129	132	134				Potential additional costs arising from review of Trades team to support delivery of the HRA business plan and address recruitment difficulties.	Perm	Revenue
	Net Cost of Bid		129	132	134	0	0	0			
	Total Value of new HRA Bids		180	171	175	6,237	5,368	5,170			

Funding	20/21	21/22	22/23	20/21	21/22	22/23
Revenue	180	171	175			
Capital Receipts						
HRA Major Repairs Reserve				6,237	5,368	5,170
	180	171	175	6,237	5,368	5,170

Planned Savings

Appendix C

Strategic Category	Lead	General Fund - Potential Saving	Original Risk in Budget	2020/21 Target £k	2021/22 Target £k	2022/23 Target £k	Commentary
Growing resources	Leadership Team	Income generation	High	0	0	0	Income streams have not been increased beyond inflation and no new income streams have been introduced. Propose removing target - unlikely to be achieved.
Growing resources	Julie Slatter	Asset rationalisation	Medium	150.6	150.6	150.6	Additional income has been generated from our assets which were not budgeted, particularly around the use of our office space by third parties. This has allowed us to increase the target from the original target of £100k which relates to the move from Market Cross. The move of the contact centre is anticipated to happen in the near future, but the negotiations on the lease at Market Cross are still ongoing and other alternatives such as sub-letting and alternate uses are being considered.
Growing resources	Julie Slatter?	New SDHT Loans	Low	100	100	100	The revised and expanded Housing Development Programme agreed by Executive in January 2018 identifies a significant role for the SDHT in delivery which will provide further loan opportunities for SDC, although the timing of these new opportunities will only become clearer as the programme progresses. Targets will be updated as new loans are approved.
Growing resources	Dave Caulfield	Commercial property acquisition	High	0	0	0	£3.5m was earmarked for commercial property acquisition which would generate a direct return on investment. To date this has been used to acquire two vacant former banks, but these are not expected to make an ongoing revenue stream in the near future. The remainder has been earmarked for a match funding bid with TCF which will include the purchase of some assets. Some of these could generate a return on investment whilst other will be about improving public realm. This is still uncertain at this early stage of the bid process so proposed to remove budget and will if required in the future.
Growing resources	Dave Caulfield	Business Rates Growth	High	0	100	200	The Council's Economic Development Strategy will proactively foster new inward investment and indigenous business growth. This 'saving' is however high risk due to uncertainties regarding the BRR system reset. This cautious target assumes that the reset brings the Council out of its current safety net position and enables modest year on year growth to be realised. Delays to business rates retention system reset mean that this target is delayed a year and proposed targets have been reprofiled accordingly.
Growing resources	Karen Iveson	Property Fund Investment	Medium	200	200	200	An investment was made in October 2018 into 2 property funds with an estimated net return of 4% per annum. Returns are subject to fund performance.

Strategic Category	Lead	General Fund - Potential Saving	Original Risk in Budget	2020/21 Target £k	2021/22 Target £k	2022/23 Target £k	Commentary
Growing resources	Karen Iveson	Increase cap on investment income - NEW	Medium	50	50	50	Completed. Potential to reassess and increase if outlook for interest rates remains high but there is risk from reducing balances which would counteract any increase in rates and a no deal Brexit which could result in a cut in the base rate. This will be kept under review and confirmed as cashflow forecasts are updated and interest rates are known.
		Total Growing Resources	0	500.6	600.6	700.6	
Transforming	Julie Slatter / Alison Hartley	Process improvements /on-line transactions	Medium	250	300	300	The Channel shift project is currently being delivered and savings from this are starting to be recognised. There have been savings made through natural turnover where the benefits of digitalisation have led to increased efficiency plus additional savings generated from reduction in paper and postage as a result of increased usage of IT. Further benefits from this are expected to be achieved as the projects continue to roll out.
Transforming	Julie Slatter	Introduce CT Penalty Scheme - NEW	Medium	10	10	10	Introduce CT Penalty scheme to assist with cost recovery of the additional work required when details are not updated. £10k is an estimate but the Council would use the penalty scheme as a means to encourage people to change details and reduce instances of this.
Transforming	Julie Slatter	Review and introduce increased empty homes premium.	Medium	45	45	45	It is intended for the scheme to act as a deterrent against long standing empty properties and bring much needed homes back in to use.
Transforming	Dave Caulfield	Planning service review	Medium	67	100	100	Latest indications from the planning review indicate a saving in the service of £67k. The additional £33k saving beyond this relates to increased income from pre-application advice.
		Total Transforming		372	455	455	
Commissioning	Julie Slatter	Contract renegotiations	Medium	324	324	324	Targeted efficiencies from variations in service delivery.
Commissioning	Julie Slatter	Procurement partnership	Low	12	12	12	Completed - Selby has exited from the North Yorkshire Procurement Partnership in April 2019. Approved by the Executive 4/10/2018.
Collaboration	Julie Slatter	Work carried out for third parties	High	0	0	0	Propose removing this target with fewer opportunities at present.
		Total Collaboration & Commissioning	0	336	336	336	
Technical/housekeeping	Karen Iveson	Remove contributions to pension reserve	Low	100	100	100	Completed - This mitigates above inflationary rises in future pension contributions - risk to be managed within base budget.

Strategic Category	Lead	General Fund - Potential Saving	Original Risk in Budget	2020/21 Target £k	2021/22 Target £k	2022/23 Target £k	Commentary
Technical/housekeeping	Karen Iveson	Reduce contingencies	Low	160	160	160	Completed - The operational contingency has been reduced to £100k (the minimum advisable for operational purposes) and funding from the Contingency reserve will be drawn down for additional Executive Commissions as part of the annual budget process. The Contingency reserve will continue to be topped up through windfalls/in-year surpluses.
Technical/housekeeping	Karen Iveson	Reduction in pension contributions	Low	69	70	71	Reduction in pension contributions following the 2019 triennial valuation. Rates are subject to final confirmation but there is sufficient headroom in the fund to consider this low risk. Rates are expected to increase from 2023/24 and budget provision will be made to mitigate this.
		Total Technical/Housekeeping	0	329	330	331	
		Total	-	1,537	1,721	1,823	

Strategic Category	Lead	HRA - Potential Saving	Risk	2021/22 Target £k	2021/22 Target £k	2022/23 Target £k	Update/Comments
Transforming	Julie Slatter	Process improvements /on-line transactions	Medium	195	195	195	The new housing/asset management system is in the process of being implemented and is set to go live in 20/21.
Technical/housekeeping	Karen Iveson	Reduction in pension contributions	Low	23	23	24	
		Total	-	218	218	219	

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2020/21 – 2022/23 GENERAL FUND CAPITAL PROGRAMME INCLUDING GROWTH BIDS

	Estimated Programme	Estimated Programme	Estimated Programme
	2020/21 £k	2021/22 £k	2022/23 £k
<u>PROJECTS</u>			
Asset Management Plan Leisure Centres & Park	33	55	9.005
Industrial Unit Improvement Programme	50	50	
<u>New Bids</u>			
Industrial Unit Improvement Programme	50	47	7
New Bid - Car Parks upgrade of Ticket Machines \ Signage	36		
New Bid - Council Play Areas	100	100	100
New Bid - Repairs to safety surface at council owned play area	5		
New Bid - Replacement of Fleet Vehicles	8		
New Bid - Purchase of Land	938		
<u>Grants</u>			
Disabled Facilities Grants	402	402	402
Repair Assistance Loans	30		
New Bid - Empty Homes Grants	80	80	80
<u>ICT Hardware & Systems Within ICT Strategy</u>			
Northgate Benefits & Taxation system development	15	15	15
Microsoft Licensing	85	85	85
<u>New bids</u>			
Civica Pay	20		
Virtual Servers, Software & Storage		30	
Idox Planning Software	15	15	15
Laptop Refresh	33	50	50
New Bid - Mobile Phone Refresh Programme	10	10	10
New Bid - Meeting Room Projector Upgrade	25		
New Bid - Website Accessibility	10		
New Bid - Upgrade to Assure from M3	20		
New Bid - Adobe Licence Replacements		15	
New Bid - Finance System		150	
Implementation & Infrastructure Costs	233	369	174
Mobile Working Solution / Digital Workforce	16		
TOTAL	1,980	1,103	773
<u>SUMMARY OF FUNDING</u>			
Capital Receipts	1,148	180	180
Grants & Contributions	402	402	402
Reserves	430	521	190
TOTAL	1,980	1,103	773

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2020/21 – 2022/23 HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME INCLUDING GROWTH BIDS

	Estimated Programme	Estimated Programme	Estimated Programme
	2020/21 £k	2021/22 £k	2022/23 £k
<u>PROJECTS</u>			
<u>PROJECTS</u>			
<u>Current Projects</u>			
Energy Efficiency Programme	545	545	545
Health & Safety Improvement Programme	410	360	360
Property Refurbishment Programme	1,820	1,670	1,670
Investment Programme	560	560	403
Empty Homes Programme	700		
<u>New Bids</u>			
Energy Efficiency Programme	-55	-45	-35
Health & Safety Improvement Programme	297	309	195
Property Refurbishment Programme	1,887	1,945	2,007
Investment Programme	11	23	25
Fitting Out new Vehicle Fleet	61		
TOTAL	6,237	5,368	5,170

SUMMARY OF FUNDING

Revenue Contributions	5,537	5,368	5,170
Capital Receipts	280		
HCA Grant Funding	210		
S.106 Commuted Sums - affordable housing subsidy	210		
TOTAL	6,237	5,368	5,170

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Programme for Growth 2019/20 Financial Year Project Updates

Multi Year schedule for the project lifespan

Project	Lead Officer	Multi-Year Project Budget	Position @ 30 September 2019			Update
			In Year Spend 19/20	Forecast	Forecast Variance	
		£k	£k	£k	£k	
Healthy Living Concepts Fund	Angela Crossland	117	24	117	0	The Selby Health Matters group have now finalised a 3 year action plan to support delivery of local initiatives for which this fund will support. 2019/20 P4G allocation is the final year contribution to this fund. Current projects underway are the Local Cycling and Walking Infrastructure Plan which has a committed amount from the fund of £47.5k. The work commenced in Dec 2018 and is due to conclude by end 2019. Current work with Selby Health Matters and IHL to shape two projects. One on developing active travel information and supporting walking and cycling. Budget outline £10k for this. One on a 3 year healthy schools zone pilot nutrition and activity project to tackle childhood obesity. Budget outline £35k for this. Further meeting to shape the schools project outline due 23.10.19.
Visitor Economy (Tourism & Culture)	Angela Crossland	477	58	477	0	Budget represents a 3 year programme which will be complete by 1/10/22. Year 1 was about creating the foundations. Whilst the initial period has seen very little expenditure, the foundations for delivery have been put in place, including quality officers being recruited into the delivery posts. These are helping with the delivery of the two major cycle races. The team have also led on securing funding to support some of the Selby 950 celebrations (see project below) and in delivering the programme. The emphasis of the work to date has been on: <ul style="list-style-type: none"> • Developing baseline and evaluation data to build a picture of what events and activities bring to local business and audiences. • Establishing strong business and community relationships to continue activity, strengthen visitor products and build legacy partnerships and capacity in the district's visitor, heritage and creative sectors; • Establishing baseline data on audiences, visitors and how these demonstrate the strength and response to our district offer. It is anticipated that the 2019/20 financial year will see a sustained period of delivery. It is anticipated that expenditure will include £32,905 on data capture, monitoring & evaluation (including social and economic impact studies for Selby 950); £6000 on business events and networking; £20,000 on Visitor Economy place branding and marketing; £1500 to service the Tourism Advisory Board; £7500 on our partnership with Visit York to ensure Selby District businesses receive maximum benefit; £3000 to test Visitor Information Points and £5000 for niche trail maps.
Celebrating Selby 950	Angela Crossland	63	7	63	0	The budget represents SDC's contribution to the major programme of events to celebrate Selby 950 being led by SDC in partnership with other key stakeholders in the town and is also partially funded by external funders. Match funding has successfully been awarded by ACE (£70k), HLF (£45k) and Drax Group plc (£20k) which has enabled an exciting and engaging programme of work to be delivered in 2019/20. Successful events such as Selby Sings (involving 250 school-children singing in the Abbey) and the St Germain parade (involving 450 in its preparation and many more watching in the town) have generated significant regional and local media coverage and positive local feedback. Most of the artists contracts are in place, now that permission has been given by the funders and is expected to be complete by February 2020.
Retail Experience - Tadcaster Linear Park	Angela Crossland	150	0	150	0	The Tadcaster Riverside Park project is a long running project currently at design and costings phase with Amey Enterprises. Recent work has been to finalise the design costings. Phase 2 is to put the contract and operational arrangements in place to deliver the project in 2019. The procurement exercise underway with results expected October 2019. Some key risks identified to deliverability include final cost outline and major EA works identified for the river bank. Further decisions required on the progress of the project.
Growing Enterprise	Iain Brown	63	(0)	63	0	Budget to support one of the 10 priorities in Economic Development Framework (EDF) 2 year delivery programme as approved at the January 2019 Executive. It helps to match-fund small business support with the Leeds City Region LEP and unlock support for small businesses through the Ad:Venture and Digital Enterprise.

Project	Lead Officer	Multi-Year Project Budget	In Year Spend 19/20	Forecast	Forecast Variance	Update
Marketing Selby's USP	Mike James	35	13	35	0	<p>This is the final stage of the 18-month Place Branding project. The project objectives are to support investment and jobs by telling a positive story of the district as a place to do business. We've been delivering this through a series of stories - relating back to our Economic Framework objectives - and working with others, such as the LEPs, to maximise the reach of our material to the relevant audiences. We undertook a full project review following the election and have an updated delivery plan to take us to the end of December 2019.</p> <p>The project continues, along the following themes:</p> <ol style="list-style-type: none"> 1. Targeting marketing - a number of media partnerships have been set up to help push key updates about the business and lifestyle 'offer' of the district. These reach targeted business audiences, as well as working with local media to highlight the positive impacts of growth on jobs and opportunities for existing residents. 2. Creation of a new business-specific web microsite - this helps to better support business interactions. 3. Working with LCR LEP to include Selby district's offer as part of MIPIM 2020 - subject to final confirmation of the approach. 4. Continuing to build a library of case studies that tell the story of the district's business offer, which can be used to support all types of communication and marketing activity about the area.
Tour De Yorkshire	Angela Crossland	150	150	150	0	SDC contribution to hosting the finish of the first stage of Tour de Yorkshire (TdY) in May 2019 in Selby Town. This has given the town a massive publicity boost in the year of the Abbey's 950 celebrations. The Leeds City Region Business Rates Pilot Pool has agreed to fund the £100k start fee for the Selby event in line with the funding provided for other starts and finishes across the LCR. Project now complete and final closedown payments in process.
Retail Experience - STEP	Angela Crossland	78	1	78	0	Town centre revitalisation and strategy work is underway. Noticeboard element of street scene work to be completed by end 2019 in line with car park refurbishment. Open House event plan scheduled for October 2019. Work to deliver on priorities in line with the town centre strategy and revitalisation action plan. Anticipate that plans for local delivery will align with reprioritisation for town centres as part of new Corporate Plan period 2020+
Towns Masterplanning (Regeneration)	Angela Crossland	120	9	120	0	<p>Work has been commissioned in 2019/20 from the People and Places consultancy (Chris Wade) to develop town centre revitalisation plans and prepare for Future High Streets Fund applications throughout 2019 (£15-20k commission) The first stage of work has been completed in 2019/20 including significant survey and engagement work in Selby Town centre. Further work on this across the three towns will continue into Summer/Sept 2019. Sherburn work commenced early October 2019 and Tadcaster due late 19/20. Work will identify where match fund and further commission is needed and establish the further multi-partner governance model needed to deliver the strategies and action plans for each town centre.</p> <p>Identified work around a places and movement study with Highways is required and would be supported from this funding allocation. Circa £30k. Anticipate that plans for local delivery will align with reprioritisation for town centres as part of new Corporate Plan period 2020+</p>
Strategic Sites Masterplanning	Iain Brown	153	(40)	150	(3)	Funded due diligence work on Olympia Park, Portholme Road, Edgerton Lodge and Selby Station Masterplan. Future projects will include strategic infrastructure response to Sherburn Employment sites, improvements to the area around the railway station in Selby. Expenditure will include consultancy work to support the Transforming Cities Fund bid for Selby Station.
Access to Employment	Iain Brown	40	0	40	0	Projects within this budget will be targeted at supporting social mobility to give unemployed people in areas of higher deprivation in Selby District access to current and future employment opportunities e.g. connecting people to employment opportunities at Sherburn, the former Kellingley Colliery, Church Fenton etc.
UCI Road World Championships	Angela Crossland	65	6	74	9	The Leeds City Region Business Rates Pilot Pool has agreed to fund the £25k start fee for the Tadcaster event in line with the funding provided for other starts and finishes across the LCR. Project now complete and final closedown payments in process.

Project	Lead Officer	Multi-Year Project Budget	In Year Spend 19/20	Forecast	Forecast Variance	Update
Empty Homes	June Rothwell Simon Parkinson	88	33	88	0	Overall the project is progressing well and the Empty Homes Officer has directly helped bring empty homes back into use in line with the targets set by offering advice and assistance to owners. Homes England Grant funding has been secured to support the options of voluntary and compulsory purchase. A total of £390,000 has been secured, subject to individual business cases for the properties, to purchase and repair the empty homes, bringing them to a habitable standard. This indicative funding is to bring back in to use 10 empty properties up to 2020, providing up to £39,000 per property. We can also use the funding to purchase 'right to buy' buy backs and this is something we will consider on a case by case basis. We are currently pursuing our first Compulsory Purchase Order. The process is long and quite complex but a successfully CPO will send the message that this is a priority for us.
Selby District Housing Trust	June Rothwell Phil Hiscott	35	0	35	0	This fund is to support SDHTs role in the more ambitious HDP approved by Executive in January 2018. A new officer has now been appointed to support the SDHT. The Trust have taken occupation of an additional 17 new affordable homes in 2018/19 delivered through new build and Section 106 acquisitions and a further 12 Section 106 acquisitions in Q1 2019/20.
Stepping Up' Housing Delivery	June Rothwell Phil Hiscott	10	6	10	0	The Project will support the implementation of the Housing Development Programme approved by the Executive in January 2018.
Olympia Park	Iain Brown	291	81	291	0	Following further detailed information about costs and technical issues at the Olympia Park development site in Selby, Selby District Council, the landowners and developers involved have reluctantly concluded that conditions attached to a government grant towards site costs cannot now be met. Despite the best endeavours taken by the Council, its advisers and Olympia Park Development (OPD), the project in its current form cannot be delivered within the timescales required to access the grant offered towards infrastructure costs. In September 2017, the Council secured funding in principle from Homes England through the Housing Infrastructure Fund (HIF). The £8.878m grant support from Homes England was offered on the basis that it be used to fund site assembly and upfront infrastructure works (including a new access road into the Olympia Park site) by 31 March 2021. The investment was offered on the understanding that the infrastructure unlocks the delivery of 1,190 homes on the site by 2038. A legal 'Grant Determination Agreement' was required by the end of September 2019 to access the grant offered by Homes England. Over the last two years, all those involved in this major project including landowners, existing businesses, developers and the District and County Council have undertaken extensive work to enable the site to be brought forward for development. This has included extensive technical work by Olympia Park Developments Ltd (ODP) in order to find specialist solutions to flood risk, remediation and the preparation of development plateaus for new housing and employment space; and a new access road off the A63 bypass. Recent work by ODP has revealed that the access road cannot be delivered in a cost effective manner within the necessary timescales to draw down the HIF investment. There are many reasons for this – none of which were foreseeable at the time the application for funding was made. These include changes in legislative requirements around building in areas that could potentially be affected by flooding, which have further impacted on the financial viability and deliverability of the proposed development and put into question the ability to deliver the number of housing units required. Everyone involved remains fully committed to effective use of the site in the future to support existing businesses and enable the delivery of appropriate new employment space and homes. The Council and OPD now have the benefit of significant detailed technical information regarding the site and continue to work together to unlock its significant potential for development, particularly given the close proximity to the town centre and railway station.
Making our Assets work	Iain Brown / Phil Hiscott	87	2	167	80	The budget is targetted at at funding due diligence work to bring the Council's own land assets to the market. These include small garage sites, Portholme Rd, Egerton Lodge, Barlby Rd depot and Bondgate.
Housing development Fesibility Work	Phil Hiscott	100	93	100	0	Housing development feasibility project to identify viability of sites for development.
Asset Strategy	Phil Hiscott	80	0	0	0	£80k budget moved from Making Our Assets Work
Commercial property acquisition fund	Iain Brown	3,039	0	3,039	0	This budget will be used to acquire strategic development sites consistent with the Councils regeneration and commercial development opportunities, in some instances this may be used to match fund acquisitions as part of the TCF bid submission.

Project	Lead Officer	Multi-Year Project Budget	In Year Spend 19/20	Forecast	Forecast Variance	Update
High Street shop fronts	Angela Crossland	100	0	100	0	The Project Fund is a match fund contribution to the successful High Streets Heritage Action Zone bid. We are now in Programme Design Stage until December 2019 to identify the programme specifics and how the fund will be spent. This is a 4 year funding programme to commence April 2020, therefore no forecasted spend in 19/20. This initiative is also inter-dependent with Towns Masterplan and Revitalisation projects. A project officer has now been assigned to lead this from within the Communities and Partnerships team. We anticipate that this funding line will amalgamate into a HAZ project allocation with New Lane public realm development and in partnership with car park improvements for the Back/Micklegate area.
New lane - Public Realm	Iain Brown / Angela Crossland	200	0	200	0	The Project Fund is a match fund contribution to the successful High Streets Heritage Action Zone bid. We are now in Programme Design Stage until December 2019 to identify the programme specifics and how the fund will be spent. This is a 4 year funding programme to commence April 2020, therefore no forecasted spend in 19/20. This initiative is also inter-dependent with Towns Masterplan and Revitalisation projects. A project officer has now been assigned to lead this from within the Communities and Partnerships team. We anticipate that this funding line will amalgamate into a HAZ project allocation with High Street Improvements fund and in partnership with car park improvements for the Back/Micklegate area.
Staffing costs		2,134	367	2,134	0	This covers all the P4G funded posts across SDC. These posts support delivery of this P4G programme. It also covers the additional core staffing costs in a number of teams required to deliver the Council's corporate growth ambitions including the Economic Development and Regeneration team (to deliver the Economic Development Framework 2 year action plan) and key posts in Communities and Partnerships, Planning and Marketing and Communications.
Contingency		0	0	0	0	
		7,676	809	7,681	6	

P4G NEW BIDS 2020/21 - 22/23

Project Name	Description	Strategic Priority	New Corporate Plan Objective	Delivery Priority (1st 3 years)	Revenue			Capital			Total	Direct Return
					20/21	21/22	22/23	20/21	21/22	22/23		
					£k	£k	£k	£k	£k	£k		
Extension to existing posts	The Programme for Growth funds a number of fixed term posts across the Council which are due to end in 20/21 and a significant number ending in the following years. To deliver on the programme and our wider corporate ambitions these need to be extended.	Grow. Live. Enjoy. Great Value	Delivering across a range of these objectives.	Helping to deliver on a range of Delivery Priorities	200	747	1,017				1964	
Town Centre Action Plans	A Forward Framework and Action Plan is being prepared for each of the 3 town centres - work led by Chris Wade funded from the current Town Master planning P4G project. Two elements to this new ask: 1) Feasibility pot to work up project ideas e.g as required for the TCF bid; 2) Delivery budget - for implementation of projects - split as follows: Selby - £1m; Sherburn - £500k; Tadcaster - £500k.	Live.	Improved Town Centres.	* Develop a long term programme of market town regeneration.	200	200	200	1,000	500	500	2,600	
Visitor Economy, Arts and Culture Delivery programme	The Existing Visitor Economy (tourism & culture) and Celebrating Selby 950 P4G projects have delivered significant benefits and drawn in significant new investment into the district. There is now commitment from strategic funding partners such as Arts Council England, National Lottery Heritage Fund and Historic England to invest further in the district. ACE have suggested that SDC submit two funding applications of approx £50-70k pa but are looking for longer term commitment from SDC and partners. The ask is in two parts: 1) An additional Events officer to oversee the bids and delivery (£40k pa) 2) An investment pot we can use as match-funding for future bids (£200k pa)	Grow. Live.	* Increased Investment. * Improved Town Centres.	* Enable a thriving visitor economy underpinned by a sustained focus on enhancing the district's cultural offer. * Develop a long-term programme of market town regeneration to support the development of vibrant town centres.	240	240	240				720	
Business support programme	Through the existing P4G Growing Enterprise project and match-funding from LCR we employ a Senior Business Advisor to offer advice to small business and sign-post access to wider funding such as Ad:Venture and Digital Enterprise. This has been very successful benefitting dozens of local businesses. The investment would go into supporting the programme of events, activities and supporting funding bids.	Grow.	* Increased investment	* Support enterprise and business growth that benefits local residents through development of the necessary infrastructure and support to attract new business investments and support local businesses to grow.	70	70	70				210	
Low Carbon - Feasibility & Project Fund	Investment pot to support potential initiatives coming out of the Low Carbon Working Group. e.g. tree planting and green infrastructure; EV charging; assistance with renewable energy schemes for our housing stock? There is insufficient funding in the HRA to do this and assistance would be required from elsewhere.	Enjoy.	*Improved Environmental Quality		100	100	100				300	
Feasibility funding for HDP	Feasibility funding for the HDP	Live.	* Improved Housing Supply * Better Quality Council Homes		100	100	100				300	

Project Name	Description	Strategic Priority	New Corporate Plan Objective	Delivery Priority (1st 3 years)	Revenue			Capital			Total	Direct Return
					20/21	21/22	22/23	20/21	21/22	22/23		
Place Branding	Over the last two years we've invested in 'place branding' for the Council. The aim has been to develop a consistent positive story of the district as a great place to do business. During this time we've seen business confidence in the Selby district rise to the second highest in the Leeds City Region. Our approach to place branding on a minimal budget has been recognised nationally by the LGA as good practice. Additional funding through this bid will enable us to: 1. Continue to invest in good quality material that helps us to continue to tell the story of investment, enabling us to invest in good quality images and films (x20k each year) that create our story of place. 2. Fund the continuation of a communications officer post to 'back fill' resource to focus on this priority project; funding of this post was included in the original PfG bid for place branding (x£29,950 each year - 2B post)	Live. Enjoy. Grow.	* Increased Investment		50	50	50				150	
Unallocated					2,235						2,235	
Total Value of Bids					3,195	1,507	1,777	1,000	500	500	8,479	0

Available Resources	8,479
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Potential Future Bid Subject to enewable energy receipts in 2020/21

Low Carbon - Solar Farm	Investment in solar farm as part of commercial investment and low carbon agendas. Proposal subject to satisfactory business case and land availability. Note this is included as a potential future saving. Costs and income are indicative until market testing and business case prepared. Timing also indicative.	Enjoy. Great value.	* Improved Environmental Quality * Financially sustainable	which would support existing delivery plans.					8,000		8,000	320
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Reserve Balances 2019 - 2023 Including Growth Bids																
Description	Actual Balance	Use	Transfers	Contribs	Estimated Balance	Use	Transfers	Contribs	Estimated Balance	Use	Contribs	Estimated Balance	Use	Contribs	Comments	
	31 March 19	£k	£k	£k	31 March 20	£k	£k	£k	31 March 21	£k	£k	31 March 22	£k	£k		31 March 23
Revenue Reserves																
General Fund																
Reserves to fund future commitments:																
PFI Scheme	3,528	-427		295	3,397	-442		303	3,257	-451	310	3,116	-460	316	2,971	Reserve expected to be fully spent by 2035/36.
ICT	378	-933	500	191	136	-254		227	109	-369	263	3	-174	300	129	Assessment of future requirements in progress
Asset Management	996	-1,375	250	200	71	-185		200	86	-155	200	131	-16	200	315	Subject to refreshed Asset Management Strategy
Election	148	-136		34	46			34	80		38	118	0	38	156	
	5,050	-2,871	750	720	3,650	-881	0	764	3,533	-975	811	3,368	-650	854	3,572	
Reserves to fund growth and improvement:																
Special Projects/Unallocated	3,402			5,077	8,479	0	-8,479	9,890	9,890	0	180	10,070	0		10,070	£9m of renewable energy receipts included plus surpluses from General Fund budgets in 2020/21 and 2021/22. The closing balance at the end of 19/20 is proposed to transfer to the P4G reserve to cover the new programme proposals.
Programme for Growth	6,229	-3,322		1,273	4,181	-7,231	8,479		5,429	-3,090		2,339	-2,339		0	Remainder of Approved P4G Programme, reprofiled over remaining years. Plus new £8.479m
Discretionary Rate Relief Fund	240	-50			190				190			190			190	
NYCC Collaboration	50	-50			0				0			0			0	
Spend To Save (Business Development)	310	-41	150		419	-68			351	-69		282	-71		212	Held to support upfront investment or transitional costs to deliver savings/efficiencies/come generation - spend subject to annual bidding through budget process
	10,231	-3,464	150	6,351	13,268	-7,298	0	9,890	15,860	-3,159	180	12,882	-2,410	0	10,472	
Reserves to mitigate financial risk:																
Pension Equalisation Reserve	842		-842		0				0		97	97		185	282	Pension fund over 100% funded per 2019 valuation - reserve to be released for alternative use - trf to contingency
NDR Equalisation	2,472			3,321	5,793	0			5,793	0		5,793	-266		5,527	Funds held to support revenue budget - drawdown is subject to savings delivery
Local Plan	439	-416	250	50	323	-243		50	131	-75	50	106	-150	50	6	Funding for new local plan
Contingency	614	-100	-158		356	-100			256	-100		156	-100		56	
General Fund	1,653	-150	-150		1,503				1,503			1,503			1,503	Minimum working balance £1.5m
	6,021	-516	-900	3,371	7,975	-343	0	50	7,683	-175	147	7,654	-516	235	7,373	
Total GF Revenue reserves	21,302	-6,850	-	10,441	24,893	-8,522	-	10,704	27,076	-4,309	1,137	23,904	-3,576	1,089	21,417	
HRA																
HRA Unallocated Balance	2,267		767		1,500				1,500			1,500			1,500	Minimum working balance £1.5m remainder transferred to MRR to support housing improvement programme
C/fwd Budgets (HRA)	2,295	-2,295			-				-			-			-	
Major Repairs Reserve - Capital Programme	5,883	-4,369	767	5,514	7,794	-5,537		3,716	5,973	-5,368	3,895	4,500	-5,170	3,022	2,352	Spend profile subject to approved capital programme - aligns to HRA Business Plan Mid-Case
Sub Total	10,445	-6,665	-	5,514	9,294	-5,537	-	3,716	7,473	-5,368	3,895	6,000	-5,170	3,022	3,852	
Total Revenue Reserves	31,747	-13,515	-	15,955	34,187	-14,059	-	14,420	34,548	-9,676	5,032	29,904	-8,746	4,111	25,269	
Capital Reserves																
Total Useable Capital Receipts	5,491	-2,569	-	500	3,422	-1,428		500	2,494	-180	500	2,814	-180	500	3,134	
Capital Receipts (HRA Reserved)	0	-250		250	0				0			0			0	
Total GF Capital Receipts	5,491	-2,819	-	750	3,422	-1,428	-	500	2,495	-180	500	2,815	-180	500	3,134	
Restricted Reserves																
S106 Affordable Housing Commuted Sums	5,461			1,219	6,679			1,219	7,898		609	8,507			8,507	Funds ring-fenced and spend subject to progress on housing developments
Other s106 contributions	135				135				135			135			135	New reserve to be created
Community Infrastructure Levy	1,159			567	1,727				1,727			1,727			1,727	New reserve to be created
Total Restricted Reserves	6,755	0	0	1,786	8,541	0	0	1,219	9,760	0	609	10,369	0	0	10,369	

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