

# COUNTY COUNCIL

**Wednesday 23 November 2022**

**10.00 am Hollinsworth Hall, The Canalside  
Conference Centre, Marsh Lane,  
Huntworth, Somerset, TA6 6LQ (and  
virtual for members of the public)**



To: The members of the County Council

Cllr S Ashton, Cllr S Aujla, Cllr J Bailey, Cllr J Baker, Cllr Cllr L Baker, Cllr M Barr, Cllr M Best (Chair), Cllr B Bolt, Cllr A Boyden, Cllr A Bradford, Cllr H Bruce, Cllr T Butt Philip, Cllr S Carswell, Cllr M Caswell, Cllr N Cavill, Cllr M Chilcott, Cllr N Clark, Cllr B Clarke, Cllr P Clayton, Cllr S Coles, Cllr S Collins, Cllr J Cook-Woodman, Cllr N Cottle, Cllr Cllr A Dance, Cllr D Darch, Cllr H Davies, Cllr T Deakin, Cllr D Denton, Cllr M Dimery, Cllr A Dingwall, Cllr L Duddridge, Cllr M Dunk, Cllr S Dyke, Cllr C Ellis, Cllr H Farbahi, Cllr B Ferguson, Cllr B Filmer, Cllr D Fothergill, Cllr A Govier, Cllr T Grimes, Cllr A Hadley, Cllr Pauline Ham, Cllr Philip Ham, Cllr S Hart, Cllr M Healey, Cllr B Height, Cllr A Hendry, Cllr R Henley, Cllr M Hewitson, Cllr E Hobbs, Cllr H Hobhouse, Cllr J Hunt, Cllr D Johnson, Cllr H Kay, Cllr V Keitch, Cllr A Kendall, Cllr J Kenton, Cllr T Kerley, Cllr M Kravis, Cllr C Lawrence, Cllr M Lewis, Cllr L Leyshon, Cllr T Lock, Cllr M Lovell, Cllr D Mansell, Cllr M Martin, Cllr H Munt, Cllr T Munt, Cllr M Murphy, Cllr F Nicholson, Cllr G Oakes, Cllr S Osborne, Cllr O Patrick, Cllr C Payne, Cllr K Pearce, Cllr E Pearlstone, Cllr D Perry, Cllr E Potts-Jones, Cllr T Power, Cllr H Prior-Sankey (Vice-Chair), Cllr S Pugsley, Cllr F Purbrick, Cllr W Read, Cllr L Redman, Cllr B Revans, Cllr M Rigby, Cllr T Robbins, Cllr D Rodrigues, Cllr J Roundell Greene, Cllr D Ruddle, Cllr P Seib, Cllr H Shearer, Cllr G Slocombe, Cllr B Smedley, Cllr F Smith-Roberts, Cllr F Smith, Cllr J Snell, Cllr A Soughton, Cllr M Stanton, Cllr A Sully, Cllr C Sully, Cllr L Trimnell, Cllr S Wakefield, Cllr M Wale, Cllr R Wilkins, Cllr A Wiltshire, Cllr D Woan, Cllr R Woods, Cllr G Wren and Cllr R Wyke

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Monitoring Officer, - Governance and Democratic Services - 15 November 2022

For further information about the meeting, please contact Mike Bryant, Service Manager - Democratic Services or 01823 357628 or [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

## **Are you considering how your conversation today and the actions you propose to take contribute towards making Somerset Carbon Neutral by 2030?**



**RNID typetalk**

# AGENDA

Item County Council - 10.00 am Wednesday 23 November 2022

## **Full Council Guidance notes (see agenda annex)**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the Council Website at [County Councillors membership of Town, City, Parish or District Councils](#) and this will be displayed in the meeting room (Where relevant).

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team.

### **3 Minutes from the meeting held on 20 July 2022 and Extraordinary meeting on 5 October 2022 (Pages 7 - 60)**

Council is asked to confirm the minutes are accurate.

### **4 Chairman's Announcements (Pages 61 - 62)**

### **5 Public Question Time**

(see explanatory notes attached to agenda)

This item includes the presentation of petitions. Details of any public questions / petitions submitted will be included in the Chair's Schedule which will be made available to the members and to the public at the meeting.

### **6 Report of the Leader and Executive - for decision (Pages 63 - 288)**

To consider a report with recommendations from the Leader of the Council, arising from the Executive meetings held on 21 September 2022, 19 October 2022 and 16 November 2022.

The recommendations relate to:

- Treasury Management Mid-Year Report 2022/23
- Council Tax Reduction Scheme
- Council Tax Discounts and Premiums
- Proposed Non Domestic Rating Discretionary Areas and Hardship

### **7 Report of the Monitoring Officer (Pages 289 - 300)**

To receive a report from the Monitoring Officer.

Item County Council - 10.00 am Wednesday 23 November 2022

8 **Annual Report of the Corporate Parenting Board** (Pages 301 - 352)

To receive a report from the Chair of the Corporate Parenting Board.

9 **Report of the HR Policy Committee**

10 **Report of the Leader and Executive - Items for Information** (Pages 353 - 368)

To receive reports by the Leader of Council summarising key decisions taken by him and the Executive, including at the Executive meetings held on 21 September 2022, 19 October 2022 and 16 November 2022 – attached.

(Note: Member Questions to the Leader and Cabinet Members will be taken under this item).

11 **Report of the Scrutiny for Policies, Adults and Health Committee** (Pages 369 - 372)

To receive a report by the Chair of the Scrutiny for Policies, Adults and Health Committee.

12 **Report of the Scrutiny for Policies, Children and Families Committee** (Pages 373 - 382)

To receive a report by the Chair of the Scrutiny for Children and Families Committee.

13 **Report of the Scrutiny for Policies, Environment Committee** (Pages 383 - 392)

To receive a report by the Chair of the Scrutiny for Policies, Environment Committee.

14 **Report of the Scrutiny for Policies and Place Committee** (Pages 393 - 400)

To receive a report by the Chair of the Scrutiny for Policies and Place Committee.

15 **Annual Report of the Somerset Armed Forces Covenant Partnership** (Pages 401 - 406)

To receive a report by the Chair of the Somerset Armed Forces Covenant Partnership.

16 **Items of Any Other Business**

## SOMERSET COUNTY COUNCIL – FULL COUNCIL MEETINGS

### GUIDANCE FOR PRESS AND PUBLIC

#### Recording of Meetings

The Council in support of the principles of openness and transparency allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishes to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to Mike Bryant, , County Hall, Taunton, Somerset, TA1 4DY 01823 357628 [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) so that the Chair of the meeting can inform those present.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council meeting will be webcast and an audio recording made.

#### Members' Code of Conduct Requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: HONESTY; INTEGRITY; SELFLESSNESS; OBJECTIVITY; ACCOUNTABILITY; OPENNESS; LEADERSHIP. The Code of Conduct can be viewed at: [Members' Code of Conduct](#)

### EXPLANATORY NOTES: QUESTIONS/STATEMENTS/PETITIONS BY THE PUBLIC

#### General

Members of the public may ask questions at ordinary meetings of the Council or may make a statement or present a petition – **by giving advance notice.**

#### Notice of questions/statements/petitions

Prior submission of questions/statements/petitions is required in writing or by e-mail to the Monitoring Officer – Scott Wooldridge email: [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) by 5pm on Thursday 17 November 2022. The Monitoring Officer may edit any question or statement in consultation with the author, before it is circulated, to bring it into an appropriate form for the Council.

In exceptional circumstances the Chair has discretion at meetings to accept questions/ statements/ petitions without any prior notice.

### **Scope of questions/statements/petitions**

Questions/statements/petitions must: -

- (a) relate to a matter for which the County Council has a responsibility, or which affects the County,
- (b) not be defamatory, frivolous or offensive,
- (c) not be substantially the same as a question/statement/petition which has been put at a meeting of the Council in the past six months and
- (d) not require the disclosure of confidential or exempt information.

The Monitoring Officer has discretion to reject any question that is not in accord with (a) to (d) above. The Monitoring Officer may also reject a statement or petition on similar grounds.

### **Record of questions/statement/petitions**

Copies of all representations from the public received prior to the meeting will be circulated to all members and will be made available to the public attending the meeting in the Chairman's Schedule, which will be distributed at the meeting. Full copies of representations and answers given will be set out in the minutes of the meeting.

### **Response to Petitions**

Normally the Council will refer any petition to an appropriate decision maker for response – see the [Council's Petition Scheme](#) for more details. The organiser will also be allowed 2 minutes at the meeting to introduce the petition and will receive a response from a relevant member (normally an Executive member).

If a petition organiser is not satisfied with the Council's response to the petition and the petition contains more than 5000 signatures (approximately 1% of Somerset's population) the petition organiser can request a debate at a meeting of the County Council itself. The Chair will decide when that debate will take place.

**COUNTY COUNCIL**

Minutes of a Meeting of the County Council held in the Westlands, 1 Westbourne Close, Yeovil BA20 2DD Wednesday 20 July 2022 at 10.00 am

**Present:** Cllr S Ashton, Cllr S Aujla, Cllr J Bailey, Cllr J Baker, Cllr L Baker, Cllr M Barr, Cllr M Best, Cllr B Bolt, Cllr A Boyden, Cllr A Bradford, Cllr H Bruce, Cllr T Butt-Philip, Cllr S Carswell, Cllr M Chilcott, Cllr N Clark, Cllr B Clarke, Cllr P Clayton, Cllr S Coles, Cllr J Cook-Woodman, Cllr N Cottle, Cllr A Dance, Cllr D Darch, Cllr T Deakin, Cllr D Denton, Cllr M Dimery, Cllr A Dingwall, Cllr L Duddridge, Cllr M Dunk, Cllr S Dyke, Cllr C Ellis, Cllr B Ferguson, Cllr B Filmer, Cllr D Fothergill, Cllr A Govier, Cllr T Grimes, Cllr A Hadley, Cllr Pauline Ham, Cllr Philip Ham, Cllr S Hart, Cllr M Healey, Cllr A Hendry, Cllr R Henley, Cllr M Hewitson, Cllr E Hobbs, Cllr H Hobhouse, Cllr A Kendall, Cllr J Kenton, Cllr T Kerley, Cllr M Kravis, Cllr M Lewis, Cllr L Leyshon, Cllr T Lock, Cllr M Lovell, Cllr H Munt, Cllr T Munt, Cllr M Murphy, Cllr G Oakes, Cllr S Osborne, Cllr O Patrick, Cllr K Pearce, Cllr E Pearlstone, Cllr D Perry, Cllr E Potts-Jones, Cllr T Power, Cllr H Prior-Sankey, Cllr S Pugsley, Cllr F Purbrick, Cllr W Read, Cllr L Redman, Cllr B Revans, Cllr M Rigby, Cllr T Robbins, Cllr D Rodrigues, Cllr D Ruddle, Cllr P Seib, Cllr H Shearer, Cllr G Slocombe, Cllr B Smedley, Cllr F Smith-Roberts, Cllr F Smith, Cllr J Snell, A Soughton, Cllr M Stanton, Cllr A Sully, Cllr C Sully, Cllr L Trimnell, Cllr M Wale, Cllr R Wilkins, Cllr A Wiltshire, Cllr D Woan and Cllr R Woods

14 **Apologies for Absence** - Agenda Item 1

Apologies were received from Cllr M Caswell, Cllr S Collins, Cllr H Farbahi, Cllr B Height, Cllr V Keitch, Cllr D Mansell, Cllr M Martin, Cllr S Wakefield  
Virtual attendance: Cllr N Cavill, Cllr H Davies, Cllr J Hunt, Cllr D Johnson, Cllr C Lawrence, Cllr H Kay, Cllr F Nicholson, Cllr C Payne, Cllr G Wren, Cllr R Wyke

15 **Declarations of Interest** - Agenda Item 2

The Chair of Council reminded the meeting that details of all Members' interests in District, Town and Parish Councils could be viewed on the Council's Website and there was no need for members to individually declare these personal interests in those other councils at the meeting.

16 **Minutes from the meeting held on Wednesday 25 May 2022 and 15 June 2022** - Agenda Item 3

The minutes of the meeting held on 25 May 2022 and 15 June 2022 were accepted as a true and accurate record and were signed by the Chair of the meeting subject to the following amendments being made to HotSW LEP membership:

- Cllr Dave Woan to replace Cllr Nick Cottle

17 **Chairs Announcements** – Agenda Item 4

The Chair of Council referred to the events detailed on the Chair's Information Sheet No. 1 circulated and published with the agenda.

**In Memorium**

The Chair of Council paid tribute to the former Chair of Council Nigel Taylor and to former County Councillor Nigel Woollcombe-Adams:

Former Chair of Council Nigel Taylor

Whether it was in his Royal Protection duties, as an internationally renowned explosives expert, for his cave rescue work or as Chair of the County Council, Nigel Taylor was a man of many talents and endless ability but always humble in his achievements.

Many in the County Council will recall Nigel visiting every office in County Hall and many other locations across the County each Christmas time, others will remember his Civic awards evenings, and few will ever forget his courage in returning to Chair the February 2022 Full Council meeting, although his short-term prognosis was clear and the future looked bleak for him.

His humour, his civility and his love of people carried endeared him to those he met. Throughout his varied career he truly believed in public service and the contribution that he could make to improving people's lives.

Nigel was elected as the County Councillor for Cheddar in 2017 and served 4 years as Chair of Council (2018-2022), as well as being a longstanding member of the Regulation Committee. Nigel also served as a Mendip District Councillor for 8 years including time as Member and Portfolio Holder for Neighbourhood Services.

Cllr Bill Revans and Cllr David Fothergill paid their tribute to Nigel Taylor.

Former County Councillor Nigel Woollcombe-Adams

Nigel was elected in 2013 and during his 4 years as a County Councillor served as Chair of the Constitution Committee, Vice-Chair of the Regulation Committee and sat on the Place Scrutiny Committee. Nigel was also a longstanding District Councillor in Mendip.

Cllr Philip Ham and Cllr Heather Shearer paid tribute to Nigel Woollcombe-Adams.



Members of Council stood and observed a minute silence for Nigel Taylor, former Chair of Council and former County Councillor Nigel Woollcombe-Adams.

### **Chief Executive**

The Chair of Council formally thanked the outgoing Somerset County Council (SCC) Chief Executive, Patrick Flaherty, for his years of service to the Council, highlighting the work achieved in the Authority and across Somerset.

The Leader of the Council, Cllr Bill Revans, paid tribute to the outgoing SCC Chief Executive, Pat Flaherty, praising his work, contribution and support to improving the lives of people in Somerset.

The Leader of the Opposition, Cllr David Fothergill, and group leaders, Cllr Leigh Redman, Cllr Martin Dimery and Cllr John Hunt offered their thanks and appreciation to Pat Flaherty for his work and support.

The outgoing SCC Chief Executive, Pat Flaherty, reflected on his time at SCC and thanked everyone for their support during his tenure.

### **18 Public Question Time – Agenda Item 5**

Public questions were received from Mr Nigel Behan, Mr David Redgewell, Ms Linda Snelling, Mr Ian Beckey and Mr Andrew Lee.

The questions and responses provided are attached to these minutes in Appendix A. In the absence of Mr Beckey, the questions were read out by the Monitoring Officer, Scott Woolridge, on his behalf.

### **19 Report of the Leader and Executive - Items for Decision - Agenda Item 6**

This item was introduced by the Leader of the Council, Cllr Bill Revans, which set out the Leader's and Executive's recommendations to the Council arising from their consideration of reports at the Executive meetings on 15 June 2022 and 11 July 2022. The Council had before it the following reports:

**Paper A - Medium Term Financial Strategy & Plan 2023/24 and 2027/28**

The Lead Member for Finance and Humans Resources, Cllr Liz Leyshon presented the report, highlighting; that the report was considered at the Executive meeting on 11 July 2022, where the Executive endorsed Paper B and agreed for it to be reported to the County Council to consider and approve; that Paper A outlined the basis of the Medium-Term Financial Strategy (MTFS) for the new Somerset Council and also starts to set out the Medium-Term Financial Plan (MTFP) for the next five years; that the report highlights that the 2023/24 budget will be challenging given both the practical difficulties involved in the process and the national economic outlook; that the report details that although combining the finances of all five Somerset Authorities is at a very early stage, it is important to provide an initial view of the financial challenges ahead in order to plan a smooth transition from the existing five councils into the new unitary; the importance of ensuring that the new organisations expenditure is aligned to it's priorities, with an approach based upon not looking at 2023/24 in isolation but taking the first few years of the new unitary together and setting a solid financial foundation which the new council can then build from in the longer term; the MTFP forecast in February of a budget gap of £28.6m for 2023/24 and given the inflationary impacts upon the 5 councils budgets this has been updated to £44.5m; the details of the significant projected budget gap and the uncertainty in the national approach to funding local government including national and regional recovery post Covid-19 pandemic, social care funding, and inflationary pressures as well as preparing for the new Unitary Councils; and that Scrutiny consideration of the budget proposals would take place in October/November 2022 and January/February 2023.

The County Council discussed the proposals, and the following points were raised; the robustness of the budget, variances and the reflection of the current pressures; the reporting and understanding of the scale of the financial challenge; the review and work taking place on assets and borrowing; the strategy for current and future gaps and delivery of services in partnership across all the teams of all the Somerset Councils; and any potential increase in Council Tax and referendum limits.

*The Chair adjourned the meeting from 11:22 – 11:32 am*

Having been proposed by Cllr Liz Leyshon and seconded Cllr Bill Revans, the Council **RESOLVED** to:

**Approve that the Director of Finance and Governance is delegated authority to set the council tax base and business rates base for Somerset Council.**

## **Paper B - Treasury Management Strategy Statement 2021/22**

The Lead Member for Finance and Humans Resources, Cllr Liz Leyshon, presented the report, highlighting that: the report was considered at the Executive meeting on 11 July 2022, at which the Executive endorsed Paper B and agreed for it to be reported to the County Council to consider and approve; that the Annual Treasury Management Outturn Report is a requirement of the CIPFA Treasury Management Code and covers the Treasury Management activity for 2021-22 and is prepared in accordance with the CIPFA Treasury Management Code and the Prudential Code; and that the report provided details of the outturn position on treasury management transactions in 2021-22, presented details of capital financing, borrowing and investment activity and confirmed compliance with treasury limits and Prudential Indicators or explains non-compliance.

Having been proposed by Cllr Liz Leyshon and seconded Cllr Bill Revans, the Council **RESOLVED** to:

**Endorse the Treasury Management outturn report for 2021-22.**

## **Paper C - The Children and Young People's Plan 2022-2024**

The Lead Member for Children and Families, Cllr Tessa Munt, presented the report, highlighting that the report was considered at the Executive meeting on 11 July 2022. Cllr Munt: welcomed Chloe Walker to the meeting, explaining that Chloe reflects the excellent work of the young people that brought the plan to fruition; that the Somerset Children & Young People's Plan 2022-2024 sets out the ambition of the Somerset Safeguarding Children Partnership to improve outcomes for all unborn babies, children and young people for the next eighteen months; that the Plan will influence strategic plans and commissioning decisions with an ambition to be effective in furthering and sustaining improvement of children's services in Somerset; that the Scrutiny Committee for Children and Families had been updated on the Plan during its design in 2021/2022 and their recommendations are incorporated into the Plan.

Having been proposed by Cllr Tessa Munt and seconded by Cllr Leigh Redman, the Council **RESOLVED** to:

**Endorse the Somerset's Children & Young People's Plan 2022 – 2024.**

This item was introduced by the Leader of the Council, Cllr Bill Revans and set the recommendation of the Appointments Committee to appoint Mr Duncan Sharkey as the permanent Chief Executive and Head of Paid Service of Somerset County Council and the Chief Executive and Head of Paid Service of Somerset Council with effect from 1 April 2023. The report further proposed interim arrangements for an acting Chief Executive pending the commencement of the new appointment.

### **7a - Appointment of a Chief Executive - Report of the Appointments Committee**

Having been proposed by Cllr Bill Revans and seconded by Cllr David Fothergill, the Council **RESOLVED** to:

- **Accept the recommendation of the Appointments Committee and appoint Mr Duncan Sharkey as the permanent Chief Executive and Head of Paid Service of Somerset County Council and the Chief Executive and Head of Paid Service of Somerset Council with effect from 1 April 2023**
- **Appoint on the basis of the terms and conditions agreed at the Extraordinary Council meeting on 15 June 2022 and on a spot salary for the post of £195,000 including Returning Officer Fees**

### **7b - Interim arrangements for the post of Chief Executive and designation of the Head of Paid Service**

The County Council discussed the proposals, and the following points were raised: the current operational and strategic role, additional costs and pressures of the proposed Interim Chief Executive; protecting business as usual; and LGR service alignment measures.

In response, the Director of Customers, Digital and Workforce, Chris Squire recognised the short-term arrangements nature of the 'acting-up' arrangements, and noted that external recruitment was not considered.

Having been proposed by Cllr Bill Revans and seconded Cllr David Fothergill, the Council **RESOLVED**:

- **To delegate the powers of the Chief Executive to Paula Hewitt (Director of Economic & Community Infrastructure and Deputy Chief Executive) as the acting Chief Executive of Somerset County Council during the Interim Period**
- **To designate Paula Hewitt as the Council's Head of Paid Service for the Interim Period. To delegate to the current Chief Executive, the decision**

**on the appointment and delegation of existing powers for an acting Deputy Chief Executive for the Interim period**

21 **Report of the Joint Independent Remuneration Panel - Special Responsibility Allowances for 2022/23 – Agenda Item 8**

The Council considered a report from the Monitoring Officer, Scott Wooldridge, the report set out the recommendations of the Joint Independent Remuneration Panel (“the Panel”) following their review of Special Responsibility Allowances (SRAs) within the Scheme of Member’s Allowances following the County Council elections, establishment of new committees and changes to executive appointments. It was noted: that their review has had the benefit of building upon their previous report in February 2022; has an awareness of the planned Local Government Reorganisation in Somerset in 2023; and that the Members Allowances Scheme 2023/24 for the new Somerset Council will be a matter for the County Council to consider.

Following the presentation of the report, the Leader of the Council, Cllr Bill Revans was invited to respond, he began by thanking the Panel for their report and recommendations and advised the Council of the support and rejections of the proposals and the reasoning behind each.

Cllr Bill Revans proposed, and Cllr David Fothergill seconded an amendment that the Council to agree to maintain:

- i. the role of opposition spokesperson should retain the current SRA band for the role of opposition spokesperson
- ii. the SRAs for Associate Lead Members be set at Band 7 and instead retain these at Band 6.
- iii. the Chair and Vice Chair of the Constitution & Governance Committee be set at Bands 6 and 7 respectively and instead propose that these are set at Bands 5 and 6 respectively
- iv. the Leader of a political group receives an SRA where the membership of the political group is 3 or more.

Having been proposed by Cllr Bill Revans and seconded by David Fothergill, the Council **RESOLVED** to:

**1. Welcome and thank the Panel for its report and recommendations set out in Appendix 1**

**2. Support and agree the Panel’s recommendations in respect of:**

- i) the Chair and Vice Chair of Scrutiny Policies and Environment Committee and the Joint Scrutiny Committee for Local Government Reorganisation be set at Bands 5 and 6 respectively**

- ii) the Chair of the Standards Committee be set at Band 6**
- iii) that the Council supports the need for a fundamental review of the Members' Scheme of Allowances for 2023/24 and for this to be reported to the Council by February 2023. The Council supports the approach to the fundamental review being undertaken in three parts:**
  - 1. The Basic Allowance**
  - 2. The SRAs**
  - 3. Other allowances, such as travel, subsistence and carers**

**With the BA being considered soonest. The role of co-opted members, including Independent Remuneration Panel members themselves, should also be considered and this could fit within either part 2 or part 3**

**3. Reject the Panel's recommendations in respect of:**

- i) the role of opposition spokesperson should no longer receive an SRA and instead retain the current SRA band for the role of opposition spokesperson.**

**Reason - it is felt that the level of time and commitment given by Opposition Spokespersons warrants an allowance in line with the Council's arrangements for several years and in view of the members involvement as part of the transition to the new Somerset Council.**

- ii) the SRAs for Associate Lead Members be set at Band 7 and instead retain these at Band 6.**

**Reason - it is felt the reduction to Band 7 does not adequately reflect the support and time that Associate Lead Members provide when compared to comparable roles and therefore to retain the SRA for these roles at Band 6 as previously agreed by the Council in February 2022.**

- iii) the Chair and Vice Chair of Constitution & Governance Committee be set at Bands 6 and 7 respectively and instead propose that these are set at Bands 5 and 6 respectively.**

**Reason - it is felt that the level of time and commitment given by these roles during the transition to the new Somerset Council should warrant SRAs of Band 5 and 6 respectively in line with the Chair and Vice Chair of Audit Committee.**

- iv) the Leader of a political group receives an SRA where the membership of the political group is 5 or more and instead agree**

**that the Leader of a political group receives an SRA where the membership of the political group is 3 or more.**

**Reason - it is felt that the minimum level should be set at 3 to reflect the Council's arrangements for several years and in view of all political group leaders with the transition to the new Somerset Council.**

**4. (a) Support the Panel's recommendation in respect of the formation of an Independent Remuneration Panel for Somerset Council but with an amendment to reflect the Council's intention to accelerate the formation of the Panel by Autumn 2022:**

**"Council undertakes the necessary work to ensure that an Independent Remuneration Panel is in place for the new unitary council by autumn 2022 and that in terms of membership the Council considers:**

- a) people who reside in Somerset and drawn from the existing panels operative in the county at present;**
- b) a wide geographical spread of members from across the county;**
- and**
- c) a minimum membership of five**

**(b) Authorise the Monitoring Officer to undertake all necessary actions to implement recommendations above including the recruitment and appointment of panel members to the new Independent Remuneration Panel**

22 **Requisitioned Items** – Agenda Item 10

### **Declaration of an Ecological Emergency**

The Council considered this requisitioned item, presented by the Lead Member for Environment and Climate Change, Cllr Sarah Dyke, relating to declaring an ecological emergency to set out a path to ensure that biodiversity is improved, environments are enriched and the destruction of habitats is resisted. The motion builds on the Council's 2019 declaration of a Climate Emergency and the subsequent pledge to become a carbon neutral Council by 2030.

The County Council discussed the proposals, and the following points were raised: the complex future planning and regulation permissions decisions; the process of discussion, actions, deliverables and policies through the Scrutiny Committees and engagement and involvement of partners; the process for the development of policy in the Council; the work of the Somerset Ecology service; the lack of biodiversity due to increased population and house building; the importance of separating ecology and carbon issues; the demand for new

affordable houses in Somerset and the balance of where and houses are built whilst protecting the ecology and environment; the success of the climate emergency Community fund and a suggestion to create a similar fund to empower local communities to tackle the ecological challenges at a local level.

During discussion, Cllr Faye Purbrick proposed and Cllr Diogo Rodriguez seconded three suggested amendments to this item:

1. Section 'Full Council acknowledges and notes' to add an additional point 6: *'That Somerset County Council is already ranked by Climate Emergency UK as the UK's top County Council on tackling climate change and recognises the work done by County Council in recent years to achieve this'.*
2. Section 'Full Council believes that' change word 'governments' to 'individuals'
3. Section 'In support of this motion the Council therefore resolves' remove bullet points 1-9 and replace with:

- *That the current cross-county Climate Emergency Strategy (signed off in 2020) be updated to reflect further evidence and scientific data across all areas, including ecological challenges. With specific attention to section 7.5 The Natural Environment Sector and appendix 10 that focusses on the Local Nature Recovery Strategy (LNRS) and the actions and measurements required in this area'.*
- *To consider local evidence specific to district areas, such as that provided in the State of Nature Report (SERC) which demonstrates the seriousness of the ecological decline in the Sedgemoor area that is driving their Ecological Emergency Declaration today, and to incorporate these matters into the next iteration of the Climate Emergency Strategy*
- *To introduce a fully funded Somerset Ecological Emergency Community Fund enabling community organisations and city, town and parish councils to deliver community projects that share the Council's Ecological Emergency Strategy, in the same vein as the previous Climate Emergency Community fund.*
- *To pay particular attention to impact assessments regarding pesticide use their elimination and moving to a peat free Somerset.*
- *To redouble current efforts to work in conjunction with district partners and stakeholders on all of the above and with specific attention to our response to the phosphates mitigation challenge.*

The Council proceeded to individually vote on the three proposed amendments. Amendment 1 was accepted and amendments 2 and 2 were rejected.

The Monitoring Officer, Scott Woolridge reminded County Council Members that to help with debate, any significant amendments to the papers should be advised of and published by noon on the Monday before a full Council meeting.



Having been proposed by Cllr Sarah Dyke and seconded Cllr Tessa Munt, the Council proceeded to vote on the item as amended. The Council **RESOLVED**:

**Full Council acknowledges and notes:**

1. That in February 2019, this council declared a climate emergency.
2. In May 2019, the UN Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES) raised the alarm about the urgency of the ecological emergency the world faces.
3. That the Climate Emergency Strategy "Towards a Climate Resilient Somerset," adopted by this Council in 2020, recognises the impact on the environment and nature within the Natural Environment theme and has already set out a number of actions to tackle the impact of Climate Change on the Natural Environment.
4. That the sustainability of societies, economies and the environment are co-dependant and intrinsically linked and depend on preserving our natural environment and biodiversity. It follows therefore that the climate and ecological emergencies are also linked, both being the result of overexploitation of the earth's natural resources and poor land management. These practices have led to species extinction, loss of habitat and the connectivity of habitats, the decline of pollinators that are crucial to our food supply, and the loss of and decline in the health and quantity of soil. However, there are other causes of the ecological emergency beyond climate change, including other forms of pollution, urbanisation, hydrological change, the proliferation of invasive species and poor practices in agriculture, woodland management and fishing.
5. The COVID-19 pandemic has highlighted the significant relationship between people and nature and the important effect of access to nature on the health and wellbeing of our people.
6. That Somerset County Council is already ranked by Climate Emergency UK as the UK's top County Council on tackling climate change and recognises the work done by County Council in recent years to achieve this.

**Full Council believes that:**

- All governments have a duty to limit the negative impacts of human behaviour on our ecology and recognises that Local Government cannot and should not wait for national government to act.
- It is important for the residents of Somerset that its Councils commit to tackling these negative impacts as quickly as possible.
- Taking positive action to reverse the damage on our natural habitats and protect and sustain the habitats of our precious flora and fauna can also deliver economic benefits by way of new jobs, economic savings, market opportunities and contribute significantly to an improved health and well-being of our communities.

**In support of this motion the Council therefore resolved:**

1. That in addition to the work already underway, it will take on the responsibility as Lead Partner in the delivery of the Local Nature Recovery Strategy (LNRS) (this has already been agreed with Natural England), with partners in the established Local Nature Partnership and deliver a Strategy with a set of clear actions to bring about a reversal of the negative impacts on the natural environment and biodiversity and to develop strategies to mitigate against the possibility of further decline or damage on the habitats, flora and fauna of Somerset.
2. To incorporate the details of the Ecological Emergency, the desired outcomes and any identified actions, including those within the LNRS into the next iteration of the Climate Emergency Strategy.
3. To ensure “tackling the climate and nature emergencies” policies are at the heart of everything this council does and is embedded it into all Council decision making processes.
4. To add ecological impact implications assessment alongside those for climate and sustainability in committee and council reports.
5. In collaboration with the 4 District Councils, the Council will use existing and emerging planning policy and development management to ensure biodiversity is improved, environments enriched and the destruction of habitats is resisted when development occurs.
6. Work similarly with the 4 Districts Councils to develop the Councils response to the phosphates issue affecting the Somerset Levels and Moors Ramsar site catchment area.
7. That Somerset County Council is already ranked by Climate emergency UK as the UK’s top County Council in tackling climate change and recognised the work done by County Council in recent years to achieve this.
8. To encourage residents, businesses and landowners to reduce pesticide use, and seek to become a pesticide-free council.
9. To encourage residents, businesses and landowners to eliminate peat use, and seek to become a peat-free council.
10. To work with emerging government guidance and across the Planning System with the Planning Authorities to develop the Council’s approach and policies around the Ecological Emergency and will implement, measure and monitor the Biodiversity net gain approach in order to maximise the benefits from development.

### **Cost of living emergency**

The Council considered this requisitioned item, presented by the Lead Member for Communities, Cllr Federica Smith-Roberts, relating to the cost-of-living crisis, the challenges Somerset residents faced, and the call to Government for assistance and support.

Cllr David Fothergill proposed, and Cllr Mandy Chilcott seconded an number of amendments, suggesting these replace those in the published papers. The County Council discussed the recommendations and proposals, and the following points were raised: the process of motions and requisition items; challenges relating to Council Tax and precepts; the reserves held by the authority; the budget working group and the work on the current financial year; the direction-specific spending initiatives; the important voice of Somerset residents and representation to Government; the extra financial commitments of the amendment and the purpose of amendments.

Cllr Bill Revans raised a point of order asking for advice on Standing Order 14 16.2 budget amendments.

The Deputy 151 Officer, Donna Parham, responded that the Authority's financial position is not to make a decision outside of the medium-term financial plan.

*The Chair adjourned the meeting from 12:10 – 12:20 pm.*

The Monitoring Officer, Scott Woolridge, clarified: that a number of the proposed amendments relate to Executive functions and, therefore those matters should be referred to the Executive to consider prior to full Council; and that the proportionally representative cross-party working group as proposed by Cllr Fothergill and seconded by Cllr Chilcott could be considered as part of this proposed amendment.

The Monitoring Officer proceeded to detail the proposed amendment to add the recommendation: 'Establishing a proportionally representative cross-party working Group to recommend to the Executive and November Full Council other practical steps that this Council can take to alleviate the impact of the cost of living on the most vulnerable'.

The Chair further advised that the following points as proposed by Cllr Fothergill and seconded by Cllr Chilcott would be referred to the next available Executive Meeting for consideration:

- Immediately making £1 million available from reserves to further assist Citizens Advice, Food Banks and other relevant agencies to offer practical support for those who are suffering most from the crisis
- Withdrawing the recently implemented £40 increase to SEND transport and post-16 education travel
- Immediately introducing the LibDem manifesto 'Liberteen' bus pass commitment to subsidise young peoples travel around the County
- Immediately restoring the Health and Wellbeing fund of £5,000 per Councillor from reserves to enable individual County Councillors to target localised areas of suffering particularly in their deprived communities
- Recognising that by harmonising to the lowest District Council tax level as part of the LGR process no further financial strain will be placed on individuals and will support those already under pressure

The proposer, Cllr Federica Smith-Roberts, and the seconder, Cllr Nicola Clark of the original recommendations, agreed to accept the amendment regarding the formation of a Cost of Living Working Group, which was incorporated into the substantive motion.

Having been proposed by Cllr Federica Smith-Roberts and seconded by Cllr Nicola Clark, the Council **RESOLVED** to declare a 'Cost of Living Emergency' and call on the Government to:

- Immediately reduce the standard rate of VAT from 20 per cent to 17.5 per cent for one year, saving the average household in Somerset a further £600 this year.
- Immediately re-introduce the pensions triple lock to support Somerset's pensioners.
- Immediately restore the Universal Credit supplement of £20, which was cancelled by the Government in September 2021.
- Council instructs the Chief Executive to write to the Secretary of State for Work and Pensions to express the Council's demands for VAT to be cut to 17.5%, for the re-introduction of the pensions triple-lock and for the £20 Universal Credit supplement to be restored.
- Finally, Council joins other local councils in calling for a local Cost-of Living Emergency Summit, with stakeholders, including Citizens Advice, Food Banks, Local Trades Unions, and Chambers of Commerce and will invite local MPs to attend this hybrid meeting.

- Establishing a proportionally representative cross-party working Group to recommend to the Executive and November Full Council other practical steps that this Council can take to alleviate the impact of the cost of living on the most vulnerable.

- It was further agreed that the following points be referred to the next available Executive Meeting for consideration:

- Immediately making £1 million available from reserves to further assist Citizens Advice, Food Banks and other relevant agencies to offer practical support for those who are suffering most from the crisis
- Withdrawing the recently implemented £40 increase to SEND transport and post-16 education travel
- Immediately introducing the LibDem manifesto 'Liberteen' bus pass commitment to subsidise young peoples travel around the County
- Immediately restoring the Health and Wellbeing fund of £5,000 per Councillor from reserves to enable individual County Councillors to target localised areas of suffering particularly in their deprived communities
- Recognising that by harmonising to the lowest District Council tax level as part of the LGR process no further financial strain will be placed on individuals and will support those already under pressure

### **Cost of living crisis**

The Council considered this requisitioned item, presented by Cllr Leigh Redman which related to: the ongoing cost-of-living crisis; the impact of soaring household fuel costs; and identifying those in need to fully support them.

The County Council discussed the proposals, and the following points were raised: the language used within the report; increased demand at foodbanks; properties which were not eligible for support under the energy price-cap scheme; and the disproportionate impact on rural properties given reliance on heating oil and liquefied petroleum gas.

Having been proposed by Cllr Leigh Redman and seconded by Cllr Kathy Pearce, the Council **RESOLVED** to:

To address inequalities, the Council will:

- Write to the Chancellor of the Exchequer condemning the decision to exclude vulnerable people from meaningful support with the cost-of-living crisis and demanding that they immediately act to address this inequality and ensure

that arrangements for paying the rebate to the excluded groups are put into place.

- Write to Somerset MPs asking them to lobby the government to increase cost of living help payments available to sick and disabled people with immediate effect.
- Build on LGR and work with District partners to produce and publicise an information leaflet for private sector landlords in Somerset who charge for household fuel as part of rent urging them to pass on the rebate to their tenants especially those in shared houses or HMOs.

### **Local Community Networks**

The Council considered this requisitioned item, presented by Cllr David Fothergill relating to role of Town, Parish and City Councils and the development and delivery Local Community Networks.

The County Council discussed the proposals, and the following points were raised: the community engagement and the timetable for consultation; and the funding and responsibilities of LCNs.

Having been proposed by Cllr David Fothergill and seconded by Cllr Faye Purbrick, the Council **RESOLVED** to:

Recognised the vitally important role of Town, Parish and City Councils, and accordingly:

- Work with them to develop and deliver fully funded Local Community Networks to support our Communities.
- Bring forward comprehensive and consulted-on plans for establishing LCN's to the November 2022 Full Council for approval.

### 23 **Report of the Leader and Executive - Items for Information** – Agenda Item 11

The Council received a report by the Leader and Executive summarising the key decisions taken by the Leader, Executive Lead Members and officers between 5 May 2022 and 8 July 2022, together with the items of business discussed at the Executive meetings on 15 June 2022 and 11 July 2022.

Cllr Bill Revans and Executive Lead Members responded to questions from Members.

The following points were raised: the potential to increase in the staff mileage rate paid for compulsory use; the record temperatures experienced and measures to manage extreme weather situations; impact of monkeypox within the County; health budgets; the number of Ukrainian refugees within Somerset; Covid infection rates in the County; the continued importance of infection control measures; protecting care home residents from the risk of Covid and whether the accessibility for visitors will be restricted; the impact of Covid on school attendance across the county and whether there are any plans to address; member queries to key decisions and associated response times; the potential for asset transfers of County Council owned land to City, Town and Parish Councils; and the Council's Small Improvement Schemes budget including the continuation of approved schemes and an associated member briefing request

The Council noted the report.

24 **Annual Report of the Audit Committee** – Agenda Item 9

The Council received and noted a report by the Audit Committee, which informed members of the work of the Audit Committee from April 2021 and to the end of March 2022 and noted the Committee's opinion on the standard of governance, risk management and internal audit in place within the County Council.

The Council noted the report.

25 **Annual Report of Pensions Committee** – Agenda Item 12

The Council received and noted the report of the Pensions Committee, which provided a summary of the Annual Report and Financial Statements for the Fund and the details of the policies adopted by the Pensions Committee to set a framework for the running of the fund. The report also detailed the Committee's activity during the financial year and details of the fund's financial performance for the year.

The Council noted the report.

26 **Annual Report of the Health and Wellbeing Board** - Agenda Item 13

The Council received and noted the report of the Health and Well-being Board, the report covered the Board's work from 27 September 2021 to 13 June 2022.

The Council noted the report.

27 **Annual Report of the Scrutiny for Policies, Adults and Health Committee -**  
Agenda Item 14

The Council received and noted a report by the Scrutiny Committee for Policies, Adults and Health, which provided a summary progress report and outcomes of the work of meetings held from July 2021.

The Council noted the report.

28 **Annual Report of the Scrutiny for Policies, Children and Families**  
**Committee –** Agenda Item 15

The Council received and noted a report by the Scrutiny Committee for Policies, Children and Families, which provided a summary progress report and outcomes of the work of meetings held from July 2021 to the end of the Municipal Year.

The Council noted the report.

29 **Annual Report of the Scrutiny for Policies and Place Committee -**Agenda  
Item 16

The Council received and noted a report by the Scrutiny Committee for Policies and Place, which provided a summary progress report and outcomes of the work of meetings held from 7 September 2021 to 15 March 2022.

The Council noted the report.

30 **Any other urgent items of business –** Item 17

The Council endorsed the Chair of Council's proposal to convene an



(County Council – 25 May 2022)

Extraordinary Full Council Meeting on 5 October 2022 to consider the Taunton Community Governance Review.

**(The meeting ended at 2.25pm)**

**CHAIR**

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Name	Appendix A Public Questions – SCC Full Council 20 July 2022
<p><b>Mr Nigel Behan</b></p>	<p>Q1 a) <a href="#">Bus services cut by 16 per cent in a year   Campaign For Better Transport</a></p> <p>The Campaign for Better Transport reported that:            "When employment advisers were asked what would most improve job opportunities specifically in rural areas, better public transport was the number one priority."  <b>- From a <a href="#">blog</a> by Sarah Welfare, Head of Policy and Research at Reed in Partnership</b>  <b>And</b>            "In the longer term, the Government must move away from its current, fragmented and competitive way of funding and replace it with a long-term funding settlement for all councils.            And a greater proportion of bus funding should be revenue funding (to enable more frequent buses and cheaper tickets) rather than capital funding (for one-off projects like bus stations).            How can the Government afford to give every community the bus service it needs? Well, it should start by reallocating money from carbon intensive transport, like road building, into a single funding pot for all local authorities to spend on buses. And with vital services at risk and households struggling, it should act quickly."  <b>Does the Council agree and what steps and measures (including consideration of a County-wide Travel Pass -similar to an Oyster card in London) are being considered to turn these type of priorities and proposals into reality?</b>  <b>b) What plans are being considered to re-open Taunton Bus Station (fully functioning)?</b></p> <p><b>Q2 This question relates to Item 10 <a href="#">Requestioned Items</a> B. Cost of Living (Emergency)</b></p> <p>It concludes that: "Finally, Council joins other local councils in calling for a local Cost-of-Living Emergency Summit, with stakeholders, including Citizens Advice, Food Banks, Local Trades Unions, and Chambers of Commerce and will invite local MPs to attend this hybrid meeting."</p> <p>The opportunity to engage is welcome, and assuming this item is "carried" will the "Local Trade Unions" also include Taunton and West Somerset Trades Union Council (TUC) - also known as "Trades Councils", Bridgwater and District TUC, Mendip TUC and Yeovil TUC?</p>
	<p><b>Response from Cllr Mike Rigby</b></p>
	<p>Q1 a): Somerset has been allocated indicative Bus Service Improvement Plan (BSIP) funding of £11.9 million and has submitted proposals for a combination of capital and revenue initiatives (in-line with the DfT funding rules) to deliver schemes to improve public bus provision and drive-up patronage. This forms part of a longer-term ambition to secure additional funding from government to deliver the wider BSIP proposals which could not be funded within the current indicative allocation. I agree that to tackle our rural</p>

	<p>transport issues, a greater proportion of bus funding would ideally be revenue funding for services, and we have written to Government setting this out. Unfortunately, Government roads funds are capital funds, much of which come to us to maintain our rural roads, so would not help us run bus services if Government budgets were to be reallocated.</p> <p>Q1 b): We have recently submitted a bid to the Department for Transport (DfT) as part of the Bus Service Improvement Plan (BSIP) process, to create a mobility hub to act as a transport interchange facility within Taunton. Following a feasibility study the former bus station site has been identified as the most appropriate location for a mobility hub. We are currently awaiting the outcome of the funding bid but in the meantime, we are working with colleagues from Somerset West and Taunton to develop proposals in relation to the facilities and requirements for a mobility hub on the former bus station site</p>
<p><b>Ms Linda Snelling</b></p>	<p>My name is Linda Snelling, and I am making this statement on behalf of Yeovil citizens.</p> <p>I'd like to highlight the impact of recent cuts in Yeovil's public transport, and the effects it has had mentally and physically upon citizens.</p> <p>Since the 6<sup>th</sup> June, the reduction of bus service has had a dramatic impact, three areas are now without a service. These areas have a high proportion of elderly, vulnerable people with health issues, low-income families, people with mobility or learning disabilities who relied heavily on those public transport options.</p> <p>The cuts have quite literally divided rich from poor, young from old and the able from the disabled. We live in a democratic society where non-discrimination/ equal opportunities are paramount. This should not be occurring! Yeovil's bus network needs proper, consistent funding, and revising to make it more inclusive.</p> <p>I ask whether an assessment regarding social impact was carried, what consultations were there? And Was this published?</p> <p>What is happening in Yeovil runs completely goes against the aims of the Government 's "Bus Back Better" National Bus Strategy. Yeovil's bus service needs attention and rerouting, and by not addressing these issues in favour of just concentrating on Taunton gives a strong clear indication that you are willing to let the people of Yeovil and surrounding areas suffer mentally and physically, without any regard to your duty of care towards them.</p> <p>Key Issues are:</p> <ul style="list-style-type: none"> <li>• Now many residents are unable to access basic essential services that are fundamental to survival.</li> <li>• Increased depression of citizens due to isolation/the inability to engage in society, Quote "I no longer have a reason to get out of the house - Because I can't get anywhere". "I'm unimportant, I don't matter!" - And so on.</li> </ul>

- Nearest bus stops for isolated citizens are 15/20-minute walk uphill, not an option for many, but those trying to remain independent, its causing great physical strain. Come winter, this extra burden will have impact increasing the likelihood of falls, broken bones, chills and pneumonia or worse!  
One elderly gent said "it is causing pain and exhaustion when I return home with my shopping after walking an extra 15 minutes uphill from the bus stop".
- The marooned no longer have direct and frequent access to the hospital and GP surgeries. Yet many of these citizens have severe health conditions i.e., cancer. People should not have to endure more stress and anxiety regarding transport in addition to their health. Many are now having to rely on family from elsewhere, which is making them feel a burden! Community cars are oversubscribed. Whilst NHS staff struggle to reach work.
- Learning disabilities lives are in chaos, changes to buses are detrimental to their wellbeing, disrupting social integration and volunteering, making it difficult to attend such activities. Nine Springs volunteering group have members with learning difficulties. Cuts have meant that some can no longer participate, whilst others are struggling to get to grips with timetables and a change of bus. This is traumatic, and affecting their mental health and quality of life, a problem highlighted by support workers.
- Stroke victims can no longer access groups and services that are vital for health and wellbeing, just as the elderly can no longer reach the Day centre, and parents are unable to reach baby groups.
- Parents on low-income are unable to fund cars, so a bus service is vital. children are suffering anxiety and stress because of difficulties in reaching schools and preschools, no longer supported by transport, Taxis are not an option.
- People's jobs have been disrupted due to the changed bus times and routes.
- The recently split Yeovil to Taunton bus service is leaving people stranded in Somerton due to buses not connecting, and workers abandoned after work as the last bus leaves Taunton too early.
- Extra private cars are forced to take to the roads causing more congestion at peak times. This adversely affects the environment and the health of pedestrians, who are now expected to wait at bus stops on main roads inhaling toxic fumes.
- By reducing public transport availability, it significantly reduces footfall into the town. The Elderly support our economy due to less online purchases.
- Elderly are being excluded due to disparagement of technical online knowledge meaning they cannot access vital transport information.

Yeovil Bus Users Group and Somerset Bus Partnership

**Response from Cllr Mike Rigby**

With regard to the recent changes to the bus network, these are decisions that have been taken by the commercial bus operators as part of their network reviews. Their decisions are based solely on the viability of the routes and due notice was served in line with the

	<p>requirements of the Traffic Commissioner whose role it is to regulate the provision of local bus services. As per the requirements of the Enhanced Partnership, these changes were discussed with both Somerset County Council and the Bus Advisory Board members ahead of the changes taking place. The operators have not taken these decisions lightly, but they are based on a review of the network and patronage levels. Unfortunately, in some instances, despite allowing time for services to try and recover from the covid pandemic the numbers returning to travel just are not sufficient to make these routes viable.</p> <p>Somerset County Council has used Local Transport Fund (LTF) funding from Central Government to restore service 68 Yeovil to Barwick and Stoford via Yeovil Junction Station and extend the route to the Highfield Road to cover part of the withdrawn 53 Yeovil Town Service to allow further time for passenger numbers to continue to recover and minimise the impact to users. Buses of Somerset also amended the route of their remaining 51 Town Service in order that this service operates closer to other parts of the withdrawn 53 Bus Service to limit the impact. Discussions with local operators are continuing to see if anything else can be done with the limited resources available to further close the gap in areas where service 53 used to operate.</p>
<p><b>Mr David Redgewell</b></p>	<p>Currently, Somerset County Council and Somerset West and Taunton Council have been looking at enhancements through the bus service improvements plan.</p> <p>Recently there was a meeting between the Somerset Bus Partnership, Somerset Catch the Bus Campaign, Railfuture, Southwest Transport Network, a representative from Travel Watch Southwest, Southwest Coach Operators and the Confederation of Passenger Transport.</p> <p>At this meeting the group came to the conclusion that Taunton needed three transport hubs:-</p> <p>One at the railway station with bus interchange for more services,</p> <p>A second one by reopening the existing bus and coach station as a transport hub with a cafe, waiting room, toilets, provision for bicycles and an e-scooter hub serving local, regional and National Express coaches along with Flixbus and Berry's Coaches with parking for tourist coaches.</p> <p>The Department for Transport is looking at national roads at the A38 / M5 coach stops, one at Gateway Park and Ride site or at Riverside for Megabus Stagecoach and Falcon Coaches.</p> <p>We felt that a bus boulevard was difficult to build in the Parade and North Street without the removal of private car use, widening pavements, new shelters and investment.</p>

**Question 2**

What action is the County Council taking to restore Somerset commuter bus network?

We believe that the early morning and evening services should be restored especially on the following routes :-

1. Taunton to Yeovil bus station via Langport and Somerton.

All other journeys have to change at Somerton to service 77 Wells bus and coach station, Glastonbury and Street.

2. Somerton, Ilchester and Yeovil bus station. The last bus service departs at 17.10 which is no good for commuters. People are now having to use the First Group Great Western Railway from Taunton to Yeovil Penn via Castle Cary and a bus from Yeovil Pen Mill station.

But were not sure the level of service in December 2022 railway timetable.

3. The last bus from Bridgwater bus station to Street, Glastonbury and Wells bus and coach station is 16:40. Previously, the last service used to be the 18:15 to Street with all services going via Bridgwater Hospital. Now the 16:50 service is the last one to Bridgwater hospital. Services 1 and 75 used to run in the evening to the hospital.

4. Service 21 Burnham on Sea, Highbridge, Bridgwater and Taunton now start later. There also needs to be a later bus service from Burnham on Sea to Berrow, Brean, Uphill hospital railway station and Weston Super Mare bus and coach station number 20 Sunday service in the winter, along with connections from Taunton and Bridgwater bus and coach stations, Highbridge, Burnham on Sea service number 21

5. Service 30 Taunton to and from Axminster via Chard now starts later as do services 75 and 99 to Taunton to Chard

6. Services from Wells bus and coach station to Bridgwater bus and coach station now starts from Glastonbury Town Hall and there are poor connections with the 376 service from Wells bus and coach station.

7. Service 29 from Wells bus and coach station now starts from Glastonbury Town Hall with poor connections from Wells bus and coach station.

8. Also, we now have a 2 hourly service 25 Taunton Town Centre via Bampton and Dulverton instead of hourly.

9. There is no longer any evening or Sunday services on the 126 from Well bus and coach station to Cheddar and Weston Super Mare bus and coach via Draycott, Axbridge, Winscombe, Banwell, Locking.

	<p>10. Yeovil and Bridgwater have lost most of their town services with the one in Yeovil being very limited now. Services are run by First Group South West Buses and South West Coaches.</p> <p><b>Question 3</b></p> <p>Across the county, with the District Council going, very little bus stop shelter and timetable display maintenance is taking place. Yeovil has very few updated timetables in place and no bus shelters are being cleaned by District Council contractors. Similarly in Mendip District Council area there are some broken shelters on the highway.</p> <p>In the Sedgemoor District Council, Axbridge Estate, Somerset West and Taunton Council areas, public transport user groups are putting up many timetables. In the County Council and North Somerset Council area, public transport user groups are cleaning shelters in Glastonbury, Frome station and in part of Frome itself.</p>
<p><b>Response from Cllr Mike Rigby</b></p>	
	<p><b>Question 1:</b></p> <p>Thank you for the feedback on mobility hub requirements within Taunton, which we have noted. As per the response to Question 1 submitted by Nigel Behan, we have recently submitted a bid to the Department for Transport (DfT) as part of the Bus Service Improvement Plan (BSIP) process, to create a mobility hub to act as a transport interchange facility within Taunton. Following a feasibility study the former bus station site has been identified as the most appropriate location for a mobility hub. We are currently awaiting the outcome of the funding bid but in the meantime, we are working with colleagues from Somerset West and Taunton to develop proposals in relation to the facilities and requirements for a mobility hub on the former bus station site.</p> <p>Bus/rail interchange at the rail station will become operational once the new access to the rail station and Firepool is completed later this year.</p> <p><b>Question 2:</b></p> <p>Operators have indicated that passenger numbers are still struggling to recover post Covid, with patronage levels only reaching 65-70% of pre-covid levels in many instances. As a result operators have had to review their commercial networks and make changes to their services where they were no longer financially viable. With the final tranche of covid bus support due to end at the beginning of October we are anticipating further changes to the commercial network to follow in October. We will continue working with operators to understand these changes in more detail as they develop and agree any mitigating action where appropriate.</p> <p>We have a bid in through the Bus Service Improvement Plan (BSIP) process to trial evening and weekend services. The locations are yet to be determined but are likely to be services</p>



	<p>feeding into the Taunton area to form part of the transformational bus town initiative. We are awaiting the outcome of this bid before proposals can be developed in more detail.</p> <p><b>Question 3:</b>  Bus stops and bus shelters are currently the responsibility of the District Councils and they have various different maintenance arrangements in place. In many instances the parish or town councils have taken on responsibility for managing and maintaining the shelters in their area. As part of the move to unitary, the approach to managing bus stops and bus shelters will be reviewed under the assets and infrastructure workstreams.</p> <p>In terms of bus timetable information, if you have any specific issues with timetables not being available at the stop or incorrect information please notify the public transport team <a href="mailto:Transport@somerset.gov.uk">Transport@somerset.gov.uk</a> and they will work with the operator to agree a resolution.</p>
<p><b>Mr Ian Beckey</b></p>	<p>What progress is being made on reopening Chard junction railway station and the Exeter central to Yeovil junction and Salisbury and London Waterloo main line with the Southwest Transport Board, Heart of the west local Enterprise partnership, Western gateway transport Board, Department for transport, Network rail Wessex route and First group MTR Southwestern railway.</p> <p>As Chard is a fast-growing Town and in need of both good bus/coach and train links to London and the South west Region.</p>
<p><b>Response from Cllr Mike Rigby</b></p>	
	<p>There are no firm plans at present for a re-opening of Chard Junction station. However, we have recently begun discussions with local representatives about the process that might be followed to build a high level strategic and economic case. This would examine the current transport issues and identify whether rail is the preferred option for solving them. It would also examine the potential value for money that a rail solution might deliver, based on an assessment of future demand, capital and operating costs. There is currently no funding identified for carrying out this work (estimated at between £30,000 and £60,000) or any clear funding pathways for a new station if that is decided by DfT and the rail industry as the way forwards (estimated at £15 - 20m).</p>
<p><b>Mr Andrew Lee</b></p>	<p>Over the past decade the process of asking questions to Somerset County Council has had a look and feel that is redolent of North Korea.</p> <p>District Parish and Town councils hold their meetings in the early evening when most (I accept not all) members of the public can attend. By contrast SCC hold meetings at 10am on a Wednesday more or less guaranteeing that the only members of the public who can attend are shift workers or retirees.</p>

	<p>In all other councils, District, town or parish, when public questions are called, the public need only raise their hand and then speak freely for no more than 3 minutes. By contrast to ask this question I am required to contact Democratic Services 3 clear working days before the meeting, no later than 5pm. I will then be "invited" to submit a written statement or question.</p> <p>This will only be able to be asked if approved (though I agree I have only once had a question refused).</p> <p>If approved, my question can be asked, but when I speak, I will be told to stick to the script and not wander into any other territory. By contrast, the person from the council responding is free to wander far away from the question and on more than one occasion has chosen to effectively answer a different one or at least not address the nub of the question asked.</p> <p>If this happens, there is no redress or comeback. the questioner has no opportunity afforded to them to point out that the question has not been properly answered, or to come back on the answer.</p> <p>With a new administration in place, may I ask if it is not time to have a more open and transparent engagement with members of the public who wish to ask questions of their council</p>
	<p><b>Response from Cllr Bill Revans</b></p>
	<p>Thank you for your question, Mr Lee though I must express my bafflement at you comparing the Council's public participation in meetings with North Korea. I am not sure the comparison is fair to our 3,500 staff and 110 members.</p> <p>North Korea has no Public Question time. Reporters Without Borders rank it as the worst country in the world for press freedom. Journalists have been arrested, deported, sent to forced labour camps, and killed for deviating from the party's narrative. In 2017, the government sentenced Korean journalists to death in absentia for only commenting on the country's economic and social situation. However, I am pleased to reassure Mr Lee that we do not have no intention of operating in such a way at Somerset County Council....</p> <p>It is very rare for any public questions or statements to be refused and the grounds for that are set out in section 4.11 of the Council's Constitution. The main reasons for questions to be rejected or amended are when they relate to matters which are not in the Council's functions and are the responsibility of another organisation or contain statements which are defamatory, offensive or vexatious.</p> <p>The procedures for public questions and statements are published with the agendas for each meeting so that everyone is aware of how to participate.</p>

Many of our new members won't be aware that the current rules for public questions and statements were agreed by the Council in July 2018 following recommendations from the former Constitution and Standards Committee. Those recommendations were as a result of work undertaken to compare the council's rules with other peer councils such as Devon County Council and Wiltshire Council. For context it should be highlighted that there had been 33 public representations at the council meeting in February 2018.

The Council recognises that there can be a challenge in striking an appropriate balance between maximising the time for debate by members on scheduled items of business at council meetings and the time allocated for public questions at meetings.

Looking forward, the Council will be reviewing its public question time procedures and its meeting arrangements, including timings, as part of the transition to the new Somerset Council when the new Constitution and democratic arrangements are considered at the County Council meeting in February 2023. Our Constitution and Governance Committee will be considering these issues with a view to maximising the opportunity for the public to ask questions of their elected representatives and allow democratic procedures to take place in the new unitary council.

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## **EXTRAORDINARY COUNTY COUNCIL**

Minutes of a Meeting of the County Council held in Canalside, Marsh Lane, Bridgwater TA6 6LQ on Wednesday 5 October 2022 at 10.00 am

**Present:** Cllr S Ashton, Cllr J Bailey, Cllr M Barr, Cllr M Best, Cllr B Bolt, Cllr A Bradford, Cllr H Bruce, Cllr T Butt-Philip, Cllr N Cavill, Cllr M Chilcott, Cllr P Clayton, Cllr S Coles, Cllr J Cook-Woodman, Cllr N Cottle, Cllr A Dance, Cllr D Darch, Cllr T Deakin, Cllr D Denton, Cllr M Dimery, Cllr L Duddridge, Cllr S Dyke, Cllr C Ellis, H Farbahi, Cllr B Ferguson, Cllr B Filmer, Cllr D Fothergill, Cllr A Govier, Cllr T Grimes, Cllr A Hadley, Cllr M Healey, Cllr B Height, Cllr H Hobhouse, Cllr A Kendall, Cllr J Kenton, Cllr T Kerley, Cllr M Kravis, Cllr C Lawrence, Cllr L Leyshon, Cllr T Lock, Cllr M Lovell, Cllr H Munt, Cllr T Munt, Cllr M Murphy, Cllr G Oakes, Cllr S Osborne, Cllr O Patrick, Cllr K Pearce, Cllr E Pearlstone, Cllr D Perry, Cllr E Potts-Jones, Cllr T Power, Cllr S Pugsley, Cllr W Read, Cllr B Revans, Cllr M Rigby, Cllr T Robbins, Cllr D Ruddle, Cllr H Shearer, Cllr G Slocombe, Cllr B Smedley, Cllr F Smith-Roberts, Cllr F Smith, Cllr J Snell, A Soughton, Cllr M Stanton, Cllr A Sully, Cllr L Trimnell, Cllr M Wale, Cllr R Wilkins, Cllr D Woan and Cllr R Woods

### **Chair's Announcements**

#### **Memorium**

The Chair of Council requested all present stand for a minutes silence in respect of Her Majesty Queen Elizabeth II.

The Chair of Council paid tribute to former County Councillors Ann Bown and Bea Roberts.

#### **Former County Councillor Ann Bown**

Ann Bown was the Councillor for Bridgwater West from 2005 – 2022. Ann sat on the Regulation Committee, Devon and Somerset Fire Authority, Audit Committee, and Scrutiny Committees and Chaired the Health and Wellbeing Board.

Cllr David Fothergill and Cllr Mark Healey and Cllr Bill Revans paid their tributes to Ann Bown.

Former County Councillor Bea Roberts

Bea Roberts was the Councillor for Taunton Fairwater 1985 – 1997. Bea sat on the Personnel Committee, Economic Development Sub Committee, and Social Services Committee and Chaired the Education Committee.

Cllr Frances Nicholson and Cllr Bill Revans paid their tributes to Bea Roberts.

**Somerset County Council Chief Executive Introduction**

The Chair of Council introduced Duncan Sharkey as the new Chief Executive of Somerset County Council and the future Somerset Council.

Duncan Sharkey addressed the Council thanking members for the opportunity to be both Chief Executive of Somerset County Council and the future Somerset Council.

**Director Of Children’s Services**

The Chair of Council paid tribute to and thanked the outgoing Director of Children’s Services, Julian Wooster, for his leadership and guidance throughout his time at Somerset County Council.

The outgoing Director of Children’s Services, Julian Wooster, reflected on his time at the Council and thanked the Members and the Children’s Services team for their engagement, support and commitment throughout his tenure.

30 **Apologies for Absence** - Agenda Item 1

Apologies were received from Cllr S Aujla, Cllr L Baker, Cllr M Caswell, Cllr N Clark, Cllr B Clarke, Cllr A Boyden, Cllr S Collins, Cllr P Ham, Cllr P Ham, Cllr S Hart, Cllr A Hendry, Cllr R Henley, Cllr M Hewitson, Cllr J Kenton, Cllr M Lewis, Cllr H Prior-Sankey, Cllr F Purbrick, Cllr L Redman, Cllr D Rodrigues, Cllr P Seib, Cllr C Sully, Cllr A Wiltshire

Virtual attendance: Cllr J Baker, Cllr S Carswell, Cllr A Dingwall, Cllr M Dunk, Cllr H Kay, Cllr M Lovell

31 **Declarations of Interest** - Agenda Item 2

The Chair reminded the meeting that details of all Members’ interests in District, Town and Parish Councils could be viewed on the Council’s Website and there was no need for members to individually declare these personal interests in those other councils at the meeting.

32 **Public Question Time** - Agenda Item 3

There were public questions received from:

Mike Ginger – Taunton Area Cycling Campaign (petition)  
Alan Sawyer – Taunton Community Governance Review  
Tessa Dean – Taunton Community Governance Review  
Mike Batsch – Taunton Community Governance Review  
Tony Smith – Taunton Community Governance Review  
Jason Woollacott – Taunton Community Governance Review  
Carolyn Warburton – Taunton Community Governance Review

The questions and responses provided are attached to these minutes in Appendix A. In the absence of Tony Smith and Carolyn Warburton, the questions were read out by the Deputy Monitoring Officer, Honor Clark, on their behalf.

The Leader of the Council, Cllr Bill Revans, thanked all speakers for attending the meeting and sharing their views and gave assurance that due regard to the representations would be considered as part of the proposals.

33 **Report of the Executive – Taunton Community Governance Review 2022** - Agenda Item 4

The Leader of the Council, Cllr Bill Revans introduced the item, thanking the cross-party Somerset West and Taunton Council Community Governance Working Group and all involved in the consultation of the Community Governance Review. Cllr Revans referenced: the concerns raised by Parish Council's affected by the proposals; and referred to the addendum and supporting information published following the recommendations that were agreed at a special Somerset West and Taunton Council (SWT) meeting on 29 September 2022.

The Deputy Monitoring Officer, Honor Clarke, advised Council that: legal advice received is confidential to Somerset County Council (the Council); that should Members wish to discuss the Kings Counsel's advice received by the Council it would be necessary to pass a resolution to exclude the press and public; that SWT had also received confidential legal advice and that Mr Kevin Williams, Deputy Monitoring Officer at SWT was present today and was in a position to detail the advice received by SWT in confidential session.

A debate was held regarding the availability of and requirement for confidential papers alongside the legal advice provided to Somerset County Council and Somerset West and Taunton Council.

Cllr Derek Perry added to the points raised by the Deputy Monitoring Officer, noting the confidentiality of the advice received in direct response to the intimated claim by a directly affected Parish Council.

Having been duly proposed and seconded, the Council proceeded to vote on a proposal to enter confidential session.

### **Exclusion of the Press and Public**

The Council **RESOLVED** to pass a resolution under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972.

*The confidential session ended and the Council returned to public session*

The Chair of Somerset West and Taunton Council Community Governance Working Group, and the deputy leader of Somerset West and Taunton, Cllr Derek Perry, presented the report highlighting: that Taunton is the only area in Somerset not to have a Parish or Town Council to represent its residents; that the undertaking of a Community Governance Review for unparished areas was set out in the Unitary Council Business Case; the specific guidance to ensure that boundaries reflect modern updated geography and associated work to establish a town council which reflects those boundaries; and that the recommendations before Council have been produced following a review which started in November 2021 and following two phases of public consultation.

At the Chair's invitation, Cllr Sarah Wakefield, the Deputy Chair of the Somerset West and Taunton Council Community Governance Working Group, addressed the Council. Cllr Wakefield highlighted: the attention to detail shown by the Working Group; the interest and role of affected Parish Councillors; and the formation of a Shadow Town Council.

The County Council discussed the proposals, and the following points were raised: rurality as a protected characteristic; the inclusion of the urbanised or to be urbanised area of the geography; the tireless work of Parish councillors and local communities; the new Town Council's budget; the opportunity to improve both central Taunton and the surrounding area; and the legal process followed to reach this point.



*The Chair adjourned the meeting from 12:30 – 12:40 pm.*

Cllr Graham Oakes proposed the item should progress to a vote, this was seconded by Cllr Tony Lock, a vote followed and it was agreed by a majority that the Council should progress to a vote on the recommendations.

The Deputy Monitoring Officer explained that the Council would now vote on the recommendations in full as detailed in the published papers.

Having been proposed by Cllr Derek Perry and seconded by Cllr Sarah Wakefield, the Council **RESOLVED** to:

- 2.1 Confirm that it has considered and taken into account the responses received to the second stage consultation on the community governance review of the unparished area of Taunton and eight neighbouring parishes together with the considerations and recommendations of the SWTC (Somerset West and Taunton Council) Community Governance Review Working Group as set out in the attached report and appendices as required by the Local Government and Public Involvement in Health Act 2007.**
- 2.2 Note that in the context of local government reorganisation, it is the responsibility of Somerset West and Taunton Council to agree the final recommendations of the community governance review and the responsibility of Somerset County Council to make any Reorganisation Order to give effect to those recommendations.**
- 2.3 Note that Somerset West and Taunton Council sought Somerset County Council Executive's agreement in principle to use a phased approach to transfer the assets and services starting with those identified in Appendix I of the report, where reasonable and practicable on 1 April 2023.**
- 2.4 Adopt the SWTC proposals for the final recommendations of the community governance review as follows:**
  - A. That a new parish be created to include the currently unparished area of Taunton and that in addition:**
    - i. Comeytrove Parish Council be dissolved, and the entire area of Comeytrove Parish be included within the boundary of the proposed new Taunton Parish;**

- ii. **The Killams Green area, currently within Trull Parish Council area, be included within the boundary of the proposed new Taunton Parish;**
- iii. **The part of the forthcoming development in the south-west corner of Taunton that falls within Trull Parish, including the whole of the development north of Dipford Road, should be included within the boundary of the proposed new Taunton Parish;**
- iv. **The boundary of Trull Parish to the north-west of Cotlake Hill be altered to follow the green wedge around the Sherford urban area, with the small area to the south of that boundary that is currently within the unparished area of Taunton becoming part of Trull Parish.**
- v. **The urban area within the Maidenbrook Ward of Cheddon Fitzpaine Parish, including sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish.**
- vi. **The urban parts of Staplegrove Parish, including the entirety of the forthcoming development in the north-west corner of Taunton, be included within the boundary of the proposed new Taunton Parish;**
- vii. **The slim part of Staplegrove Parish jutting to the west of Silk Mills Lane be included within the boundary of Norton Fitzwarren Parish;**
- viii. **The remaining area of the existing Staplegrove Parish be included within the boundary of Kingston St. Mary Parish;**
- ix. **Staplegrove Parish Council be dissolved.**
- x. **A small southern portion of the Kingston St Mary Parish area, representing that part of the proposed Staplegrove East development that falls within the parish, be included within the boundary of the proposed new Taunton Parish.**
- xi. **With the exception of the River Tone flood plain to the east of Silk Mills Road at Longrun Meadow, Galmington Trading Estate and a small section south of the A38 near Rumwell, no part of Bishops Hull Parish be included within the boundary of the proposed new Taunton Parish;**
- xii. **The small triangular residential area at the cross-section with Wellington Road, currently within the unparished area, be included within the boundary of Bishops Hull Parish;**

- xiii. The boundary between Norton Fitzwarren Parish and Bishops Hull Parish, just north of Mill Cottages, be amended to follow the route of the railway line;**
- xiv. The Hankridge Retail Park, Creech Castle and the associated Toneway Road, currently within West Monkton Parish, be included within the boundary of the proposed new Taunton Parish, which should run along the railway to the M5;**
- xv. With the exception of the above, no part of the existing area of West Monkton Parish be included in the boundary of the proposed new Taunton Parish;**
- xvi. No part of the existing area of Norton Fitzwarren Parish be included within the boundary of the proposed new Taunton Parish;**
- xvii. the boundary between West Monkton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park be amended to following the A3259 and new relief road westwards to Maidenbrook Lane.**

**And the Council Resolved:**

- B. That the new parish be named ‘Taunton Parish’ and that a parish/town council be established to serve the new parish with effect from 1 April 2023.**
- C. That the first elections to the proposed new parish/town council for Taunton should be held on the ordinary day of elections (the first Thursday in May) in 2023.**
- D. That the proposed new Taunton Parish be divided into wards for the purposes of electing parish/town councillors.**
- E. That the total number of councillors to be elected to the proposed Taunton Parish/Town Council be 20 and the warding arrangements for the council and the number of councillors to be elected to represent each ward, be as set out at section 9.19 of the SWTC report.**
- F. That the electoral arrangements of certain other parish councils in the area under review be amended as set out at section 9.20 of the SWTC report.**
- G. That save as set out at A to F above, the existing parishes in the review area and the names, boundaries, council size and other parish governance arrangements in respect of those parishes remain unchanged.**

- H. That the budget requirement for the new Taunton Parish/Town Council for the financial year 2023/24 be set at £2.114m.**
- I. That temporary parish/town councillors as listed at section 11.20 of the attached SWTC report (Appendix 2) be appointed to serve as members of the new Taunton Parish/Town Council from 1 April 2023 until the councillors elected on 4 May 2023 take up office.**
- J. That the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant Somerset Council electoral divisions as necessary to ensure consistency between those boundaries and the revised Parish and Parish Ward boundaries made in this Community Governance Review.**
- 2.5 That accordingly the Council should make the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022 as attached in draft form at Appendix 'A' to give effect to the above recommendations.**
- 2.6 That a Shadow Taunton Town Council be established with effect from 14 October 2022 and with membership as set out at section 13.6 of the attached SWTC report (Appendix 2), to lead and oversee the work to establish on 1 April 2023 the new Taunton Parish/Town Council.**
- 2.7 That the Community Governance Review Working Group be wound up once the Reorganisation Order has been made, concluding the review.**
- 2.8 That authority be delegated to the Chief Executive Officer and Monitoring Officer or Deputy, after consultation with the Leader of the Council and the Chair of the Shadow Taunton Town Council (if any), to take any action necessary to conclude the community governance review in accordance with legislation and statutory guidance and to secure the implementation of the final recommendations of the review as set out in the Reorganisation Order.**
- 2.9 Agree that the S151 Officer will notify the Department for Levelling Up, Housing and Communities of the request Alternative Notional Amount for Council Tax purposes, reflecting the transfer of costs from current district council budget to the budget of the new parish/town council.**
- 2.10 Note that the Executive agreed to the use of a phased approach to transfer the assets and services to the proposed new Taunton parish/town council starting with those identified in Appendix I, where reasonably practicable on 1 April 2023 and that officers from the County Council and Somerset West and Taunton Council work collaboratively ahead of vesting day to finalise the proposed assets**

**and services to transfer for consideration and approval by the Executive.**

34 **Report of the Constitution and Governance Committee - Agenda Item 5**

The Chair of the Constitution and Governance Committee, Cllr Theo Butt Philip, thanked all involved for their work on the report and proposal and presented the report and its recommendations to extend of the Council's current policy of enhanced DBS (Disclosure and Barring Service) checks as a requirement for all members of the Council.

The County Council discussed the proposals, and the following points were raised: the threshold and restrictions upon individuals who can stand for election.

Having been duly proposed and seconded, the Council proceeded to vote on a proposed amendment to remove the wording from recommendation a. : 'All Executive Lead Members; Associate Lead Members; members of the Adults & Health and Children & Families Scrutiny Committees; members of the Adoption and Foster Panels; members of the Corporate Parents Board; and Members appointed to Panels or working groups relating to education or adult social care services'. The amendment was agreed unanimously.

Having been proposed, as amended, by Cllr Theo Butt Philip and seconded by Cllr Tessa Munt, the Council **RESOLVED:**

- a. That the existing DBS policy for Councillors be extended to provide an extension of the current mandatory requirement to have Enhanced DBS checks without barred list checks to all Members of the Council and co-opted members;
- b. That all DBS checks required above will be carried out by the Council immediately following each Council election to ensure that such checks are renewed halfway through this election period, approximately May 2025. This is relevant as DBS checks are effectively only valid on the day they are issued and this current election period is unusually long;
- c. That the Monitoring Officer maintains a register of approved applications.

36 **Report of the Health and Wellbeing Board – Proposed future Health and Wellbeing Board & Integrated Care Partnership Arrangements - Agenda Item 6**

The Chair of the Health and Well Being Board, Cllr Bill Revans, thanked all involved for the work on the proposals and presented the report highlighting: the reorganisation requirement; opportunities for enhanced partnership working; reducing duplication; working to achieve longer-term solutions to health and social care by delivering and developing one strategic approach to health; and the increased membership of the board to include a change in quorum arrangements.

The County Council discussed the proposals, and the following points were raised: the benefits of aligning health and wellbeing working practice; consideration by the Integrated Care Board; and adherence with LGA best practice.

Having been proposed by Cllr Bill Revans and seconded by Cllr Adam Dance, the Council **RESOLVED** to:

- **Consider the proposals and approve the approach to align the Health and Wellbeing Board and the ICP (Integrated Care Partnerships) and approved the direction of travel to develop the Somerset Board from April 2023.**
- **Approve the transition arrangements for the period October 2022 – March 2023, including the appointment to the Board of additional members and revised quorum arrangements.**
- **Approve the Draft Terms of Reference for the transitional period October 2022 – March 2023.**

36 **Report of the Appointments Committee and Monitoring Officer - Agenda Item 7**

The Deputy Leader and Lead Member for Finance and Human Resources, Cllr Liz Leyshon, introduced the report, thanking fellow members and officers for their involvement. Cllr Leyshon highlighted the recommendation of the Appointments Committee to appoint internal candidate Claire Winter as the acting Director of Children's Services.

Having been proposed by Cllr Liz Leyshon and seconded jointly by Cllr Tessa Munt and Cllr Frances Nicholson, the Council **RESOLVED** to:

1. **Accept the recommendation of the Appointments Committee to appoint Mrs Claire Winter as the Acting Director of Children's Services from 1st November 2022.**

- 2. Appoint on a spot salary for the post of £140,000 with all other terms and conditions remaining the same as current.**

**CHAIR**

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## **Appendix A**

### **Public Questions and Responses**

<b>Name</b>	<b>Question</b>
<i>Mike Ginger</i>	<p>1.SCC is now deciding which routes in Somerset to submit under the next tranche of Department for Transport funding. The new routes need to be transformational-not just tinkering. For Taunton, we have asked officers to look at four routes which people in Taunton feel are very dangerous. These are: Station Road-Wellington Road-Cheddon Road and East Reach. We are asking that councillors support us in this.</p> <p>2. We urged that SCC focuses on implementation rather than producing more and more plans.</p>
<b>Response from The Lead Member for Transport and Digital</b>	
<p>Thank you for continuing to promote cycling in the Taunton area, we are pleased to continue to work with TACC to identify and prioritise the cycling investment in the area that will have the greatest likelihood of increasing the number of people cycling. I am pleased to confirm that following a recent assessment by Active Travel England, Somerset is now in the top 35 authorities in the Country for its Active Travel ambition and capability, with only 5 authorities ranking higher than us in terms of the assessment categories. This is a huge achievement for a rural authority competing with cities for active travel funds. This puts us in a good place to bid for forthcoming Government active travel funds, although we do not know how much funding might be made available to Somerset through the new active travel programme. We will make an ambitious bid in December and will make sure that further funding for Taunton is included in our bid which must of course also cover priorities across the whole County. We will consider the four corridors you have mentioned as we further develop our Active Travel proposals, and as these are also key corridors in our Bus Service Improvement Plan we will need to consider how active travel and bus priority integrate.</p> <p>These new capital funds are focused on implementation but we still have a duty to prepare cycling infrastructure plans across the County, and indeed we have a statutory obligation to prepare a new Local Transport Plan over the next 2 years which may include a refresh of our active travel plans; so unfortunately I can't commit to there being no more plans.</p>	
<i>Mike Ginger</i>	<p>If a Taunton Town Council is formed, we ask that active travel routes and safety become part of its remit. Frome TC has demonstrated leadership in this way and we urged that Taunton follows that example.</p>

**Response from The Leader of the Council**

This would be a matter for the newly elected Town Council in May 2023 to set its own priorities.

*Mike Batsch*

This is the story of Somerset West & Taunton Council’s Community Governance Review as seen through the eyes of Cheddon Fitzpaine Parish Council.

At an SWT meeting last October, a small group of Members got the unexpected opportunity to hi-jack the Review process. As a result, the meeting overturned the honest efforts of their then CGR Working Group. Its key recommendation to confine the scope of the Review to parishing the unparished area of Taunton had been based on QC advice. It identified that fixing the broken unparished area was the non-controversial, legitimate ‘core’ of the exercise; trying to do more with the CGR might put that ‘core’ ambition at risk and should be postponed to a later stage. Instead, the meeting adopted a greedy ‘let’s go large now’ proposal that wasn’t even tabled at the meeting! Based on the cynical re-engineering of established communities like ours, the Review goes against a fundamental aspect of the relevant Statutory Guidance, which states that carrying the support of the affected communities is paramount. No such support exists in our parish. The consultation consisted of asking our community what we want and then ignoring the bits that don’t fit the desired outcome! The official justification is (quote) “This Review is not a referendum.” What kind democracy is that?

To cut this long story short to 3 minutes, SWT and their new Working Group have steam-rolled their proposal through with undue haste and inadequate publicity, skittling aside all reasonable and legitimate opposition. On the back of that momentum – fearful that the parishing of the unparished area would fall and encouraged by their legal officer’s surprisingly unrealistic advice that the Review was “unchallengeable” – SWT Members voted-through the flawed Review at last Thursday’s SWT meeting.

Well, the pigeons that were released last October have come home to roost. We’ve been forced down the legal route and our QC-based advice is that SWT have mis-interpreted the Statutory Guidance.

Be in no doubt: we shall continue fighting for our community. But it’s more than that. At a time when the standards of our body-

	<p>politic are in decline, we are fighting for the impartial, non-party-political standards that underpin our parish council’s business – and are generally characteristic of the traditional third tier.</p> <p>Your members have the power to protect our Cheddon Fitzpaine community by voting-down this legal and social travesty.</p>
<p><b>Response from the Leader of the Council</b></p>	
<p>Somerset County Council (SCC) is satisfied that, in relation to the Community Governance Review, all the processes conducted by the Somerset West and Taunton Council (SWTC) and SCC and the decisions reached were lawful. In particular, the Council is satisfied that:</p> <ul style="list-style-type: none"> <li>• The Working Group in the processes adopted, and in the consultation that took place, complied with the Statutory Guidance and relevant legislation.</li> <li>• SWTC, in considering the reports to it and the resolutions it approved on 19th October 2021, 3rd March 2022 and 29th September 2022 was acting lawfully and in accordance with the statutory guidance and legislation.</li> </ul> <p>As such, the Council is confident that both the CGR and its own decision to implement the recommendations in the CGR were lawful.</p>	
<p><i>Tony Smith</i></p>	<p>This Statement is solely concerned with the past, present and future arrangements for the transfer of CIL payments from SW&amp;T to Trull Parish Council, arising from development in the Urban Extension.</p> <p>In 1.5 of Appendix “F” (the GRC Terms of Reference), it is stated that Parish Councils “...may also enter into discussion with the principal councils...about the transfer of services, budgets and assets subject to mutual agreement” [my emphasis]. So, no new arrangements can be imposed, unilaterally, by SW&amp;T.</p> <p>Section 8.1 discusses Consequential Matters arising from the proposed Reorganisation Order, including the transfer of assets and liabilities. As far as I am aware, no agreement has been arrived at between Trull Parish Council and SW&amp;T to alter the current or future arrangements for CIL payments accruing to the Parish from the Urban Extension, at the 25% rate applicable on account of the Trull Neighbourhood Plan, or for deferment of those payments beyond the dates on which they fall due.</p> <p>Moreover, under 14.4 and 14.5 of Appendix 2, those payments will continue to accrue to Trull Parish, until vesting-day, in 2023. Even after any potential re-organisation of the Parish boundaries, the Trull Neighbourhood Plan will remain in force until it is revoked, by the Parish - so those CIL payments will continue to be payable, by SW&amp;T or its successor, Unitary authority, to Trull Parish Council.</p>

	These are important matters of democratic principle, as Parish Councils are, and will be, independent statutory bodies, with their own rights and duties.
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**Response from the Leader of the Council**

You are correct in your recitals. The statutory position in terms of implementing the Re-Organisation order in relation to the affected Parishes is as follows;

- Section 7 (2) of the Structural Change Order provides that the decisions reached in relation to matters in s99 of the 2007 Local Government Involvement in Health Act 2007 are decisions between the County Council and the parishes;
- This is because the effect of s7(2) – the successor council – SCC is to be treated as the principal council in the place of the District Council.

This means that in a practical sense, agreements relating to the matters set out below are between the County Council and the Parishes. However, the County Council is working collaboratively with the District Council on these matters to achieve an orderly completion of the decisions to be made.

So section 99 (1) sets out the following:

any public bodies affected by a reorganisation of community governments may from time to time make agreements with respect to

- any property income rights liabilities and expenses (so far as affected by the order) of the parties to the agreement
- any financial relations between the parties to the agreement

There follows a further series of arrangements for such agreements with default arrangements by arbitration in the event of a dispute.

**CIL Neighbourhood Proportion**

Some Parish Councils have Neighbourhood Development Plans (NDPs) in place and therefore receive 25% of the CIL collected from development within their parish (CIL Regulation 59A(3)).

Those Parish Councils without NDPs in place receive 15% of the CIL collected from development within their parish, up to a limit of £100 per dwelling (CIL Regulation 59A(5)). Where a Parish Council is being abolished and entirely incorporated within the area of the new town council, any unspent CIL receipts held by the Parish Council will be transferred over to TTC on the date of vesting.

Where a Parish Council is losing part of its administrative area, Regulation 7(2) Local Government (Parishes and Parish Councils) (England) Regulations 2008 requires that any unspent CIL receipts relating to development located in that part the Parish Council's area that is being transferred to TTC should be paid over to the new council on the date of vesting.

Under CIL Regulation 59D, unless SWT and the relevant Parish Council agree on an alternative timetable for payment, then SWT must pay to the Parish/Town Council the required neighbourhood proportion in respect of the CIL it receives from developers between:

- 1st April to 30th September in any financial year by 28th October of that financial year;
- 1st October to 31st March in any financial year by 28th April of the following financial year.

Therefore, if CIL is received by SWT in respect of chargeable development wholly within the proposed/future boundary of the TTC between now and 30th September 2022, then 15% or 25% of those receipts (as the case maybe) must still be paid to the relevant Parish Council by no later than 28th October 2022.

However, if CIL is received by SWT in respect of chargeable development wholly within the future/proposed boundary of TTC between 1st October 2022 and 31st March 2023, then the relevant neighbourhood percentage of those receipts would not have to be paid over by Somerset Unitary Council until 28th April 2023 – by which time TTC will be the recipient council.

Where future development straddles the boundaries of Parish or Town Councils' administrative areas, each council will receive a share of the CIL which is proportionate to the gross internal area of the development within their administrative area. For example, if a development crosses two Parish or Town Council's administrative areas with 50% of the gross internal area created in one parish and 50% in the other, each council will receive 50% of the neighbourhood portion, up to the level of the annual limit for their area.

There may be occasions when future development crosses more than one Parish or Town Council administrative area and where one or more of those areas has a Neighbourhood Development Plan in place (so receives 25%) and one or more of those areas does not. In these cases, the Parish or Town Council receives a proportionate amount of the levy payment based on how much of the gross internal area of the development is in an area for which there is a Neighbourhood Development Plan

There are statutory limitations on how a Parish or Town Council can spend their CIL receipts. The money can only be used to support development of their area, or any part of that area, by funding infrastructure or anything else that addresses the demands development places on their area (CIL Reg 59C)

Subject to these limitations, unspent CIL receipts transferred over to TTC on vesting day can be expended in any part of the TTC area regardless of where the development generating that CIL is located i.e. the neighbourhood percentage does not have to be expended in the area that used to belong to the Parish Council.

Similarly, unspent or future CIL monies transferred or paid to TTC from development located within the boundary of a Neighbourhood Development Plan can be expended in any part of the TTC area i.e. it does not have to be expended in the covered by the NDP. Neighbourhood Development Plans

In terms of the status of existing Neighbourhood Development Plans that fall wholly within or straddle across the new TTC area the following will apply:

- NDPs that have already been finalised and adopted cannot be revoked even if a new Parish is created within the area of the NDP.
- NDP areas cannot overlap, so a new NDP area can only be designated if there is either no existing designation covering that area, or if an existing designation is withdrawn.
- Withdrawing an existing designation and restarting an emerging plan to cover a new area will require re-consultation and a new evidence base.
- Reviewing a made plan to change the NDP area will require all statutory processes to be repeated, including area designation, consultation, examination and referendum.

*Jason Woollacott*

I am here to make a statement on item #4 on the Agenda, the Community Governance Review.

I am the Chairman of Cheddon Fitzpaine Parish Council and wish to strongly object to the inclusion of Cheddon Fitzpaine in this report. There is no support within the whole of Cheddon Fitzpaine Parish for any part of the parish to be absorbed into the new Taunton Parish. Even the data within this report shows that 91% of the respondents do not want to be absorbed. (Section 8.29)

Within section 8.33 it suggests that growth of the new urban areas have no integral relation to the village. However, this ignores the fact that over the last 22 years the Parish has built these links and has created a community. The new estate has within their address Cheddon Fitzpaine, so to say people don't feel part of that community, is clearly wrong, and that is part of what we as the Parish have built.

Somerset West & Taunton District Council has failed in our opinion to properly consult with the residents, and ignored the information from residents which shows that the residents do not want this change

The Legal Guidance makes clear that "the feeling of local community and the wishes of local inhabitants are the primary considerations". As demonstrated above this has not been considered within this report.

Therefore, we have had no option but to seek legal advice on this proposal. We have engaged a solicitor who has written to the District Council explaining our position including reference to a previous court ruling of Britwell Parish Council v Slough Borough Council. Where the judge ruled that Slough Borough Council had ignored the guidance around the law, during their community governance review, and ruled that the order had been wrong, and quashed the order.

SWT legal has responded disputing this, so we have moved to the next step, which is to get a legal opinion from a Barrister, which

	<p>ultimately will lead to us seeking a judicial review into this order if it is approved today.</p> <p>The Letter was submitted to Somerset County Legal on the afternoon of Thursday 29th September, laying out the issues that our legal team see with the decision that is being made here.</p> <p>We believe in our parish and will fight to keep it intact and will fight this decision all the way.</p>
<p><b>Response from the Leader of the Council</b></p>	
<p>By virtue of the Somerset (Structural Changes) Order 2022 (the 2022 Order) and transitional regulations whose effect has been triggered by the 2022 Order it falls to Somerset County Council (the Council) to decide the extent to the recommendations of Somerset West and Taunton Council's (SWTC) Community Governance Review (CGR) should be given effect, and to then implement the CGR.</p> <p>The Council has reviewed the process followed by SWTC and is satisfied that:</p> <ul style="list-style-type: none"> <li>• both the Working Group and SWTC had properly understood and followed the Statutory Guidance and relevant legislation (including the weight to be accorded to the views of the community) in undertaking the CGR; and</li> <li>• SWTC, in considering the reports to it and the resolutions it approved on 19th October 2021, 3rd March 2022 and 29th September 2022 were acting lawfully and in accordance with the statutory guidance and legislation.</li> </ul> <p>As such, the Council is confident that both the CGR and its own decision to implement the recommendations in the CGR were lawful.</p> <p>The Council confirms that on 29<sup>th</sup> September it received a letter sent by lawyers acting for Cheddon Fitzpaine Parish Council and has sent a reply.</p>	
<p><i>Carolyn Warburton</i></p>	<p>I am a passionate supporter of local democracy – are you? If you want communities to trust you, you have to trust them. Today, you are probably going to agree to pursue a proposal for Parish Boundary changes, despite what the communities have said in their consultation responses, despite lack of the requisite 'Clear and sustained local support', because you are told 'you have to do what is right' – remind you of anyone? Is that a good thing? You must want to do good, or you wouldn't have stood.</p> <p>One reason for a review is changes in local population. Trull has a population of 2,288 people. The Urban Extension would add about 5,000. A significant change, and why we wrote our Neighbourhood Plan - to support development by addressing the demands that development places on the area. That is why we earned the CIL money. Trull can support the new community – we will be their green space and, slightly displaced, their beating heart.</p>

	<p>Taunton has a population of 60,000 – the new Town Council will be too big and too centrist to provide the support this new community will need. The urban extension is not connected to Taunton – its only road runs between Comeytrove and Trull. It is an isolated housing estate, built to outdated standards -1970's? So yes, Trull can support them – but not without the CIL money. The Consultation response (Para14.5) lays claim to CIL from the Urban Extension, if received within the proposed Taunton Parish between 1st October 2022 and 31st March 2023. This is an unsubstantiated claim. Government guidance explains that charges will become due from the date that a chargeable development is commenced. This payment is a legal commitment – both to SWT AND to Trull. Even if you agree the proposed boundary changes, CIL money is liable to be paid to Trull for those areas of Reserved Matters from the date of commencement; not determined by the date that payment is made - even when SWT agrees delayed payment. Trull cannot let this commitment be broken. Locality, the Government support for Neighbourhood Plans, suggests that Trull should take legal advice. Surely this would be regrettable. Please will you send these proposals back for proper reconsideration and the legal advice that has been provided.</p>
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**Response from the Leader of the Council**

Somerset County Council (SCC) is satisfied that, in relation to the Community Governance Review, all the processes conducted by the Somerset West and Taunton Council (SWTC) and SCC and the decisions reached were lawful. In particular, the Council is satisfied that:

- The Working Group in the processes adopted, and in the consultation that took place, complied with the Statutory Guidance and relevant legislation.
- SWTC, in considering the reports to it and the resolutions it approved on 19th October 2021, 3rd March 2022 and 29th September 2022 was acting lawfully and in accordance with the statutory guidance and legislation.

As such, the Council is confident that both the CGR and its own decision to implement the recommendations in the CGR were lawful.

In relation to the payment of Community Infrastructure Levy (CIL) to parish councils on and after 1<sup>st</sup> April 2023, Somerset County Council's arrangements will comply with the requirements of the Community Infrastructure Levy Regulations 2010.

Sections 98 and 99 of the Local Government and Public Involvement in Health Act 2007 and the Local Government (Parishes and Parish Councils) (England) Regulations 2008 make provision for the transfer of property, rights and liabilities of parish councils (including CIL monies previously transferred to the parish council) where a reorganisation order which



affects those parishes comes into force. Somerset County Council will comply with the requirements in those legislative provisions.

Tessa Dean

We encourage all of you here to reject these proposals on the following grounds:  
The consultation did not follow the required process for local government consultations: people were not informed, postcards were not delivered, local community groups were not consulted. The main finding (most people wanted the new council to cover the unparished area only) was ignored. The working group created a report after the first consultation which in no way represented local people's views. Their suggested plan (which was not actually a finding of the consultation) even included fields in our parish that don't even have planning applications on them. No-one in Trull was informed of the loss of hundreds of thousands of pounds of CIL money if the proposal is sanctioned.  
Trull Parish Council stated that they did not want the boundary between us and Comeytrowe changed at this time and yet our comments were ignored and buried right down in the report. No-one in the new Urban Extension was informed that a new Taunton Town Council would be increasing their precept by at least 3 times and possible up to 6 times – and for what? Neither CIL money nor precept spent in their area. There will be less representation on the Council (two councillors for the whole of the urban extension and Comeytrowe) instead of a whole Parish Council. If this gets approval there will be people in the urban extension who live further from the town centre than Bishops Hull and some will live further from the town centre than people in Trull! It is totally illogical.  
Stick to the unparished area and leave the other parishes alone, doing otherwise will be opening SCC up to legal challenge.

**Response from the Leader of the Council**

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As such, the Council is confident that both the CGR and its own decision to implement the recommendations in the CGR were lawful.

It is on that basis that the District Council takes a strong view that the process undertaken and the recommendations made to the County Council have been legally unimpeachable.

*Alan Sawyer*

My request to the Councillors is that they do not approve the Taunton Community Governance Review today as I believe it has failed to meet the requirements of The Local Government and Public Involvement in Health Act 2007 or the associated Guidance on Community Governance Reviews March 2010 in several important respects.

First, the Guidance states (paragraph 33) that principal councils must "have regard to the need to secure that community governance reflects the identities and interests of the community under review". The response rate to the consultations was so poor [for Trull 8 residents responded at Stage 1 and 6 at Stage 2 and over the whole area the response was only 1 for every 123 residents that this exercise cannot claim to secure that the recommendations "reflect the identities and interests of the community". An absence of response can not be assumed to be approval.

The working group express their disappointment at the level of response, but report that, possibly due to the limited Stage 1 feedback, for the Stage 2 consultation, in June "over 44,000 postcards were sent to all residential addresses in the area under review drawing attention to the review". Trull Parish is included in the area under review, but I received no postcard and I know of no one who did. Paragraph 59 of the Guidance says "the wishes of the local inhabitants are the primary considerations" when defining parishes, but the responses of, e.g., 6 Trull residents of an electorate of over 1,800, give no support for the Stage 2 proposals representing these wishes.

Further, Somerset West and Taunton Council has chosen to reject all suggestions made in regard to the boundary changes from the parishes affected and the only amendment after over 400 residents responded to Stage 2 is a minor realignment of the boundary between West Monkton and Cheddon Fitzpane parishes, suggesting that Somerset West and Taunton Councillors are imposing their views and agenda on the local communities.

Second, Section 93(5) of the Act requires principal councils to "take into account local residents' associations or community forums which help to make a distinct contribution to the community". There is no evidence that the Trull Neighbourhood Plan has been considered by Somerset West and Taunton Council, neither has the Trull Neighbourhood Planning Group been consulted.

	<p>Third, The Somerset West and Taunton Council's recommendation is that two parish councils are abolished. Paragraph 120 of the Guidance says that such a move should only be in exceptional circumstances and there must be "clear and sustained local support for such action", suggesting that informed local support must have been demonstrated for at least eight years. The proposal to abolish these councils was not made until last November, less than a year ago and nowhere near the eight years stated in the Guidance.</p> <p>Because of these failings I do not believe that Somerset West and Taunton Council has met the requirements of the 2007 Act and therefore this council should not approve their recommendations today.</p>
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**Response from the Leader of the Council**

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Chairman's  
Information  
Sheet No. 2

# Information

for County Councillors

From:	Cllr Mike Best, Somerset County Council
Date:	25/07/2022– 13/11/2022
To:	All County Councillors

**Chairman's Report: 25/07/22 –13/11/22**

The Chair attended the following events:

**August 2022**

- 6<sup>th</sup> Taunton Flower Show, Vivary Park, Taunton
- 9<sup>th</sup> Presentation of Somerset Medal for Service to Community 2020 – Wookey

**September 2022**

- 2<sup>nd</sup> Emergency Services Day – flag raising at Deane House, Taunton
- 11<sup>th</sup> Proclamation Service for HM The King – Taunton
- 11<sup>th</sup> Proclamation Service for HM The King – Yeovil
- 18<sup>th</sup> A Service of Commemoration with Thanksgiving for the life of Her Late Majesty Queen Elizabeth 11 – Wells Cathedral
- 20<sup>th</sup> Inaugural meeting of Minster Council – Taunton Minster
- 24<sup>th</sup> Blackberry Carnival – Axbridge Town Hall
- 25<sup>th</sup> North Petherton Town Council Civic Service – Minster Church, North Petherton

## **October 2022**

- 8<sup>th</sup> Chard Carnival
- 9<sup>th</sup> Farewell Service for Annie Maw – Wells Cathedral
- 14<sup>th</sup> Make A Difference – Recognition & Appreciation Awards – BBC Radio S’set - Somerset Cricket Ground, Taunton
- 27<sup>th</sup> Investiture of Street PC Chair of Council/Freedom of Street Award Presentation to Liz Leyshon - Strode Theatre, Street
- 29<sup>th</sup> Presentation to the people of the County of Somerset – a specially made Conflict Poppy – Market House, Taunton

## **November 2022**

- 9<sup>th</sup> Wivey Welcomes Refugees event – St Andrews Church, Wiveliscombe
- 11<sup>th</sup> Remembrance Day event – Taunton Minster
- 11<sup>th</sup> Taunton Court Leet Law Day event
- 13<sup>th</sup> Remembrance Day Sunday Service – Taunton
- 13<sup>th</sup> Remembrance Day Service – Ilminster Minster

**Public Questions 23 November 2022**

Name of person submitting	Question
Nigel Behan	<p>Question 1</p> <p>The LGA’s response to the Autumn Statement noted:</p> <p>“While the financial outlook for councils is better than we feared next year, councils recognise it will be residents and businesses who will be asked to pay more. We have been clear that council tax has never been the solution to meeting the long-term pressures facing services - particularly high-demand services like adult social care, child protection and homelessness prevention.”</p> <p>And</p> <p>“We are pleased that government will provide extra funding for adult social care and accepted our ask for funding allocated towards reforms to still be available to address inflationary pressures for both councils and social care providers. Councils have always supported the principle of adult social care reforms and want to deliver them effectively but have warned that underfunded reforms would have exacerbated significant ongoing financial and workforce pressures. The Government needs to use the delay announced today to learn from the trailblazers to ensure that funding and support is in place for councils and providers to ensure they can be implemented successfully.”</p> <p>Also, that:</p> <p>“The revised social rent cap is higher than anticipated next year but councils will still have to cope with the additional financial burden as a result of lost income. Councils support moves to keep social rents as low as possible but this will have an impact on councils’ ability to build the homes our communities desperately need - which is one of the best ways to boost growth - and retrofit existing housing stock to help the Government meet net zero goals.”</p> <p>And</p>

"Financial turbulence is as damaging to local government as it is for our businesses and financial markets and all councils and vital services, such as social care, planning, waste and recycling collection and leisure centres, continue to face an uncertain future....."

What Social Rent increases ("capped" at 7%) and Council Tax rises (5%?) is the proposed Unitary now considering?

Question 2

It has been recently reported in "Public Finance" that Hampshire CC and Kent are raising the prospect of S114 Notices (sort of bankruptcy?!)

As the Public Finance magazine notes [Counties warn of potential section 114 notices | Public Finance](#)

Hampshire (with large reserves) and Kent are both Conservative controlled but worryingly in their pleading letter it is observed that:

Without additional funding or amendments to "outdated" statutory requirements such as comprehensive library services and home to school transport, upper tier authorities will soon "go over the cliff edge", the letter said.

And

The leaders said they "fully expect to see more failures in the sector over the coming year" unless councils' obligations and the funding they receive become better aligned.

[Clearly, they don't like "obligations" or – remove some of the "have to do's" but we'll take the cash!?!]

Whilst some of the issues they raise though are valid and there are many councils going through similar does SCC/District Councils and the proto-Unitary have any proposals (asking the government etc) to remove (so called "outdated") Local Authority statutory requirements or (even to) go on the front foot and lobby to extend statutory requirements?



	<p>Question 3</p> <p>Assuming the Finance Local Authority S151s forecasts are reliable as the Office for Budget Responsibility (OBR <a href="https://obr.uk">Home - Office for Budget Responsibility (obr.uk)</a>) what impact will the Autumn Statement have on the in-year overspends (£20m odd) and the Somerset Council shortfall (£75m roughly – “before savings”) for the next financial year and could clarity be provided on how (Ensure delivery of the LGR Business Case savings and) “<a href="#">minimise redundancy payments</a>” (from Executive papers) would work in practice?</p> <p><i>Response from Cllr Liz Leyshon – Executive Member for Finance</i></p>
John Brendon (Marian Davis)	<p>Queen Camel Village Petition regarding land at its Playing Field</p> <p>I am advising that Queen Camel wishes to submit a petition at the next Full Council meeting in Bridgwater on 23 November 2022. This petition has been signed by nearly 600 villagers, children and adults, as well as their friends and families, who all enjoy and benefit from using the village playing field and, in particular, the children’s play area. This petition is asking that Somerset County Council (SCC) transfer the land it owns, which forms part of the village playing field, to Queen Camel Parish Council (PC).</p> <p>The PC owns most of the playing field but approximately one acre is owned by SCC. This parcel of land (Land Registry No. ST80581 and ST82848) was owned separately to provide some playing field facilities to the old primary school and SCC used to contribute £500pa to the costs of maintaining it. Since the primary school relocated in 2016 SCC has stopped contributing to its maintenance and the PC has requested that the land owned by SCC is transferred.</p> <p>Getting this land transferred is now particularly important as the children’s play area is located on it and is very badly in need of replacement with modern equipment. The current equipment is at the very end of its useful life and some items have been taken out of use for safety reasons. SCC’s attention has been drawn to its risks in this respect. The PC does not want to and cannot commit to spending significant sums of money installing equipment on land it does not own and cannot be certain it will retain in the future. The present play area site is optimal in the use of the field, for access and for safety reasons. Accordingly over a period of years the PC has been trying to get SCC to transfer this land. Also having ownership of this land will allow the PC to plan for the longer-term development of the playing field.</p>

	<p>To date these discussions have not borne fruit as SCC has said it does not have the resources to deal with the matter and the most it can offer is a licence for the PC to use the land. However, it is unclear how long any licence could run for and after 2026 SCC is potentially free to dispose of the land as it thinks fit without having to get the consent of the Secretary of State for Education. Therefore any licence does not seem to provide adequate ownership or the “right to use” security to allow for the replacement of the play equipment by the PC.</p> <p>It has also been noted that the Local Government Reorganisation Advisory Forum has considered the Devolution of Services and Assets, particularly from county and districts to towns and parishes. Queen Camel believes that the transfer of this land would fit well within this objective. This approach is consistent with past discussions between the PC and SCC.</p> <p>The PC has said it will meet the reasonable costs, including legal ones, to allow for this parcel of land to be transferred to it and does not understand why SCC will not allow the matter to progress so that a new play area can be installed for the benefit of the local communities. I, on behalf of the petitioners, ask that you consider this matter most carefully and take steps to allow for the land to be transferred to the PC.</p> <p>I would be happy to provide any further information you need to assist in your considerations and look forward to hearing back from you.</p> <p><i>Response from Cllr Ros Wyke – Executive Member for Development and Assets</i></p>
Alyson Rogers	<p>1. On 27th May, AAF and League Against Cruel Sports handed in a letter to SCC asking that they ban trail hunting on council land. We understand that last time we asked, the legal department were looking at this. Could you tell me what is the delay and when are you likely to make a decision?</p> <p>2. Have the council considered a Public Space Protection Order in places where the hunts cause most havoc and disruption to the public?</p> <p><i>Response Cllr Ros Wyke – Executive Member for Development and Assets</i></p>

Pip Donavan	<p>My name is Pip Donovan and I am founder of Action Against Foxhunting (AAF).</p> <p>My question relates to the various Boxing Day Hunt meets that occur on public roads in Somerset. I have been engaging with SCC on this issue since December 2021.</p> <p>The controversy relating to foxhunting can be very polarising. But that is not what I am debating here. This is about PUBLIC SAFETY and ROAD CLOSURES. A hunt meet on a public highway is a high-risk equine event, involving traffic, horses, adults with children, protesters, kick hazards, bite hazards, slip and trip hazards etc. If the road is not officially closed, and the proper scrutiny is not applied to the organiser's safety procedures, the public is put at risk. Before Boxing Day last year, AAF contacted SCC to ask whether the hunts applied for road closures for their public meets. The traffic officer said that she had tried to contact the hunts, but they had not responded. SCC also said that it was too late to take action as the deadline for road closures had passed. She confirmed that if a hunt stops and obstructs the highway, this is an "illegal gathering". We focussed on two towns in particular, Chard and Castle Cary and warned SCC that illegal gatherings would take place on the highway in both places.</p> <p>Despite our warnings, the meets took place anyway. No hunt had applied for a road closure anywhere in Somerset for Boxing Day 2021.</p> <p>I attended the meet in Castle Cary and collected evidence of law breaking. The hunt obstructed the highway, illegally used their own either untrained, or incompetent marshals to direct traffic, rode horses the wrong way up a one-way street, posed dangers to the public by bringing unreliable horses to the meet and allowed their dogs to run free amongst children. Protesters were present, and one of them was assaulted. My colleague attended the meet in Chard where she recorded the same things. This is a link to a video of the road blocking etc in Chard on Boxing Day. <a href="https://www.youtube.com/watch?v=qDiut8UXSTo&amp;t=75s">https://www.youtube.com/watch?v=qDiut8UXSTo&amp;t=75s</a></p> <p>Here is a map of Castle Cary - detailing the law-breaking and health and safety risks taken by the BSV in Castle Cary on Boxing Day. I have photographic and video evidence to back this up.</p> <p>All year we have been engaging with councils to make sure it doesn't happen again in 2022. On 14<sup>th</sup> January 2022, the chair of Castle Cary Town Council said that SCC had informed her that the hunts would have to apply for road closures for this year. Avon and Somerset Police said the same. The chair reported it in good faith, but it wasn't true.</p>
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	<p>A FOI to SCC revealed that the council traffic officer did not send any emails to the hunts at all. She did not even try to engage, and then she appeared to lie about it to Castle Cary Town Council, the police and to AAF. Once again, the deadline for applying for a road closure for Boxing Day has passed and no hunts have applied. I have been engaging with Mr Bunting, (SCC Traffic Officer) and he is looking into it. I have also been engaging with Councillor Dyke. Both Councillor Dyke and Mr Bunting have been very helpful.</p> <p>My questions:  Are we going to be told again that it's too late to do anything about it this year? For how many more years are we going to be told it's "too late"?  And, given that the Highways Authority has a duty to keep the traffic flowing, how will SCC prevent the hunts from obstructing the roads in Somerset on Boxing Day this year?</p> <p>Thank you.</p> <p><i>Response from Cllr Mike Rigby – Executive Member for Transport and Digital</i></p>
Tim Andrews	<p>The Department for Transport's Bus Recovery Grant has been a lifeline in Somerset for bus services that have struggled with a post-COVID reduction in passenger numbers. These bus services provide significant social and economic benefits for residents, and they make a contribution to the county's wider climate change agenda. In the light of the expected end of the Bus Recovery Grant on 31st March 2023, what actions will the Council be taking to ensure that the county's current level of bus services is maintained across the county beyond that date?</p> <p><i>Response from Cllr Mike Rigby – Executive Member for Transport and Digital</i></p>
Kevin Comer	<p>Why has the Council's response to the National Highways A358 supplementary consultation ruled out a reduced design standard as favoured by Parish Councils? It indicates that the priority is for the road to be built but does not say why a lower impact design (presumably cheaper both in finance and emissions) would mean the road not getting built'</p> <p>"What is the county council's response to the increase in carbon emissions arising from the 65% increase in traffic projected as a result of the A358 upgrade? Somerset West and Taunton wrote:</p> <p>11.6.6 ... the Council is of the opinion that the conclusion reached in Table 15-7 of chapter 15 ... "that no significant</p>

	<p>effects in relation to GHG emissions or vulnerability of the proposed scheme to climate change are predicted during the construction and operation phases", is considered to be misleading and possibly inaccurate ... Whilst great play is made throughout chapter 14 of the PEIR of the potential for GHG emissions during the construction phase for the proposed A358, very little evidence is presented in relation to the projected 65% increase in vehicle use. Where is the evidence to prove that a 65% increase ... would result in "no significant effects with regards to greenhouse gas emissions ... during the operation of the proposed scheme.</p> <p><i>Response from Cllr Mike Rigby – Executive Member for Transport and Digital</i></p>
Robert Barnes	<p>Five Flower beds at the bottom of Duke Street, Taunton, the wood around the five flower beds is rotten. Rotten wood has been taken away by Somerset West and Taunton Council, rotten wood is danger to public.</p> <p>Environment agents have been to look at and emptied at the five flower beds at as the drains in the road have been filled with soil.</p> <p>The Environment Agency said if the drain gets filled up with soil again, the highway will be taken to court and charged with environmental damage.</p> <p>Police Officers told Mr Barnes that Mr {name removed} kept phoning the police about Mr Barnes clearing the flower beds at the bottom of Duke street, Mr Roger {name removed} will be arrested for making nuisance phone calls to the police about Mr Barnes.</p> <p><i>Response from Cllr Mike Rigby – Executive Member for Transport and Digital</i></p>
David Redgewell	<p><u>Question 1</u></p> <p>Taunton bus and coach station is to be a major Transport hub for Somerset and Southwest England. We would like to know when a planning application is going to be put into Somerset west and Taunton council. For conversation of the bus and coach station into a Transport hub. With passenger waiting room cafe and toilet and staff facilities for local and Regional bus services and long-Distance coaches by Flixbus and National Express coaches services.</p> <p>Will the station design still be Rido which of course will now have to have wheelchair accessible bays.</p>

In the past wheelchair passengers were pick up and set Down from the Entrance road to the station itself. National Express coaches operated the wheelchair accessible lifts near the back wall and managed the passenger and luggage to the stands.

Where will be Bike Hire base be and E Scooters stands.?

What hours will the Transport interchanges be staff and is a community safety partnership plan for CCTV and police checks.

Would Somerset county council as local transport Authority please advise us of their plans with passenger and stakeholder on the design of Taunton bus and coach station and public consultation.

### Question 2

Castle Cary station Somerset.

Is mayor inter city and local Railway station on London Paddington to Westbury, Taunton, Exeter st David Newton Abbott, Plymouth Truro Penzance GWR main line.

And secondary line to Yeovil pen mill and Yeovil junction, Dorchester west and Weymouth town.

And Network rail western route and First group Great western railway has started building a new car park Double Decker in conjunction with the wine and water business next to the station.

Somerset county council the Local Transport Authority is funding and Part funding to local bus links to the station route 1 from Shepton mallet interchanges to castle Cary station, and Yeovil bus and coach station.

.667 Street, castle Cary station castle Cary Town and Wincanton.

This bus use to stop in the station.

But because of the works pick up and set on the main Road outside the on a Glass verge with no pavement facilities shelter or lighting CCTV let alone a castle Kerbs and a Drop Kerbs to cross the road to a North bound bus stop to the Bath and west show ground and Shepton mallet.

What plans does Somerset county council as Transport and Highways Authority have to provide a safe bus and interchanges at castle Cary station with Network rail western route First group plc Great western railway and southwest coaches.

	<p>David Redgewell Southwest transport Network and Rail future Severnside.</p> <p><i>Response from Cllr Mike Rigby – Executive Member for Transport and Digital</i></p>
Emma King	<p>With regard to the decision by the previous county council to support the decision of the then CCG in the closure of St Andrew's ward in Wells, being the last remaining mental health ward in Mendip, in spite of the fact that the county council are meant to be elected representatives and 52% of respondents to the consultation disagreed with the decision:</p> <p>it is my opinion, and that of many others, with over 4000 signatures on the petition to save the ward, that the scrutiny of this decision by the previous council did not follow council procedures and, as such, it is incumbent upon the new council to revisit this decision.</p> <p>Furthermore, the consultation conducted by the ICB (formerly CCG) concluded in April 2020 and, as such, does not take into consideration the mental health implications of either the pandemic or the cost-of-living crisis. Somerset Intelligence, a partnership project funded by Somerset County Council, Somerset West &amp; Taunton District Council, Sedgemoor District Council, Mendip District Council and South Somerset District Council, includes key facts for Somerset on suicide, stating that the suicide rate for Somerset for the period 2017-19 was statistically higher than the national average and between 2005 and 2019 there were 779 suicides, an average of just over 50 a year. It also states that there is a strong association between suicide rates and levels of deprivation. The rate for suicide and undetermined death for residents living in the 20% most deprived areas in Somerset being significantly higher than for the county as a whole. The impact of the pandemic and the current cost of living crisis is only increasing the levels of economic deprivation and therefore people's mental health is declining. For example, a BACP survey, dated 8<sup>th</sup> Sept 2022, states that 66% of therapists have noticed that cost of living concerns are causing a decline in people's mental health.</p> <p>Therefore, even though the ICB is planning on "moving away from bed based interventions", it is clear that the closure of this ward is ill-thought out and will deprive people in crisis from accessing a service near to their homes, possibly resulting in them being sent, not only potentially to Yeovil, but possibly hundreds of miles away to places where they will be unable to be visited by friends or family, support which is essential to making a swift recovery.</p> <p>Although the decision has been made by the ICB (now CCG) there is evidence to suggest that this can be overturned with enough pressure from the public. A decision from the county council to withdraw support for this closure would</p>

	<p>send a strong message that we need St Andrew's ward to remain in situ to continue the long record of excellent inpatient mental health service which has existed in Wells for hundreds of years and ensure that those of us in crisis and in need can get the care we need in the place we need it.</p> <p><i>Response Cllr Adam Dance – Executive Member for Public Health, Equalities and Diversity / Cllr Heather Shearer – Executive Member for Adult Social Care</i></p>
Eva Bryczkowski	<p><u>QUESTION 1</u></p> <p>* Will Somerset County Councillors strive and fight to reverse the woeful decision to close Saint Andrews Ward?</p> <p><u>QUESTION 2</u></p> <p>* Will SCC councillors exercise due diligence and empower yourselves and your electorate by reading the Suicide Prevention Report and visit the people in Saint Andrews Ward, with their permission, to listen and find out the best ways you can help?</p> <p><u>QUESTION 3</u></p> <p>* Will you provide us with hard evidence to show that you have done your homework properly by choosing to do the right and ethical thing regarding the patients in Saint Andrews Ward?</p> <p>THE URGENT NEED TO FIGHT FOR SAINT ANDREWS WARD TO REMAIN OPEN</p> <p>I am looking at the timetable for the 77 bus from Wells to Yeovil. There are none that run on a Sunday. This is a day when many people are free. Thus preventing relatives who don't own cars from visiting their loved ones i e those who have been forcibly removed from Saint Andrews Ward in Wells all the way to Yeovil. Patients in a town that is strange to them, away from their friends and relatives who live in Wells and surrounding areas. If the proposed closure, decided by the Integrated Care Board, (ICB), goes ahead, that is. People with mental health issues already tend to feel isolated. They will feel it a lot more if they are an hour away from loved ones who have no car. Furthermore, with the cost-of-living crisis, relatives will have even less chance of visiting due to having to spend more time and money on buses, petrol, and other expenses.</p>



Somerset County Council does not directly deliver mental health services across Somerset, it is true. However, it has a huge influence on how they are run. One of the Council's key roles is to:

- \* Monitor how these services are run in order to ensure that they achieve the highest standards.

- \* To make sure that mental health users get what they need.

If they don't, their mental health will deteriorate and there is a definite risk of suicide.

Research done by the Suicide Prevention Report has shown that bereaved families of loved ones who have committed suicide have said that this is often due to a gap in provision.

For example, when a patient moves from one place to another or from other big changes in circumstances. This will have a dramatic effect on continuity of care. Hard evidence, corroborated by extensive research, shows that there is more likelihood of a patient committing suicide under the above circumstances. The Somerset Integrated Board, ICB, (which has been taken over by the Somerset Clinical Commissioning Group, CCG, has already decided to close Saint Andrews Ward. Thus increasing the likelihood of vulnerable people who have been sectioned because they are a danger to themselves or others taking their own lives. We cannot, must not, allow this to happen. We have to fight for justice, kindness and equality for those with mental health difficulties.

We, indeed, you Councillors, have to fight vigorously to reverse the decision that the ICB have made. Otherwise, there will be blood on the hands of the members of the ICB's hands. And, frankly, there will be blood on your hands too, Somerset County Councillors, if you allow this to happen. Councillors, you have some leeway and a modicum of power to be able to influence the members of the ICB. You are responsible for making sure that mental health services in Somerset are the very best after all! Surely? Please read the Suicide Prevention Report as soon as possible after this meeting. It needs to be done today. Prioritise it. There is no time to lose! It could happen any day, now or in the near future. We don't know exactly when this will occur. It is in the remit of the ICB. It is within your power to prevent lives being lost. So empower yourselves to do this on behalf of those who have no voice. To serve the people you represent. So put this at the top of your To Do list. It's that urgent. In order to achieve a win win solution, consider having a moratorium on this. Park it for now. Meanwhile, do the research. Visit people, with their permission, and listen to them. Find out the best ways you can help. And don't mark your own homework! Provide proof and solid evidence to show

that you have done your homework properly. Just like councillor John Osman did. Now him and me might be at the polar opposite ends of the political spectrum, but he did a good job of chairing a meeting I went to many years ago. As a Unison steward coordinator, I went to a meeting in SCAT. It was about whether to prioritise Learning Disabilities. Parents of adults with learning disabilities turned up and were furious at the prospect of LD being privatised. It is impossible for anyone to be completely unbiased.

It's all about perception isn't it?

But John Osman was the nearest example that I've come across of any chairperson being impartial. He visited adults with learning disabilities in their supported living homes. He visited adults with learning disabilities in other contexts, such as those in respite and residential care. And he listened to them and the staff about how they felt, wanted and needed. At the end of the meeting, (which, by the way, decided against privatisation), he said, "I have never been cuddled so much in all my life." That is what I would like you to do councillors. And quickly. The CCB conducted a consultation regarding as to whether to close Saint Andrews Ward.

A majority of respondents stated that they wanted the ward to remain open. The CCG dismissed and discounted the votes of those people who lived in Wells and surrounding areas, because they were considered to be biased. Biased? Ridiculous. You couldn't make it up! Frankly, it was rigged. If any of them want to sue me for defamation, bring it on! It would bring good publicity to the campaign and save lives. I will most probably win. Whether I win or not, my trade union provides legal representation that is completely free. Our legal team are very experienced and help thousands of members to achieve equality, diversity and justice.

I would like to suggest that you put yourselves in the shoes, the lived experience, of people who have been sectioned. Put yourselves in the shoes of parents of children who have taken their own lives. Put yourselves in the shoes of husbands, wives, partners, brothers, sisters, lovers or friends who have had their loved ones commit suicide. Imagine experiencing the unbearable grief, pain and unresolved loss. Put yourselves in the shoes of the staff who have to witness this and feel that they have failed to prevent a life being lost. What we earn; where we live; how we are treated by our employers; whether we are well-off or have fallen on hard times; who we work and keep company with; how services are funded; and many other things, they are all political, because it is about power, money and whether justice can be achieved. It is about how services are run are run and funded locally, relevant to Saint Andrews Ward. The NHS is on its knees due to underfunding since 2010, due to the austerity project created by the Conservatives and supported by the Liberal Democrats, who also voted for privatisation of the NHS, then continued by the Conservatives to the present day, with even harsher measures to come. This applies to Somerset as well as nationally. Austerity has

	<p>led to early deaths, suicides due to impoverishment or harsh benefit sanctions, and locally, it could be caused by the closure of Saint Andrews ward. Austerity could have been prevented by other parties, (for example the Liberal Democrats), by holding the government to account like the DUP did. They insisted that they would only vote for certain measures if the government did things they considered to be beneficial and fair to their particular constituencies.</p> <p>Back to today. I realise that you are councillors, supported by officers, who work extremely hard and are well intentioned. Some of the latest measures that the leading party have introduced will, hopefully, serve the vulnerable people of Somerset well.</p> <p><i>Response Cllr Adam Dance – Executive Member for Public Health, Equalities and Diversity / Cllr Heather Shearer – Executive Member for Adult Social Care</i></p>
Bev Anderson	<p>Thank you for the opportunity to submit this question and for some serious consideration is given to answering this vital question to me and the Public at large, who will be affected by the pending closure of St Andrews Ward.</p> <p>Should and If St. Andrews Ward be closed in the future I am gravel concerned in regard to the matter of finance and funding for the new 16 bed in patient ward that has been considered.</p> <p>Consecutive governments have relied on PFI contracts, (Private Finance initiatives) for the building of Hospitals Emergency call centres, Courts, schools and other vital public services. However, the public accounts committee in 2010 warned the then Conservative/ Liberal Democrat government that the PFI contracts were not value for money and there were serious concerns regarding the 25/30-year rental agreements that many were locked into. Indeed the Public accounts committee had every right to be concerned considering that every building and contact entered into was costing the public tax payer and astounding three (3) time the amount of the original build, thus the public were in fact paying for three (3) new buildings for every one (1) that was being used. Although the coalition were made aware of this and asked not to enter into any further contracts: George Osborn gave the go ahead for sixty-one (61) PFI projects worth a total of £6.9bn since coming into power.</p> <p>There have long been questions into and surrounding whether the PFI model offers good value for money for the taxpayer. Given the current economic situation, these are more pertinent. An investigation at the time by Channel 4 news highlighted the discredited PFI system and Mr George Osborn in 2009 said they were working on reforms to the discredited PFI model that are transparent accounted for and genuinely shifts the risk to the private sector.</p>

	<p>It is sad that the cost of Britain's controversial PFI ultimately cost the Taxpayers more that £300bn which was the figure given in 2017-18. Numerous NHS Contracts such as the Calderdale Royal Hospital in Yorkshire was a £64.6million, the scheme ended up costing the Calderdale &amp; Huddersfield NHS Foundation Trust a total of £773.2million. Another example, Bart's Health NHS Trust London said that the cost of its two (2) sites would cost £1.1bn but the documents found show that the cost will be £7.1bn by the time the contract is paid off in full in 2048/49.</p> <p>Can the ICB, in the current economic situation of the country, the severe underfunding of the NHS considers without full scrutiny, (which it has failed to do thus far), consider fundamentally putting the burden of this financial matter to people of Mendip?</p> <p>Please can the ICB give a full account of the method of funding, which is believed to be "seed funding/ finance" should St Andrews not be saved and a new build as suggested in Yeovil?</p> <p>Please can The ICB provide the names of the investors and the percentages of their investment?</p> <p>Please can the ICB provide the Full amount and stage that they have agreed to regard "seed funding" and whether the investors are that of private health providers / Companies etc?</p> <p>Please can the ICB provide fully accountable and transparent conflict of interest checks in regard to the investors, so that we can all have a level playing field so there is no smoke screen for any future PRIVATISATION OF THE NHS &amp; ITS SERVICE?</p> <p><i>Response Cllr Adam Dance – Executive Member for Public Health, Equalities and Diversity / Cllr Heather Shearer – Executive Member for Adult Social Care</i></p>
Michael Strange	<p>This question relates to the Somerset Standing Advisory Council on Religious Education.</p> <p>Evangelical Christian and Moslem SACRE faith representatives presented the Local Authority with a joint document advising about shared religious sensitivities which was rejected by the Local Authority.</p> <p>The Local Authority subsequently blocked the SACRE membership of the Moslem community's representative that</p>

helped to write that document.

In its new draft SACRE Constitution, the Local Authority states its intention to remove SACRE membership from the other authors, the Baptist, Independent Evangelical and Pentecostal Church representatives. These are all of the SACRE Evangelical Christian representatives.

Despite repeated requests from its SACRE members, the Local Authority has imposed online SACRE meetings and prevented members from guiding their own agenda. As demonstrated in the last meeting, this has enabled the Local Authority to prevent debate and manipulate meetings in a sham consultation process in order to approve their draft SACRE constitution and so create a compliant sham SACRE.

When the Evangelical Christian faith communities wrote a great many letters to Councillors expressing their concerns about these matters, the Leader of the Council wrote a long reply that avoided addressing those concerns.

Somerset County Council evidently thinks that treating Somerset SACRE members and faith communities with contempt in this way will produce a Religious Education syllabus that will not be robustly rejected. They are mistaken. Producing it will be a waste of taxpayers' money.

We have one question. Why?

*Response Cllr Tessa Munt – Executive Member for Children and Families*

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Somerset County Council

County Council

– 24 November 2022

## Report of the Leader and Executive – Items for Decision

Executive Member: Cllr B Revans – Leader of the Council

Division and Local Member: All

Lead Officer: Duncan Sharkey – Chief Executive

Author: Scott Wooldridge – Head of Governance and Democratic Services and Monitoring Officer & Mike Bryant – Service Manager, Democratic Services

Contact Details: [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) / 01823 357628

### 1. Summary

- 1.1** This report sets out the Leader's and Executive's recommendations to Council arising from their consideration of reports at the Executive meeting on 16 November 2022.

**Note: The references in this report to Paper A, B, C and D relate to the relevant reports considered by the Executive containing specific recommendations for the County Council to consider and are appended to this report for reference.**

- 1.2 Paper A (Treasury Management Mid-Year Report 2022/23)** was considered at the Executive meeting on 16 November 2022. The Executive endorsed Paper A and agreed for this to be reported to the County Council to consider and endorse.

The Treasury Management Mid-Year Report is a requirement of the CIPFA Treasury Management Code and covers the Treasury Management activity for the first 6 months of the 2022-23 financial year.

The report:

- Is prepared in accordance with the CIPFA Treasury Management Code and the Prudential Code.
- Gives details of the outturn position on treasury management transactions in 2022-23.
- Presents details of capital financing, borrowing, and investment activity. Reports on the risk implications of treasury decisions and transactions.
- Confirms compliance with treasury limits and Prudential Indicators or explains non-compliance.

**1.3 Paper B (Council Tax Reduction Scheme)** was considered at the Executive meeting on 16 November 2022. The Executive endorsed Paper B and agreed for this to be reported to the County Council to consider and agree.

Each year all Councils are required to review their Council Tax Reduction (CTR) Scheme for working age people in accordance with the requirements of schedule 1A of the Local Government Finance Act 1992.

Currently the four existing Somerset districts operate different schemes. The creation of the new Somerset Council means that there is a need to align to a single CTR scheme. This report outlines the proposed new scheme for the new Somerset Council.

**1.4 Paper C (Council Tax Discounts and Premiums)** was considered at the Executive meeting on 16 November 2022. The Executive endorsed Paper C and agreed for this to be reported to the County Council to consider and agree.

The recommendations within this report outline the proposed scheme for the new Somerset Council's approach in respect of the discretionary areas within Council Tax legislation including proposed premiums for long-term unoccupied property.

The report details the proposed approach in cases of financial hardship and the discounts to be provided to care leavers and foster carers/special guardians.

**1.5 Paper D (Proposed Non Domestic Rating Discretionary Areas and Hardship)** was considered at the Executive meeting on 16 November 2022. The Executive endorsed Paper D and agreed for this to be reported to the County Council to consider and agree.

This report identifies a number of areas where the Council has local discretion under the Non-Domestic Rating provisions, specifically discretionary rate relief and hardship provisions.

Currently each of the District Councils operate separate approaches. The creation of a single Somerset Council requires the development of a single unified approach in all areas relating to both discretionary rate relief and hardship to ensure equality across all the whole of the Somerset area.

The recommendations within this report ensure a single unified approach for the new Somerset Council.



## **2. Recommendations**

- 2.1 Treasury Management Mid-Year Report 2022/23** – see Paper A and its appendices that the Executive considered and endorsed at its meeting in November 2022.

**The Council is recommended to endorse the Treasury Management mid-year outturn report for 2022-23.**

- 2.2 Council Tax Reduction Scheme** – see Paper B and its appendices that the Executive considered and endorsed at its meeting in November 2022.

**The Council is recommended to agree the Council Tax Reduction Scheme as detailed in Paper B and its appendices.**

- 2.3 Council Tax Discounts and Premiums** – see Paper C and its appendices that the Executive considered and endorsed at its meeting in November 2022.

**The Council is recommended to agree the Council Tax Discounts and Premiums as detailed in Paper C and its appendices.**

- 2.4 Proposed Non Domestic Rating Discretionary Areas and Hardship** – see Paper D and its appendices that the Executive considered and endorsed at its meeting in November 2022.

**The Council is recommended to agree the proposed Non Domestic Rating Discretionary Areas and Hardship proposals as detailed in Paper D and its appendices.**

## **3. Options considered and consultation undertaken**

- 3.1** Options considered and details of consultation undertaken in respect of the recommendations set out above are set out in the reports and appendices within Paper A, B, C and D.

## **4. Implications**

- 4.1** Financial, legal, Human Resources, equalities, human rights and risk implications in respect of the recommendations set out in this report are detailed within Papers A, B, C and D.

It is essential that consideration is given to the legal obligations and in particular to the need to exercise the equality duty under the Equality Act 2010 to have due regard to the impacts based on sufficient evidence appropriately analysed.

The duties placed on public bodies do not prevent difficult decisions being made such as, reorganisations and service reductions, nor does it stop

decisions which may affect one group more than another. What the duties do is require consideration of all of the information, including the potential impacts and mitigations, to ensure a fully informed decision is made.

## **5. Background Papers**

**5.1** These are set out within Papers A, B, C and D and their appendices

# PAPER A

## Treasury Management Mid-Year Report 2022-23

Executive Member(s): Cllr Liz Leyshon

Local Member(s) and Division: All

Lead Officer: Jason Vaughan, Director of Finance and Governance

Author: Alan Sanford, Principal Investment Officer

Contact Details: 01823 359585 [alan.sanford@somerset.gov.uk](mailto:alan.sanford@somerset.gov.uk)

### 1. Summary / Background

**1.1.** In compliance with the requirements of the CIPFA Code of Practice this report provides Councillors with a summary report of the treasury management activity during the first six months of 2022-23. It gives a summarised account of Treasury Management activity and outturn for the first half of the year and ensures Somerset County Council (SCC) is embracing Best Practice in accordance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) recommendations. All treasury activity was conducted within the benchmarks set as Prudential limits for prudent and sustainable capital plans, financing, and investment. A risk-averse approach has been taken in relation to investment activity with priority being given to security and liquidity over yield. This report is for information only.

Gross investment balances stood at £310.26m on 30th September, yielding an average rate of return of 2.04% as at that date. This figure includes approximately £24.43m of cash managed on behalf of the Local Enterprise Partnership (LEP), £13.59m of Earmarked Funds held on behalf of other decision-making bodies (e.g Somerset Rivers Authority, Somerset Waste Partnership, £80.4m held as a payment in advance for the NHS Clinical Commissioning Group (CCG) and £11.58m of other external bodies (e.g. Exmoor National Park (ENP), and South West Councils (SWC)).

During the six months, gross investment balances averaged £340.73m (£210.09m net of funds held for others), yielding 1.41% for the period including Pooled Funds. The cash return (net of Pooled Funds) of 1.17% was 0.11% lower than the average base rate, and 0.61% below the 3-month SONIA rate (a benchmark rate at which Banks will lend to each other). A below benchmark return is practically inevitable in a rapidly rising interest rate environment.

Income of £2,406,007 (£2,210,014 net of that apportioned to the LEP and external bodies) has been earned in the period, against anticipated income of £746,690. This is £1,463,324 more than originally budgeted for, as interest rates have risen much faster than anticipated.

The cost of carry associated with long term borrowing compared to

# PAPER A

temporary investment returns meant that a passive borrowing strategy, borrowing funds as they are required had been the most appropriate for the beginning of the reporting period. The benefits of this strategy have been monitored and weighed against the risk of shorter-term rates rising.

All Treasury activities undertaken have been in full compliance with relevant legislation, codes, strategies, policies, and practices.

## **2. Recommendations**

- 2.1. That the Executive endorses the Treasury Management Mid-Year Report for 2022-23 and recommends it is received and endorsed by Full Council at the next sitting of Full Council.**

## **3. Reasons for recommendations**

- 3.1** The Local Government Act 2003 requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services. The Code requires Full Council to receive as a minimum, an annual strategy and plan in advance of the year, a mid-year review, and an annual report after its close. This is the mid-year review for 2022-23.

## **4. Other options considered**

- 4.1.** Not applicable.

## **5. Links to County Vision, Business Plan and Medium-Term Financial Strategy**

- 5.1.** Effective Treasury Management provides support to the range of business and service level objectives that together help to deliver the Somerset County Plan.

## **6. Consultations and co-production**

- 6.1.** None

## **7. Financial and Risk Implications**

- 7.1.** There are no specific risks associated with this mid-year report. The risks associated with Treasury Management are dealt with in the Annual Treasury Management Strategy, Annual Investment Strategy, and Treasury Management Practice documents.

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## 8. Legal and HR Implications

8.1. None.

## 9. Other Implications

### 9.1. Equalities Implications

None.

### 9.2. Community Safety Implications

None.

### 9.3. Sustainability Implications

None.

### 9.4. Health and Safety Implications

None.

### 9.5. Health and Wellbeing Implications

None.

### 9.6. Social Value

Not applicable

## 10. Scrutiny comments / recommendations:

10.1. The Audit Committee is the nominated body to provide scrutiny for Treasury Management.

## 11. Background

### 11.1. Economic Background

The ongoing conflict in Ukraine has continued to put pressure on global inflation and the economic outlook for UK and world growth remains weak. The UK political situation towards the end of the period following the 'fiscal event' increased uncertainty further.

UK inflation remained extremely high. Annual headline CPI hit 10.1% in July, the highest rate for 40 years, before falling modestly to 9.9% in August. The energy price cap was increased by 54% in April, with a further increase anticipated in October. The inflation effect of this was dampened by the UK government stepping in to provide financial support.

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Central Bank rhetoric and action remained robust. The Bank of England, Federal Reserve, and the European Central Bank all pushed up interest rates over the period and committed to fighting inflation, even when the consequences were, in all likelihood, recessions in those regions.

The Bank of England increased the official Bank Rate to 2.25% over the period. From 0.75% in March, the Monetary Policy Committee (MPC) pushed through rises of 0.25% in each of the following two MPC meetings, before hiking by 0.50% in August and again in September. The September vote was 5-4, with five votes for a 0.5% increase, three for a 0.75% increase and one for an 0.25% increase. The Committee noted that domestic inflationary pressures are expected to remain strong and so given ongoing strong rhetoric around tackling inflation, further Bank Rate rises should be expected.

The labour market remained tight through the period but there was some evidence of easing demand and falling supply. The 3-month unemployment rate for April fell to 3.8% and declined further to 3.6% in July. Pay growth in July was 5.5% for total pay (including bonuses) and 5.2% for regular pay. Once adjusted for inflation, however, growth in total pay was -2.6% and -2.8% for regular pay.

Quarterly GDP fell 0.1% in the April-June quarter driven by a decline in services output, but slightly better than the 0.3% fall expected by the Bank of England.

On 23rd September the UK government, following a change of leadership, announced a raft of measures in a 'mini budget', loosening fiscal policy with a view to boosting the UK's trend growth rate to 2.5%. With little detail on how government borrowing would be returned to a sustainable path, financial markets reacted negatively. Gilt yields rose dramatically by between 0.7% and 1% for all maturities with the rise most pronounced for shorter dated gilts.

Bank of England policymakers noted that any resulting inflationary impact of increased demand created by the Government stimulus, would be met with monetary tightening, raising the prospect of much higher Bank Rate and consequential negative impacts on the housing market.

After hitting 9.1% in June, annual US inflation eased in July and August to 8.5% and 8.3% respectively. The Federal Reserve continued its fight against inflation over the period with a 0.5% hike in May followed by three increases of 0.75% in June, July and September, taking policy rates to a range of 3% to 3.25%.

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Eurozone CPI inflation reached 9.1% in August, with energy prices the main contributor but also strong upward pressure from food prices. In July the European Central Bank increased interest rates for the first time since 2011, pushing its deposit rate from -0.5% to 0% and its main refinancing rate from 0.0% to 0.5%. This was followed in September by further hikes of 0.75% to both policy rates, taking the deposit rate to 0.75% and refinancing rate to 1.25%.

Uncertainty remained in control of financial market sentiment and bond yields remained volatile, continuing their general upward trend as concern over higher inflation and higher interest rates continued to dominate. Towards the end of September, volatility in financial markets was significantly exacerbated by the UK government's fiscal plans, leading to an acceleration in the rate of the rise in gilt yields and decline in the value of sterling.

Over the period the 5-year UK benchmark gilt yield rose from 1.41% to 4.40%, the 10-year gilt yield rose from 1.61% to 4.15%, the 20-year yield from 1.82% to 4.13% and the 50-year yield from 1.56% to 3.25%. The Sterling Overnight Rate (SONIA) averaged 1.20% over the period.

Gilt yields have a direct correlation to Public Works Loan Board (PWLB) rates. Rates drifted sideways from April to June, and after a slight peak, returned to April rates in July. As the inflationary picture became clearer, rates climbed steeply at the back end of August and through September. This is clearly shown in Tables 2 and 3 and the graph in Appendix A.

Sterling Overnight Interbank Average (SONIA) money market rates moved up during the period, anticipating gradual base rate rises. As it became clear base rate would need to rise further and faster to combat inflation, rates rose rapidly from the last week in August. The 12-month figure moved from 3.20% on the 24<sup>th</sup> August, to 5.15% on the 28<sup>th</sup> September.

The 1-month, 3-month, 6-month, and 12-month SONIA rates averaged -1.38%, 1.78%, 2.21%, and 2.66% respectively over the period, and ended the period at 2.33%, 3.89%, 4.10%, and 4.95% respectively. A long way from the negative rates seen only the year before.

Lending rates between Local Authorities have remained suppressed, as supply has generally outstripped demand. The effect that economic conditions had on money market rates during the period, can be seen in Table 1, Appendix A.

## 11.2. Debt Management

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The Council's need to borrow for capital purposes is determined by the capital programme. The Council's need to borrow for capital purposes is determined by the capital programme. Council Members are aware of the major projects identified by the 4-year capital medium-term financial plan (MTFP) where the capital strategy forecast £109m of expenditure during 2022/23. £46m was identified for highways maintenance, major engineering, and traffic management; £31m for the delivery of schools' basic need and schools' condition; £9m for Economic Development projects and £23m for other programmes. Much of this was to be funded by a combination of grant, contributions, and capital receipts. Although timings of capital expenditure may not be totally predictable, it was envisaged that potentially, borrowing of up to £41m may have been necessary.

The level of internal borrowing stood at £63.9m as at the 31st March 2022. With changes to the capital plan, and slippage, capital spend to be funded by borrowing in 2022/23 is now predicted to be £41.2m. This indicates a likely balance of internal borrowing by March 2023, of £105.1m.

There has been no need for additional external borrowing to fund the SCC Capital Programme to date, and with the impending coalescence of the 5 Council's debt and investment portfolios, it seemed appropriate to collate and analyse that information before deciding whether any new debt would be taken.

At the beginning of the period, the cost of carry associated with long term borrowing compared to temporary investment returns (borrowing costs largely stable, investment returns poor) meant that a passive borrowing strategy, borrowing funds as they were required remained appropriate for SCC. The benefits of this strategy have been monitored and weighed against the risk of shorter-term rates rising.

The overall rate paid on SCC loans remained unchanged for the PWLB portfolio of £159.05m, at 4.59%. The average Market Loan rate at 30<sup>th</sup> September (LOBOs + Barclays, total £165.5m) was also the same as at 31<sup>st</sup> March, at 4.74%. The combined average rate was 4.66% on £324.55m.

As there has been no change to the PWLB portfolio during the period, the average weighted maturity as at 30<sup>th</sup> September had decreased by six months to 21.7 years. The average duration of all Market Loans dropped to 29.5 years from 30.

## **11.3. Investment Activity**



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The Guidance on Local Government Investments in England gives priority to security and liquidity and the Council's aim is to achieve a yield commensurate with these principles.

Security of capital remained the Council's main investment objective. This was achieved by following the counterparty policy as set out in the Annual Investment Strategy, and by the approval method set out in the Treasury Management Practices. Counterparties having approval for use during the period are listed in **Table 1** below. Those used during the first half of the year are denoted with a star. More Banks have been used during this period, as Arlingclose relaxed their maximum duration advice on some counterparties. There has been a slight decrease in the use of Local Authorities compared to the same period last year, as more banks came within Arlingclose criteria, and LA rates were not as attractive as those of banks.

**Table.1 - Approved Counterparties**

<b>Bank or Building Society</b>		<b>Bank or Building Society</b>	
Australia & NZ Bank	*	Santander UK	*
Bank of Scotland		Standard Chartered Bank	*
Bank of Montreal	*	Handelsbanken Plc	*
Bank of Nova Scotia		Toronto-Dominion Bank	*
Barclays Bank Plc		United Overseas Bank	
Canadian Imperial Bank of Commerce			
Close Brothers Ltd		<b>Sterling CNAV Money Market Funds</b>	
Commonwealth Bank of Australia		Deutsche MMF	*
DBS Bank Ltd	*	Invesco Aim MMF	*
DZ Bank	*	Federated Prime MMF	*
Goldman Sachs International Bank		Insight MMF	*
HSBC Bank	*	Aberdeen Standard MMF	*
Landesbank Hessen-Thuringen	*	LGIM MMF	*
Lloyds Bank	*	SSGA MMF	*
National Australia Bank		Aviva MMF	*
National Bank of Canada	*		
National Westminster	*		
Nationwide BS	*	<b>Other Counterparties</b>	
Nordea Bank	*	Other Local Authorities	*

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		(Number of Deals)	(23)
OP Corporate Bank		Debt Management Office	
Oversea-Chinese Banking Corporation (Singapore Bank)		CCLA Property Fund	*
Rabobank		RLAM Credit Fund	*
Royal Bank of Scotland		M&G Corporate Bond Fund	*

SCC has continuously monitored counterparties, and all ratings of proposed counterparties have been subject to verification on the day, immediately prior to investment. Other indicators considered have been:

- Credit Default Swaps and Government Bond Spreads.
- GDP and Net Debt as a Percentage of GDP for sovereign countries.
- Likelihood and strength of Parental Support.
- Banking resolution mechanisms for the restructure of failing financial institutions i.e. bail-in.
- Share Price
- Market information on corporate developments and market sentiment towards the counterparties and sovereigns.

## Counterparty Update

In July Fitch revised the outlook on Standard Chartered from negative to stable as it expected profitability to improve thanks to the higher interest rate environment.

In September Fitch revised the outlook on HSBC Bank from negative to stable as it expected profitability to improve thanks to the higher interest rate environment.

Having completed a full review of its credit advice on unsecured deposits at UK and non-UK banks, in May Arlingclose extended the maximum duration limit for five UK banks, four Canadian banks and four German banks to six months. The maximum duration for unsecured deposits with other UK and non-UK banks on Arlingclose's recommended list is 100 days. These recommendations were unchanged at the end of the period.

As a result of the UK Government's 'fiscal event' at the end of September, both S&P and Fitch changed the outlook for the UK from Stable to Negative, on the 30th September and 5<sup>th</sup> October respectively.

As ever, the institutions and durations on the Council's counterparty list recommended by treasury management advisors Arlingclose remain

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under constant review.

## 11.4. Liquidity

In keeping with guidance from the Ministry of Housing, Communities, and Local Government (MHCLG) (now the Department for Levelling-Up, Housing and Communities) the Council maintained a sufficient level of liquidity through the use of call accounts, Money Market Funds, and short-term deposits.

92 cash deposits totalling nearly £574m (88 totalling £564m 2021-22) were made during the first half of the year. SCC did not need to borrow short-term money during the first half of 2022-23.

SCC, in managing an average of approximately £130.6m of money held on behalf of external bodies, has needed to retain more liquidity than normal, as forecasting and timing of Capital and LEP spending has been beyond its control. With rates expected to increase, investments were moved out of notice accounts and placed on term deposits to lock into anticipated rate rises. Deposits were kept relatively short, averaging about 3 months, in order to quicken reinvestment as rates rose. A proportion of the portfolio was lent to other Local Authorities for up to a year, as a hedge in case rates did not rise as expected, but also for diversification purposes.

## 11.5. Yield

There were four increases in Bank Rate over the period under review, and with the prospect of more increases to come, short-dated cash rates, which had ranged between 0.65% for overnight money, and 1.5% for 12-month money at the beginning of the period, rose by around 1.5% for overnight maturities and by nearly 3.5% for 12-month maturities.

By the end of September, the return on the Council's instant access Money Market Funds was between 2.08% and 2.12% p.a., whereas in early April they were 0.51% to 0.62%.

In order to place some deposits for longer maturities, some deposits have been placed with UK Local Authorities. Whilst their rates have been less than those paid by banks, they offered a relatively high rate.

## Comfund

As at 30th September Comfund investment stood at £255m averaging just under £252m for the year-to-date (£205m and £182m respectively for 2021-22). The Comfund vehicle, which consists mainly of SCC Capital, Revenue Reserves, and money held on behalf of the Local Enterprise

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Partnership (LEP), has an average return for the year-to-date of 1.17%, and has underperformed the benchmark by 0.09% as base rate has averaged 1.28% for the period. The weighted average maturity of the Comfund was approximately 3.75 months. This is slightly higher than the 3 months for this time last year, as Arlingclose duration advice has been extended. The return of 1.17% is 0.11% lower than the average base rate, and 0.61% below the 3-month SONIA rate (a benchmark rate at which Banks will lend to each other). A below benchmark return is practically inevitable in a rapidly rising interest rate environment.

A total of over £1.475m (£1.279m net of that paid to the LEP and external bodies) has been earned in Comfund interest in the first six months of the year (£244k gross 2021-22). Comfund administration charges and other Treasury Management fees brought in approximately £58k of income in the period.

## Revenue

Revenue interest has contributed a further £253k of income, with an average revenue balance (general monthly working capital) of just over £44m (£24.5k and £72.8m respectively in 2021-22), and an average return of 1.14%, 0.06% below the SONIA overnight rate.

## Pooled Funds

As at 31<sup>st</sup> March 2022 SCC held £45m in Pooled Funds. £15m was in the CCLA (Churches, Charities, Local Authorities) Property Fund, £15m in the Royal London Investment Grade Short-Dated Credit Fund (RLAM), and a further £15m in the M&G Strategic Corporate Bond Fund (M&G).

CCLA Property Fund: This Fund is an actively managed, diversified portfolio of UK Commercial Property with a stated investment objective "to provide investors with a high level of income and long-term capital appreciation".

As at 30<sup>th</sup> September 2022 the Net Asset Value of the SCC holding was £16,677,838 and a Bid Price (value at which investment could be sold) of £16,419,367. The value of the fund had increased from April before dropping back slightly from June. In the meantime, the average Property Fund yield of circa 3.66% net, was circa 2.49% above average cash yields, and has so far yielded income of £275k for the year to date.

RLAM: This Fund is an actively managed, diversified Investment Grade Short-Dated Credit Fund. £15m has been invested, As at 30<sup>th</sup> September 2022 the Bid value (value at which investment could be sold) of the SCC holding was £14,881,539. Income of £175k has been earned, and at period-end it was yielding 2.55%.

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M&G: This Fund is an actively managed, diversified Strategic Corporate Bond Fund. £15m had been invested. As at 30<sup>th</sup> September 2022 the Bid value (value at which investment could be sold) of the SCC holding was £11,430,360. Income of £218k has been earned and at period-end it was yielding 2.90%.

The combined yield of all 3 Pooled Funds as at 30<sup>th</sup> September was 3.03%.

## Combined

Combined return for the period has been 1.41% on an average balance of £340.73m. This figure includes approximately £25.6m of cash managed on behalf of the Local Enterprise Partnership (LEP), £12.7m of Earmarked Funds held on behalf of other decision-making bodies, £80.4m held as a payment in advance for the CCG, and £12.0m of other external bodies (e.g. Exmoor National Park (ENP), and South West Councils (SWC)). Total investment income was just over £2.4m (£2.21m net of external investors).

Initial budgeted income for the year to date was £747k, meaning an extra £1.46m (net of that paid to external bodies) has been earned.

The combined gross return for the same period in 2021-22 was 0.55% on an average balance of £313.4, or approximately £859k in monetary terms.

Figures below highlight investment balances and returns over the period - Table 2, investment balances by type – Table 3, and a breakdown of investment balances by source – Table 4: -

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**Table.2 – Investment figures and returns for period**

	<b>Balance 31 March 2022 £m</b>	<b>Rate of Return at 31 March 2022 %</b>	<b>Balance as at 30 Sept 2022 £m</b>	<b>Rate of Return at 30 Sept 2022 %</b>	<b>Average Balance April to Sept £m</b>	<b>Average Rate April to Sept %</b>
Short- Term Balances (Variable)	49.00	0.59	10.26	2.11	44.04	1.14
Comfund (Fixed)	245.00	0.60	255.00	1.86	251.69	1.17
Pooled Funds	45.00	2.78	45.00	3.03	45.00	3.00
<b>Total Lending</b>	<b>339.00</b>	<b>0.89</b>	<b>310.26</b>	<b>2.04</b>	<b>340.73</b>	<b>1.41</b>

**Table.3 – Investment balances by type**

	<b>31 March 2022 £m</b>	<b>30 Sept 2022 £m</b>	<b>Change £m</b>
Money Market Funds	24.00	10.26	-13.74
Bank Call Accounts	0.00	0.00	0.00
Bank Notice Accounts	80.00	20.00	-60.00
Time Deposits – Banks	85.00	155.00	+70.00
Time Deposits – LAs	105.00	80.00	-25.00
Pooled Funds	45.00	45.00	0.00
<b>Total Investments</b>	<b>339.00</b>	<b>310.26</b>	<b>-28.74</b>

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**Table.4 – Breakdown of investment balances by source**

	<b>31 March 2022 £m</b>	<b>30 Sept 2022 £m</b>	<b>Change £m</b>
ENPA / SWC (Daily cash)	1.83	0.25	-1.58
Organisations in the Comfund	10.05	11.33	+1.28
LEP	31.70	24.43	-7.27
Earmarked Funds held on behalf of other decision-making bodies	11.82	13.59	+1.77
CCG Prepayment	80.40	80.40	0.00
<b>Total external</b>	<b>135.80</b>	<b>130.00</b>	<b>-5.80</b>
SCC	203.20	180.26	-22.94
<b>Total</b>	<b>339.00</b>	<b>310.26</b>	<b>-28.74</b>

## 11.6. Compliance and Prudential Indicators

All treasury management activities undertaken during the first 6-months have complied fully with the CIPFA Code of Practice and the Councils approved Treasury Management Strategy.

SCC has continuously proactively assessed and implemented mitigation for the risks that have materialised in the new investment environment. Controls/procedures are constantly being assessed and introduced/adapted where needed and embedded into practices to further mitigate risks to SCC investment and borrowing portfolios.

SCC has complied with its Prudential Indicators for 2022-23. Those indicators agreed by Full Council and actual figures as at 30th September are included below:

	2022-23 £m	As at 30-09 £m
Authorised limit (borrowing only)	452	336

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Operational boundary (borrowing only) 407 336

## Maturity structure of borrowing

	Upper Limit	Lower Limit	As at 30-09-22
Under 12 months	50%	15%	28.2%
>12 months and within 24 months	25%	0%	1.5%
>24 months and within 5 years	25%	0%	15.1%
>5 years and within 10 years	20%	0%	3.4%
>10 years and within 20 years	20%	5%	8.9%
>20 years and within 30 years	20%	0%	5.9%
>30 years and within 40 years	45%	15%	37.0%
>40 years and within 50 years	15%	0%	0.0%
50 years and above	5%	0%	0.0%

	2022-23 £m	As at 30-09 £m
Prudential Limit for principal sums invested for periods longer than 365 days	75	50

## Credit Risk Indicator

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating / credit score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk (in conjunction with Arlingclose) and will be calculated quarterly.

<b>Credit risk indicator (Number to be below target)</b>	<b>Target</b>	<b>Actual</b>
Portfolio average credit rating (score)	A (6)	A+ (4.65)

CIPFA no longer recommends setting upper limits on fixed and variable rate exposures, so these are no longer calculated for this paper.

## 11.7. Outlook for Quarters 3 & 4

Arlingclose expects Bank Rate to rise further during 2022-23 to reach 5% by



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the end of the financial year.

The MPC is particularly concerned about the demand implications of fiscal loosening, the tight labour market, sterling weakness and the willingness of firms to raise prices and wages.

The MPC may therefore raise Bank Rate more quickly and to a higher level to dampen aggregate demand and reduce the risk of sustained higher inflation. Arlingclose now expects Bank Rate to peak at 5.0%, with 200 basis points of increases this calendar year. A basis point (bp) is one hundredth of one per cent.

This action by the MPC will slow the economy, necessitating cuts in Bank Rate later in 2024.

Gilt yields will face further upward pressure in the short term due to lower confidence in UK fiscal policy, higher inflation expectations and asset sales by the BoE. Given the recent sharp rises in gilt yields, the risks are now broadly balanced to either side. Over the longer term, gilt yields are forecast to fall slightly over the forecast period.

Monetary policymakers are behind the curve having only raised rates by 50bps in September. This was before the "Mini-Budget", poorly received by the markets, triggered a rout in gilts with a huge spike in yields and a further fall in sterling. In a shift from recent trends, the focus now is perceived to be on supporting sterling whilst also focusing on subduing high inflation. The MPC is therefore likely to raise Bank Rate higher than would otherwise have been necessary given already declining demand. A prolonged economic downturn could ensue.

Uncertainty on the path of interest rates has increased dramatically due to the possible risk from unknowns which could include for instance another Conservative leadership contest, a general election, or further tax changes including implementing windfall taxes.

The government's blank cheque approach to energy price caps, combined with international energy markets priced in dollars, presents a fiscal mismatch that has contributed to significant decline in sterling and sharp rises in gilt yields which will feed through to consumers' loans and mortgages and business funding costs.

The UK economy already appears to be in recession, with business activity and household spending falling. The short- to medium-term outlook for the UK economy is relatively bleak.

Global bond yields have jumped as investors focus on higher US policy rates.

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The rise in UK government bond yields has been sharper, due to both an apparent decline in investor confidence and a rise in interest rate expectations, following the UK government's shift to borrow to loosen fiscal policy. Gilt yields will remain higher unless the government's plans are perceived to be fiscally responsible.

The housing market impact of increases in the Base Rate could act as a "circuit breaker" which stops rates rising much beyond 5.0%, but this remains an uncertainty.

**Table 6 – Base Rate forecast to 2024**

	Dec 22	Mar 23	Jun 23	Sep 23	Dec 23	Mar 24
Upside Risk	0.50	0.75	0.75	1.00	1.00	1.00
Base Rate	4.25	5.00	5.00	5.00	5.00	5.00
Downside Risk	-1.00	-1.00	-0.75	-0.50	-0.50	-0.50

	Jun 24	Sep 24	Dec 24	Mar 25	Jun 25	Sept 25
Upside Risk	1.00	1.00	1.00	1.00	1.00	1.00
Base Rate	5.00	5.00	4.75	4.25	3.75	3.25
Downside Risk	-0.75	-1.25	-1.50	-1.75	-1.75	-1.75

## **11.8. Amalgamation of 5 Council's Debt and Investment Portfolios**

Whilst the 5 Council's continue to manage day to day treasury activities separately, work is ongoing regarding the amalgamation of the 5 Councils' Debt and Treasury Investment portfolios from vesting day. This work will be incorporated in the 2023/24 Treasury Management Strategy to be reported to Council in February 2023.

## **12. Background Papers**

### **12.1. Treasury Management Strategy Statement and appendices.**

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## Report Sign-Off

		Signed-off
Legal Implications	Honor Clarke	26/10/22
Governance	Scott Woodridge	21/10/22
Corporate Finance	Jason Vaughan	29/10/22
Human Resources	Chris Squire	7/11/22
Property	Paula Hewitt	25/10/22
Procurement	Claire Griffiths	26/10/22
Senior Manager	Stephen Morton	01/11/22
Commissioning Development	Sunita Mills	21/10/22
Local Member	N/A	
Executive Member	Cllr Liz Leyshon	30/10/22
Opposition Spokesperson	Cllr Mandy Chilcott	Sent 07/11/22
Audit Chair	Cllr Dean Ruddle	Sent 07/11/22
Scrutiny Chair	Cllr Gwil Wren	Sent 07/11/22

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## Appendix A

### Money Market Data and PWLB Rates

The average low and high rates correspond to the rates during the financial year-to-date, rather than those in the tables below.

Table 1: Bank Rate, Money Market Rates -SONIA (Sterling Overnight Interbank Rates)

Date	Bank Rate	O/N SONIA	7-day SONIA	1-month SONIA	3-month SONIA	6-month SONIA	12-month SONIA
01/04/2022	0.75	0.65	0.67	0.60	1.10	1.33	1.57
30/04/2022	0.75	0.68	0.85	0.94	1.25	1.40	1.80
31/05/2022	1.00	0.90	0.92	1.02	1.42	1.71	1.95
30/06/2022	1.25	1.07	1.23	1.24	1.60	2.20	2.70
31/07/2022	1.25	1.20	1.22	1.49	1.90	2.40	2.88
31/08/2022	1.75	1.57	1.70	1.89	2.30	2.95	3.60
30/09/2022	2.25	2.15	2.22	2.32	3.89	4.10	4.95
<b>Average</b>	<b>1.28</b>	<b>1.20</b>	<b>1.28</b>	<b>1.38</b>	<b>1.78</b>	<b>2.21</b>	<b>2.66</b>
<b>Minimum</b>	<b>0.75</b>	<b>0.57</b>	<b>0.67</b>	<b>0.60</b>	<b>0.96</b>	<b>1.17</b>	<b>1.57</b>
<b>Maximum</b>	<b>2.25</b>	<b>2.17</b>	<b>2.50</b>	<b>2.86</b>	<b>3.89</b>	<b>4.76</b>	<b>5.15</b>
<b>Spread</b>	<b>1.50</b>	<b>1.60</b>	<b>1.83</b>	<b>2.26</b>	<b>2.93</b>	<b>3.59</b>	<b>3.58</b>

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Table 2: PWLB Borrowing Rates – Fixed Rate, Equal Instalment of Principal (EIP) Loans

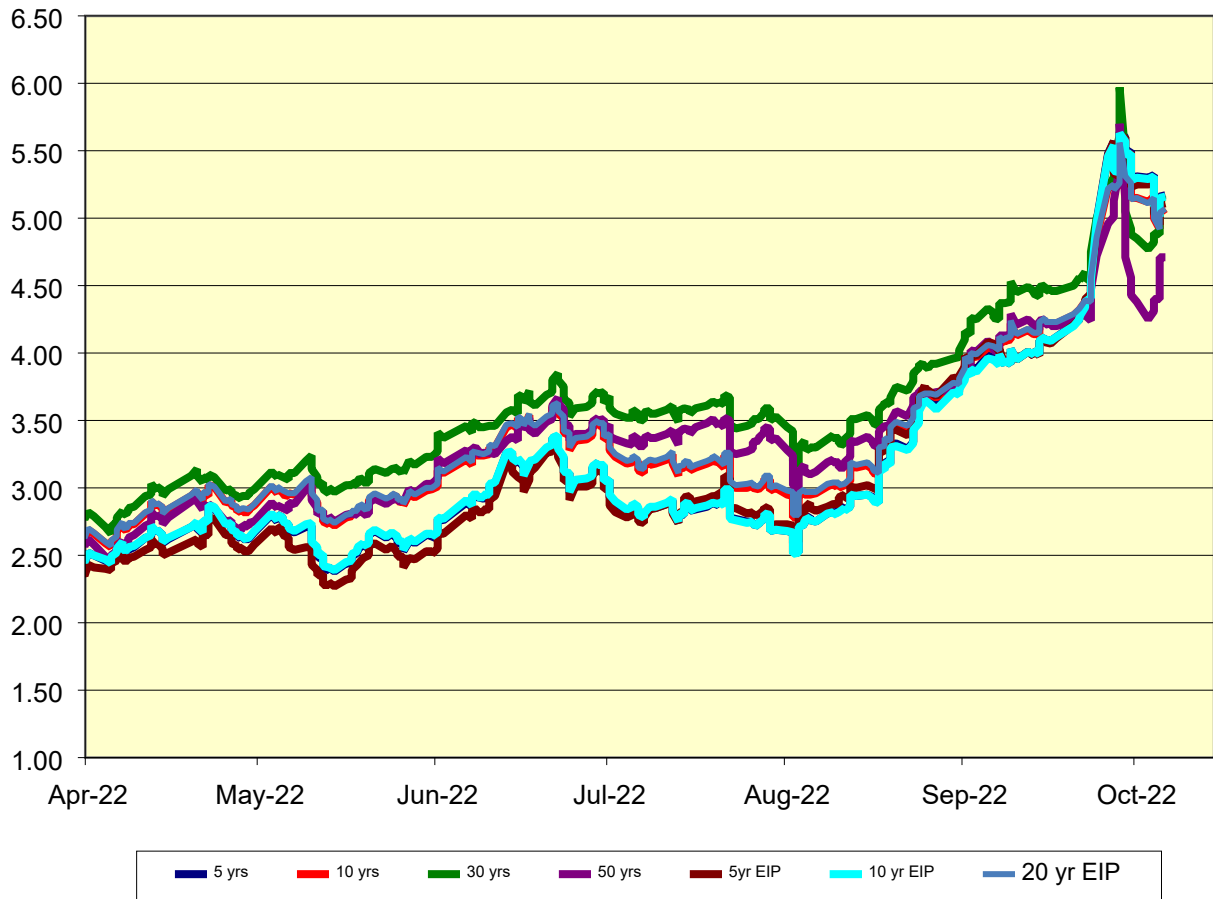
Change Date	Notice No	4½-5 yrs	9½-10 yrs	19½-20 yrs	29½-30 yrs	39½-40 yrs	49½-50 yrs
01/04/2022	127/22	2.43	2.52	2.70	2.86	2.90	2.87
30/04/2022	164/22	2.58	2.68	2.88	3.05	3.09	3.05
31/05/2022	206/22	2.55	2.67	3.03	3.28	3.34	3.32
30/06/2022	246/22	3.00	3.06	3.40	3.68	3.76	3.73
31/07/2022	288/22	2.73	2.69	3.02	3.42	3.58	3.58
31/08/2022	331/22	3.83	3.73	3.81	4.08	4.16	4.11
30/09/2022	374/22	5.25	5.30	5.15	5.14	5.09	4.96
	<b>Low</b>	<b>2.27</b>	<b>2.39</b>	<b>2.57</b>	<b>2.72</b>	<b>2.75</b>	<b>2.72</b>
	<b>High</b>	<b>5.60</b>	<b>5.63</b>	<b>5.56</b>	<b>5.76</b>	<b>5.94</b>	<b>6.00</b>
	<b>Average</b>	<b>3.10</b>	<b>3.12</b>	<b>3.35</b>	<b>3.59</b>	<b>3.67</b>	<b>3.64</b>
	<b>Spread</b>	<b>3.33</b>	<b>3.24</b>	<b>2.99</b>	<b>3.04</b>	<b>3.19</b>	<b>3.28</b>

Table 3: PWLB Borrowing Rates – Fixed Rate, Maturity Loans

Change Date	Notice No	4½-5 yrs	9½-10 yrs	19½-20 yrs	29½-30 yrs	39½-40 yrs	49½-50 yrs
01/04/2022	127/22	2.52	2.69	2.90	2.82	2.70	2.62
30/04/2022	164/22	2.67	2.87	3.09	2.99	2.84	2.75
31/05/2022	206/22	2.66	3.01	3.34	3.27	3.16	3.07
30/06/2022	246/22	3.06	3.38	3.76	3.68	3.55	3.47
31/07/2022	288/22	2.69	3.00	3.58	3.53	3.42	3.37
31/08/2022	331/22	3.82	3.88	4.23	4.10	3.94	3.87
30/09/2022	374/22	5.29	5.15	5.12	4.88	4.61	4.43
	<b>Low</b>	<b>2.38</b>	<b>2.56</b>	<b>2.75</b>	<b>2.66</b>	<b>2.52</b>	<b>2.44</b>
	<b>High</b>	<b>5.64</b>	<b>5.55</b>	<b>5.94</b>	<b>5.97</b>	<b>5.83</b>	<b>5.70</b>
	<b>Average</b>	<b>3.12</b>	<b>3.33</b>	<b>3.67</b>	<b>3.58</b>	<b>3.45</b>	<b>3.37</b>
	<b>Spread</b>	<b>3.26</b>	<b>2.99</b>	<b>3.19</b>	<b>3.31</b>	<b>3.31</b>	<b>3.26</b>

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## Movements in PWLB rates (April 2022 - September 2022)



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## Proposed Council Tax Reduction Scheme

Executive Member(s): Cllr Liz Leyshon – Lead Member for Finance & Human Resources

Local Member(s) and Division: N/A

Lead Officer: Jason Vaughan Director of Finance and Governance

Author: Richard Sealy, Assistant Director – Customer, Somerset West & Taunton Council

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### 1. Summary

- 1.1 Currently the four existing Somerset districts operate different Council Tax Reduction (CTR) schemes. The creation of the new Somerset Council means that we need to align to a single CTR scheme. This report outlines the proposed new Council Tax Reduction scheme for the new Somerset Council. The proposed scheme has been finalised following a full public consultation exercise and is explained in the report below. The formal scheme document is included at Appendix D.
- 1.2 Under the Council Tax legislation the decision to implement a new scheme must be taken by Full Council and recommendations will be made to Council on 23<sup>rd</sup> November 2022. The Executive are asked to consider the proposed scheme and make recommendations to Full Council.
- 1.3 If agreed the new scheme will come into effect from 1<sup>st</sup> April 2023.
- 1.4 Each year all Councils are required to review their Council Tax Reduction (CTR) Scheme for working age people in accordance with the requirements of schedule 1A of the Local Government Finance Act 1992 and to either maintain the existing scheme or replace it.
- 1.5 Councils do not need to make any decision in relation to pension age applicants as that scheme is prescribed by Government and is operated by all English authorities in a similar way.
- 1.6 Unlike most authorities, the formation of the new Council from the existing districts means that a **single** scheme needs to be agreed which will be implemented across the whole of the Somerset area.
- 1.7 Council Tax Reduction was introduced from 1 April 2013 when it replaced the Central Government funded Council Tax Benefit regime. From its inception, the funding available to the Council from government has reduced year on year.
- 1.8 As with the majority of authorities within England, the Council also needs to make changes to the CTR scheme for working age applicants in order to reduce the significant administrative burden placed on the Council by the introduction of Universal Credit.
- 1.9 The projected cost of the new scheme, based on current claim volumes and current year Council Tax amounts, is £33.187m. This is slightly lower than the actual spend for 2021/23. In addition, it is recommended that we make provision for £500k Exceptional Hardship awards during the first year of the new proposed scheme. This is higher than

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in previous year to provide greater provision to assist any claimants who are seeing a reduction in the amount of support awarded.

## 2. Background

- 2.1 Council Tax Reduction (CTR) was introduced by Central Government in April 2013 as a replacement for the Council Tax Benefit scheme administered on behalf of the Department for Work and Pensions (DWP). As part of the introduction, the Government:
- Placed the duty to create a local scheme for **Working Age** applicants with billing authorities;
  - Reduced initial funding by the equivalent of ten per cent from the levels paid through benefit subsidy to authorities under the previous Council Tax Benefit scheme; and
  - Prescribed that persons of **Pension age** would be dealt with under regulations set by Central Government and not the authorities' local scheme.
- 2.2 Since that time, funding for the Council Tax Reduction scheme has been amalgamated into other Central Government grants paid to Local Authorities and into the Business Rates Retention regime. It is now generally accepted that it is not possible to identify the amount of funding actually provided from Government sources.
- 2.3 The Council Tax Reduction schemes administered by all of the current districts are divided into two, with pension age applicants receiving support under the rules prescribed by statute, and the scheme for working age applicants being determined solely by each individual district.
- 2.4 Pensioners, subject to their income, can receive up to 100 per cent support towards their council tax. No authority has power to change the level of support provided to pensioners and therefore any changes to the level of CTR can only be made to the working age scheme.
- 2.5 When Council Tax Reduction was introduced in 2013, for working age applicants, the districts broadly adopted the previous means tested Council Tax Benefit scheme as the basis of awarding support. Since that time however, each district has made changes to the working age provision to a greater or lesser extent.
- 2.6 Two districts (Somerset West & Taunton and South Somerset) have fundamentally changed their approach for working age applicants by introducing simplified 'grid/banded' schemes.
- 2.7 A high level summary of the working age schemes operated by each district is shown in Table 1 below:

**Table 1**

	Mendip	Sedgemoor	Somerset West & Taunton	South Somerset
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	Mendip	Sedgemoor	Somerset West & Taunton	South Somerset
<b>Working Age Scheme</b>				
Type of Scheme	Means Test	Means Tested	Grid	Grid
Grid Levels	N/A	N/A	80/70/55/40/25/10	100/75/40/25
Maximum Level of Support	80%	85%	80%	100%
Band Restriction	No	Band D	Band D	No
Capital Level	£16,000	£16,000	£6000	£6,000

2.8 It can be clearly seen from Table 1 that each district currently runs a distinctly different working age scheme. This cannot continue and the new authority needs to adopt a common approach (a single unified scheme) across the whole area with effect from 1<sup>st</sup> April 2023.

### The main issues with the current scheme

2.9 There are a number of issues with some of the current schemes that will need addressing if the new system is to continue to provide effective support to low-income taxpayers and also if the Council is to be able to provide the service in an efficient manner. The main issues are as follows:

- The need to assist low-income households and to aid the collection of Council Tax;
- The introduction of Universal Credit for working age applicants; and
- The need for a simplification of the scheme.

2.10 Each of the above are examined in detail below:

### The need to assist low-income households and to aid the collection of Council Tax

2.11 Since 2013, the introduction of Council Tax Reduction, the majority of authorities, including the Somerset districts have required all working age applicants to pay a minimum payment. Three of the existing districts still require working age applicants to pay a minimum amount (the greatest being 20%). Only South Somerset allows working age applicants up to 100% support and this was effective from 1<sup>st</sup> April 2021.

2.12 There is a strong view that there should be an increase in the level of support to those households on the lowest of incomes. This view has gained momentum over the past few years but has been reinforced since the COVID-19 crisis which has had a major effect on incomes generally.

2.13 Whilst the principle of all working age households paying ‘something’ was initially thought to be an approach that would be central to the design of Council Tax Reduction, the reality is that, since its introduction, low-income taxpayers, the poorest households, have been unable to pay the balance leading to additional costs, court, and enforcement action and, in some cases, the amounts demanded having to be written off as uncollectable.

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- 2.14 The costs of administration of these cases by all Councils has increased significantly over the years. These costs are borne solely by the Council. With the difficulties experienced, the relatively low level of payment and the high administration costs incurred, it no longer makes these amounts economically viable to collect. Notwithstanding the negative effects to those poorest households.
- 2.15 Experience from authorities who have increased the level of support to that proposed by the scheme is that the bad debt provision (within the collection fund) can be reduced by up to 25%. In addition, once increased, any payments made by low income households go directly to reduce any arrears outstanding.

### **Council Tax Reduction and the roll out of Universal Credit**

- 2.16 The introduction of Universal Credit within the Somerset area has, as experienced in all other areas, brought a number of significant challenges to both the administration of Council Tax Reduction and also the collection of Council Tax generally. All Councils have experienced the following:
- The reluctance of Universal Credit claimants to make a prompt claim for Council Tax Reduction leading to a loss in entitlement;
  - A high number of in claim changes to Universal Credit cases are received from the Department for Work and Pensions requiring a change to Council Tax Reduction entitlement. On average 40% of Universal Credit claimants have between eight and twelve changes in entitlement per annum. These changes result in amendments to Council Tax liability, the re-calculation of instalments, delays, and the demonstrable loss in collection; and
  - The increased costs of administration through multiple changes with significant additional staff time being needed.
- 2.17 It is clear that the existing means tested Council Tax Reduction schemes operated within Mendip and Sedgemoor, which are too reactive to the frequent changes in Universal Credit entitlement, will not be viable in the longer term now that Universal Credit has been rolled out fully within the area and with the massive increase in Universal Credit claimants due to the COVID-19 crisis. The move to a new more efficient scheme from 2023 is now imperative.

### **The need for a simplified approach to the Council Tax Reduction Scheme.**

- 2.18 Notwithstanding the introduction of Universal Credit, the existing means tested schemes in operation have major defects, namely:
- They are complex for customers to understand and are based on a complex calculation of entitlement;
  - The administration for staff is complex, with staff having to request significant amounts of information from applicants;
  - Staff have to undergo significant training to be proficient in processing claims;
  - The timescale for processing applications is lengthy, mainly due to the complexity and evidence required to support the applications; and
  - The administration of the schemes is costly when compared to other discounts for Council Tax.

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2.19 Clearly there is a need now to introduce a simplified scheme across the whole of the Somerset area, not only to align all four schemes but also to mitigate the effects of Universal Credit, to make it easier for customers to make a claim and to significantly reduce the costs of administration.

### 3. Recommended approach for the 2023/24 Council Tax Reduction Scheme

3.1 In view of the above it is recommended that a simplified banded / income approach be implemented as the working age scheme for the new Somerset Council. The approach has been designed to:

- (a) Maximise the level of support available to the poorest households;
- (b) Minimise the impact of the problems associated with the introduction of full-service Universal Credit; and
- (c) Minimise the impact on administration costs due to the high level of changes received in respect of Universal Credit.

3.2 Work has been ongoing since early this year on a new scheme which is now complete. Consultation has also been undertaken with the public and the major precepting authorities. The proposed new aligned policy is set out below and in Appendix D. If accepted by the Council, the new scheme will take effect from 1<sup>st</sup> April 2023.

3.3 The proposed new scheme has a number of key features as follows:

- More support will be given to those households on the lowest of incomes than in the current scheme;
- The changes can **only be made to the working age schemes** as the current schemes for pensioners is prescribed by Central Government;
- The current schemes will be replaced by a simple income grid model as shown below:

Band	Discount (%)	Single person	Single person with one child	Single person with two children	Couple with no children	Couple with one child	Couple with two children
1	100	£0 - £95	£0 – £160	£0 - £220	£0 - £140	£0 - £200	£0 - £260
2	75	£95.01 - £155	£160.01 - £220	£220.01 - £290	£140.01 - £210	£200.01 - £260	£260.01 - £330
3	40	£155.01 - £190	£220.01 - £255	£290.01 - £370	£210.01 - £260	£260.01 - £295	£330.01 - £410
4	25	£190 - £235	£255.01 - £290	£370.01 - £480	£260.01 - £310	£295.01 - £330	£410.01 - £520
	0	Over £235	Over £290	Over £480	Over £310	Over £330	Over £520

- It is recommended that the highest level of discount will be at a maximum level of liability (100%), Band 1, and all current applicants that are in receipt of a ‘\*passport benefit’ such as Income Support, Jobseeker’s Allowance (Income

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Based) and Employment and Support Allowance (Income Related) receive maximum discount:

- All other discount levels are based on the applicant's and partner's, (where they have one) net income;
- The scheme allows for variation in household size with the levels of income per band increasing where an applicant has a partner, and / or dependants;
- There will be no restriction on Council Tax band level;
- There will be no charges made where an applicant has non-dependants living with them. This is a significant change and means that the administration of the scheme will be more straightforward whilst also protecting low-income families where adult sons and daughters for example remain at home;
- To encourage work, a standard £25 a week disregard will be provided against all earnings This will take the place of the current standard disregards and additional earnings disregards. Where a family also receives a childcare disregard (for childcare costs not paid for by Central Government schemes), the income levels in the 'grid scheme' are set at a higher rate;
- Disability benefits such as Disability Living Allowance and Personal Independence Allowance will continue to be disregarded;
- Where any applicant, their partner or dependant child(ren) are disabled, a further disregard of £30 a week will be given, thereby maintaining the current level of support to those with disabilities;
- Carer's Allowance and the Support Component of Employment and Support Allowance will be disregarded;
- Child Benefit and Child Maintenance will be disregarded as income;
- An amount in respect of the housing element, within Universal credit will be disregarded;
- The total disregard on war pensions and war disablement pensions will continue;
- Extended payments will be removed; and
- The capital limit of £6,000 with no tariff (or assumed income) being applied.

NB. The policy allows for the Council to review and increase, where necessary, the income levels within the above grid annually in line with inflation.

## How the new scheme will address the problems with the current Council Tax Reduction

3.4 With the simplicity of the proposed new scheme and by taking a more 'Council Tax discount approach', it will address the problems associated with the increased administration caused by failings in the current scheme and Universal Credit as follows:

- **The scheme will require a simplified claiming process.** All applicants will see a significant reduction in the claiming process and, where possible, Council Tax Reduction will be awarded automatically. For Universal Credit applicants *any* Universal Credit data received from the Department for Work and Pensions (DWP) will be treated as a claim for Council Tax Reduction. Where information is received from DWP, the entitlement to Council Tax Reduction will be processed automatically without the need to request further information from the taxpayer. These changes will have the following distinct advantages namely:
  - **Speed of processing** – all claims will be able to be calculated promptly and largely automatically without the need to request further information which inevitably leads to delays;

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- **Maximising entitlement to every applicant.** There will be no requirement for Universal Credit applicants to apply separately for Council Tax Reduction. For all other applicants, the claiming process will be simplified significantly. This will help to maximise entitlement to Council Tax Reduction and will reduce the risk of loss of discount or the need for backdating;
- **Maintenance of collection rates** – the new scheme will avoid constant changes in discount, the need for multiple changes in instalments and therefore assist in maintaining the high collection rates currently achieved. The increased level of discount will assist all those applicants on the lowest levels of income, again improving the overall collection rate;
- **The income bands are sufficiently wide to avoid constant changes in discount.** Two of the current Council Tax Reduction schemes are very reactive and will alter even if the resulting overall change to the person's Council Tax liability is small. This is leading to constant changes in Council Tax liability, the need to recalculate monthly instalments and the requirement to issue a large number of Council Tax demands. The effect of this is that Council Tax collection is reduced. The new scheme, with its simplified income banding approach will have the following advantages:
  - Only significant changes in income will affect the level of discount awarded;
  - Council Taxpayers who receive Council Tax Reduction will not receive multiple Council Tax demands and adjustments to their instalments; and
  - The new scheme is designed to reflect a more modern approach, where any discount changes it will be effective from the day of the change rather than the Monday of the following week.

### The impact on claimants of the new scheme

- 3.5 We are through necessity having to create a single new scheme for the new council to replace the four existing and very different schemes. In doing so we are seeking to balance the overall cost of the new scheme to Somerset Council Taxpayers as whole, whilst minimising any detrimental impact on existing claimants. We have quite consciously built in proposals to protect the most financially vulnerable by proposing to pay 100% to those claimants whose income is below the upper threshold in band 1 or where they get a passported benefit (those on Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance). However, this is not a perfect science and inevitably there will be both winners and losers.
- 3.6 Initial modelling was based on lower income band thresholds. Data produced from this modelling indicated that a larger number of families would receive less or no support. Consequently we amended the income bands to ensure that more families retained support, whilst also seeking to minimise any overall increase in the cost of the scheme.
- 3.7 We have undertaken detailed analysis to understand the impact of the proposed new scheme with the amended income bands on existing claimants across the four district areas. This analysis is attached at Appendix C.
- 3.8 In summary the analysis indicates that:
- 98% of those claimants who currently get CTR will continue to get some CTR from April 2022;

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- 15,008 (75%) of claimants are receiving either the same amount of support or are better off under the proposed scheme;
- Of which 9,435 (47%) are better off under the proposed scheme;
- 4,936 (25%) claimants are worse off, although the majority of these, 3,069, are only seeing a reduction of below £5 per week; and
- 759 claimants will drop out of the scheme altogether. These are mainly single people or households with large numbers of children who currently receive a small reduction on the Council Tax through CTR.

3.9 We have also undertaken more detailed analysis to better understand the areas that would see a reduction in the amount awarded or would fall out of the scheme. This indicates the following claimants would be adversely affected:

- Anyone with over £6,000 in savings or capital who is not on a passported benefit;
- Larger families with significant numbers of children (because the income grid only provides allowances for up to two children); and
- Those paying significant amounts of child care costs (where the current district's schemes allow some of these costs to be offset against a claimant's earned income).

We could minimise or remove the reductions in these cases by altering the parameters (i.e. by increasing the savings or capital limit, increasing the number of children we allow for or offsetting child care costs). However, doing so is likely to significantly increase the overall cost of the scheme and may increase the complexity of the scheme and consequently administration costs.

3.10 Where claimants are adversely affected by the removal or reduction of their CTR, we can consider reducing their Council Tax by way of an Exceptional Hardship payment, as detailed below.

### **Exceptional Hardship Scheme**

3.11 We are in the process of developing an Exceptional Hardship Scheme to support the Council Tax Reduction Scheme and to enable us to provide discretionary support to individuals who experience exceptional hardship. This scheme will be brought to Scrutiny and Executive early in the new year for consideration and approval.

3.12 Where any applicant is likely to experience exceptional hardship, they will be encouraged to apply for an exceptional hardship payment under the scheme. It is proposed that the scheme will allow us to consider all applications for exceptional hardship on an individual basis, taking into account available income and essential outgoings. Where appropriate further support will be given to the applicant.

3.12 This approach will enable individual applicants to be dealt with in a fair and equitable manner. Any exceptional hardship payments made will be paid through the Collection Fund.

3.13 Currently, under a number of the existing district Council Tax Reduction schemes we receive Hardship applications from claimants on the lowest incomes who only receive

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maximum support of 80% or 85% under those schemes. Under the new proposed CTR scheme we will no longer receive applications from this group as they will receive 100% support. In 2021/22 we spent £182k on Exceptional Hardship awards across the four districts.

- 3.14 However, it is reasonable to anticipate an increase in the number of Hardship claims in 2023/24 given that there will be a number of existing claimants who will see a reduction in or lose support under the proposed new CTR scheme and as a result of the cost of living crisis. Consequently, we recommend making provision for Hardship payments for next year in the region of £500k. This estimate balances an anticipated reduction in claims from people on the lowest incomes, who will receive 100% CTR from 1 April 2023, against an increased volume in claims from existing claimants who see a reduction in the level of support provided.

### **4 Recommendations**

- 4.1 The Executive are asked to consider the proposed policy, as outlined above and in Appendix D, and make recommendations for the agreement of an aligned policy to Full Council on 23 November 2022.

### **5 Other options considered**

- 5.1 Given that there is a requirement to implement a single scheme within the whole of the new Council's area, there is no option other than to create a new scheme.
- 5.2 The move to a discount based modernised scheme is the most progressive and will enable a future proofed low administration approach.
- 5.3 Increasing the overall maximum level of support to 100% will significantly assist low income working age families.

### **6 Links to County Vision, Business Plan and Medium-Term Financial Strategy**

- 6.1 The corporate priorities for the new council are emerging but not yet agreed. It is reasonable to assume however, that the new Council will wish to protect the vulnerable. These proposals maximise the level of support available to the poorest working-age households and consequently contributes toward this anticipated aim.
- 6.2 The agreement of a single Council Tax Reduction scheme is required as a result of the decision to create a single unitary council. The scheme proposed is designed to minimise the detrimental impact on customers of aligning the four existing district schemes, maximise the level of financial support to low income working age families, provide for a simpler scheme from the claimant's perspective and minimise administration. Modelling, based upon current caseload and Council Tax levels and taking into account the proposed Council Tax discount changes, indicates that the proposed scheme can be delivered without adding to the budget pressures.

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## 7 Consultations and co-production

- 7.1 A full consultation has been undertaken in line with the statutory requirements with:
- The Avon & Somerset Police Commissioner
  - Devon & Somerset Fire and Rescue, Fire and Rescue; and
  - The public

The public consultation exercise ran from 25<sup>th</sup> July 2022 to 18th September 2022.

- 7.2 The full public consultation is attached at Appendix B, which details the questions asked and summarises the responses. In addition, this document contains a summary of the key themes of the additional comments received from respondents.
- 7.3 No responses were received from the other major precepting authorities.
- 7.4 The consultation exercise was publicised through a wide variety of channels so as to maximise the ability of people to respond. We also contacted other organisations such as city, town and parish councils together with organisations in the voluntary sector such as Citizens Advice. The responses were mainly via the website, but we also offered the ability to complete paper copies and an assisted completion service. Additional demographic data collected with the responses indicates a good spread of responses both geographically and across the different age ranges.
- 7.5 Consultation exercises for Council Tax Reduction schemes are quite complex as we need to consult on the detail of the schemes. Despite this the response rate for this consultation exercise was good and in total we received 1,184 responses. In addition, the responses we received indicated a high degree of support for the proposed scheme.
- 7.6 The responses were kept under close review throughout the consultation period and additional actions to encourage take-up were undertaken throughout. A final review was completed on 20th September 2022 following the end of the consultation period on 18th September 2022. No significant changes to the proposed scheme have been made following the consultation, which is supportive of the proposals. However, minor adjustments have been made to the income bands for couples with one child and couples with two or more children, to take account of IT software limitations in one of the existing authority computer systems.

## 8 Financial & Risk Implications

### Financial implications

- 8.1 The cost of the current Council Tax Reduction schemes run by the four districts for last year (2021/22) was approximately £33.241m at 31 March 2022. In addition, a further £0.182m was spent on discretionary Exceptional Hardship payments. The cost of both



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is borne by the Collection Fund and shared between the Council and the Major Precepting Authorities in the following proportions:

- Somerset County Council & the Districts (82%)
- Police and Crime Commissioner (13%); and
- Fire and Rescue Service (5%).

8.2 The proposed new scheme is more generous than some of the existing district schemes. The cost of running the proposed new scheme, based on current caseload (August 2022) and the current financial year's Council Tax charges is approximately £33.187m. This amount is actually **less** than the cost for last year's scheme due to reductions in caseload. So, based on the current caseload, the new scheme does not increase the overall cost of the scheme, whilst enabling us to increase the support provided to those on the lowest incomes.

8.3 Over the past six years we have seen a trend in overall caseload reduction, particularly in relation to pension age claims. It is clear that this trend will continue irrespective of the cost of living crisis. It is anticipated that a large number of pension age cases will no longer qualify if Government increase pensions and particularly if they retain the 'triple lock'. It should be noted that the Council has no ability to change the Council Tax Reduction scheme for pension age applicants as this is prescribed by Government.

Year	CTR caseload
2016/17	35,322
2017/18	34,090
2018/19	34,591
2019/20	34,381
2020/21	35,012
2021/22	34,015
Current	33,011

8.4 The proposed scheme also includes the provision of £500k to cover the anticipated cost of discretionary Exceptional Hardship payments. This budget provision is higher than the amount spent in 2021/22, as it is reasonable to anticipate an increased volume of applications in the first year of the new scheme from those claimants who are seeing a reduction in or losing support and in view of the cost of living crisis. However, we will no longer receive hardship applications from people on the lowest incomes as the proposed future scheme will award them a 100% reduction. This will help to offset some of the Hardship costs.

8.5 The table below summarises the net impact on the Council Tax Collection Fund for 2023/24 of the proposed Council Tax Reduction scheme detailed above together with the estimated costs of the Exceptional Hardship scheme. The increased estimate for Exceptional Hardship payments for 2023/24 does make the projected overall cost of the scheme slightly more (£264k) than the overall costs for last year (2021/22). However, paying 100% CTR to those on the lowest incomes will, based on the evidence from other authorities who do so, have a positive effect on collection rates and in reducing our bad debt provision. Experience elsewhere suggests that the bad debt provision can be reduced by up to 25%.

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8.6 For completeness, the table also details the figures relating to the proposed Council Tax discount changes in order to show the net impact on the collection fund. Taken together these proposals provide net additional income totalling £1.57m. The benefit of this income is split proportionately across the major precepting authorities, in the proportions detailed above. (NB. The Council Tax discount changes are detailed in a separate report).

	£000
2021/22 Council Tax Reduction scheme <b>cost</b> as at 31 Mar 2022	£33.241
2021/22 Exceptional Hardship Scheme <b>cost</b> as at 31 Mar 2022	£0.182
<b>TOTAL CTR cost for 2021/22</b>	<b>£33.423</b>
Projected Council Tax Reduction scheme <b>cost</b> for 2023/24	£33.187
Projected Exceptional Hardship scheme <b>cost</b> for 2023/24	£0.500
<b>TOTAL projected CTR cost for 2023/24</b>	<b>£33.687</b>
<b>PROJECTED net additional CTR scheme cost</b>	<b>£0.264</b>
Projected additional <b>income</b> from removing the class C discount	£1.309
Projected additional <b>income</b> from removing the Class D discount	£0.941
Projected additional <b>cost</b> of the Foster Carers discount	£0.415
<b>Net additional INCOME from the Council Tax discount proposals</b>	<b>£1.835</b>
<b>Projected total additional INCOME for the Council Tax Collection Fund</b>	<b>£1.571</b>

Note: The projections for the 2023/24 CTR scheme cost detailed above are based on current financial year Council Tax charges and caseloads as at August 2022. The Council Tax discounts figures have been calculated using data from October 2022.

### Risk implications

8.7 Set out below are the key risks and mitigating action identified both in respect of not agreeing to a new Council Tax Reduction scheme and in developing a new scheme.

Risk	Mitigation
<b>Cause:</b> Failure to agree to a new single Council Tax Reduction scheme for 2023/24	We have developed a new single scheme to provide a common approach across the new council area. We have procured

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<p><b>Impact:</b> The Council would have to agree to extend the four existing district schemes, which are fundamentally different. Essentially this would create a 'postcode lottery' in terms of the amount of support claimants would receive and potentially leave the council open to legal challenge.</p>	<p>a specialist Revenues &amp; Benefits consultant, David Airey of ACS Ltd, to work with us in developing, consulting &amp; modelling the scheme.</p>
<p><b>Cause:</b> The new scheme rules result in a significant increase in the total amount of Council Tax reduction awarded as a proportion of the overall Council Tax charged.</p> <p><b>Impact:</b> Creates additional budget pressures and / or results in the need for a higher council tax precept.</p>	<p>We have undertaken detailed financial modelling to understand the impact of the proposed new scheme on the budget. We have procured a specialist Revenues &amp; Benefits consultant, David Airey of ACS Ltd, to work with us in developing &amp; modelling the scheme.</p>
<p><b>Cause:</b> The application of the new scheme rules results in significant reductions in the amount of Council Tax Reduction awarded to existing claimants.</p> <p><b>Impact:</b> This has a significant detrimental impact on wellbeing, increases collection costs and results in higher write-off amounts.</p>	<p>We're aiming to provide more assistance to those on the lowest incomes and have undertaken detailed modelling to understand the impact of the new scheme rules in different circumstances. In addition the new scheme will include a discretionary awards scheme for use in exceptional circumstances. We have procured a specialist Revenues &amp; Benefits consultant, David Airey of ACS Ltd, to work with us in developing &amp; modelling the scheme.</p>

### 9 Legal and HR Implications

- 9.1 Schedule 1A (3) of the Local Government Finance Act 1992, states:  
Before making a scheme, the authority must:
- consult any major precepting authority which has power to issue a precept to it,
  - publish a draft scheme in such manner as it thinks fit, and
  - consult such other persons as it considers are likely to have an interest in the operation of the scheme.
- 9.2 In addition, in order to set a new scheme, the Council is obliged to make a resolution by 11<sup>th</sup> March of the financial year prior to the scheme coming into place.

### 10 Other Implications

#### Equalities Implications

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- 10.1 Consideration has been given to our obligations under the Public Sector Equality Duty in developing the proposed scheme. Modelling has been undertaken of different options to provide data to inform the development of the proposals. This has enabled us to analyse the impact according to age, disability, family circumstance and level of income. This data has been used to inform the development of the proposed scheme.
- 10.2 Elements of the proposed scheme do impact directly on protected groups, specifically:
- Age – the scheme for pension age people is mandated by Government and is unchanged by these proposals. The working age scheme provided for in these proposals is open to all people of working age;
  - Disability – an income disregard of £30 per week together with a disregard of any Personal Independence Payments or Disability Living Allowance received has been built into the proposed scheme to recognise the additional costs for households containing people with a disability;
  - Marriage and civil partnership – the scheme is designed to take into account the higher living costs of couples and allows for these higher living costs in the determination of the claim;
  - Sex – claim data identified that we have more female recipients of support than male recipients. These are made up of single people, lone parents or are claiming as part of a couple. Sex is not a factor used to determine the amount of support awarded. We have designed the scheme to maximise awards of support to those on the lowest incomes and also to minimise the impact of aligning the districts schemes across the different demographics; and
  - Other e.g. carers, veterans – specific disregards have been built in for carers and veterans to disregard specific allowances or pensions.
- 10.3 We have considered the other protected groups when developing the scheme, but did not identify any specific additional criteria in respect of these groups. The characteristics of the other protected groups are not taken into account in the assessment of claims for Council Tax Reduction. The scheme is open to all of working age to apply for and, subject to the specific provisions for the groups outlined above, ensures that claims are assessed and determined fairly.
- 10.4 It is recognised that in aligning the existing district schemes that there will be people who benefit and those who are worse off. Extensive modelling was undertaken to ensure that the changes did not impact specifically on protected groups. The proposed scheme also provides for an Exceptional Hardship Scheme to allow us to make discretionary payments to people who are suffering hardship as a result of losing support.
- 10.5 The move to the new scheme will either have a neutral or positive affect to the majority of working age claimants. Under the proposed scheme, 98% of those currently getting CTR will continue to receive support with the majority receiving the same or more support.
- 10.6 Up to 759 claimants will go from receiving some CTR to getting nothing. Where these claimants will be adversely affected by the removal of their CTR award, we will

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encourage them to apply for further support, if required, through the exceptional hardship scheme.

- 10.7 There is no evidence that any protected group is adversely affected by the proposed change, or make up a large percentage of those having support withdrawn altogether. A full EIA is attached within this report at Appendix A.

### **Community Safety Implications**

- 10.8 The proposed scheme will provide a greater level of financial support to claimants on the lowest incomes, as well as providing for a simpler scheme with far fewer recalculations of Council Tax liability. This should have a positive impact on quality of life and wellbeing.

### **Sustainability Implications**

- 10.9 The proposed scheme will be a simpler scheme to administer, will remove the need for claimants on Universal Credit to separately claim for the Council Tax Reduction and will result in less frequent changes in Council Tax liability. Collectively this results in far fewer letters and paper forms and less activity in terms of making changes to accounts.

### **Health and Safety Implications**

- 10.10 This proposal has no Health & Safety implications.

### **Health and Wellbeing Implications**

- 10.11 The proposed scheme will provide a greater level of financial support to claimants on the lowest incomes, as well as providing for a simpler scheme with far fewer recalculations of Council Tax liability. This should have a positive impact on things such as wellbeing, mental health and reducing inequality.

### **Social Value**

- 10.12 The proposed scheme will provide a greater level of financial support to claimants on the lowest incomes, as well as providing for a simpler scheme with far fewer recalculations of Council Tax liability. This should have a positive impact on general wellbeing.

## **11 Scrutiny comments / recommendations:**

- 11.1 Scrutiny for Policies and Place considered these proposals on 11 October 2022.
- 11.2 Scrutiny were broadly supportive of the proposals but requested that more detail be added to the report to provide:

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- i) More information to support the positive impact on collection rates, collection costs, reducing write-offs etc. of increasing the maximum award to 100% for those on the lowest incomes;
- ii) More information regarding the impact of the proposed new scheme on existing claimants;
- iii) An estimate of the potential cost of the Exceptional Hardship element of the scheme; and
- iv) More information regarding ongoing reductions in caseload.

### 12 Background Papers

12.1 The Council Tax Reduction Scheme consultation report which went to [Executive 11 July 2022](#) and the Council Tax Reduction Scheme proposal report that went to [Scrutiny for Policies and Place 11 October 2022](#).

#### **Report Sign-Off**

		Date completed
Legal Implications	Tom Woodhams	8 Nov 2022
Governance	Scott Wooldridge	7 Nov 2022
Corporate Finance	Jason Vaughan	7 Nov 2022
Customers, Digital and Workforce	Chris Squire	7 Nov 2022
Property	Paula Hewitt / Oliver Woodhams	2 Nov 2022
Procurement	Jason Vaughan	8 Nov 2022
Senior Manager	Jason Vaughan	7 Nov 2022
Commissioning Development	Sunita Mills / Ryszard Rusinek	02/11/22
Executive Member	Cllr Liz Leyshon – Lead Member for Finance & Human Resources	7 Nov 2022
<b><u>Consulted on report</u></b>		
Local Member	N/A	
Opposition Spokesperson	Cllr Mandy Chilcott	2 Nov 2022
Scrutiny Chair	Cllr Gwil Wren	2 Nov 2022

## APPENDIX A

# Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

<b>Version</b>	<b>1.1 (updated following end of consultation)</b>	<b>Date</b>	<b>21 September 2022</b>
<b>Description of what is being impact assessed</b>			
<b>Proposed banded income discount scheme for new Somerset Council’s Council Tax Reduction scheme</b>			
<b>Evidence</b>			
<p><b>What data/information have you used to assess how this policy/service might impact on protected groups?</b> Sources such as the <a href="#">Office of National Statistics</a>, <a href="#">Somerset Intelligence Partnership</a>, <a href="#">Somerset’s Joint Strategic Needs Analysis (JSNA)</a>, Staff and/ or <a href="#">area profiles</a>, should be detailed here</p> <p>We have obtained data relating to individual people affected by the proposal from the four districts back office benefit processing systems. This has allowed us to analyse the impact on people according to their age, disability, family circumstances and level of income and to use this data to develop the scheme. Our proposed scheme was modelled using “live” data based on actual entitlements and CTS recipients as at August 2022.</p>			
<p><b>Who have you consulted with to assess possible impact on protected groups?</b> If you have not consulted other people, please explain why?</p> <p>We held a consultation on the proposed changes to the Council Tax Reduction scheme for eight weeks from 25 July to 19 September 2022. We asked for feedback on the proposals from members of the public, in particular, Council Tax payers, those currently receiving CTR, major preceptors (Avon and Somerset Police, Devon and Somerset Fire &amp; Rescue Service) and key stakeholders, such as Citizens Advice, parish, town</p>			

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and city councils.

## Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> <li>Pensioners can claim a rebate up to 100% as prescribed by central Government. Working age claimants currently have their maximum award restricted to 80% in some districts. Our proposal equalises the maximum support available to 100%.</li> </ul>	□	□	☒
Disability	<ul style="list-style-type: none"> <li>The proposed scheme recognises households with disabled people have limited ability to work and have higher disability related living expenses. Income from disability benefits such as PIP and DLA will be disregarded as income and a further income disregard of £30 a week will apply where the applicant, partner or dependant is disabled.</li> </ul>	□	☒	□
Gender reassignment	<ul style="list-style-type: none"> <li>Gender reassignment is not a factor in any part of the assessment of CTS and it is not considered to be a characteristic which requires greater assistance when assessing support.</li> </ul>	□	☒	□



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<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>The scheme makes allowances, such as increased income thresholds to reflect the higher living needs of a couple, for applicants who are married, in a civil partnership or living together as if they were married or in a civil partnership.</li> </ul>	□	⊗	⊗
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>The scheme does not discriminate against any applicant who is pregnant.</li> </ul>	□	⊗	□
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>The scheme does not discriminate against any applicant due to their race or ethnicity. However, it is acknowledged that some racial communities are likely to have larger families and potentially could be negatively impacted. Where this is the case support may be provided under the Exceptional Hardship Scheme.</li> </ul>	□	⊗	□
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>The scheme does not discriminate against any applicant because of their religion.</li> </ul>	□	⊗	□
<b>Sex</b>	<ul style="list-style-type: none"> <li>There are a greater number of female recipients of CTR within our caseload (either single, lone parents or part of a couple) than male recipients. Consequently, more females will be impacted by changes made to our CTR scheme than males. This is not deliberate but is simply a product of the makeup of our caseload. However, gender will not be a direct factor in any part of the assessment of CTR as it is not considered to be a characteristic that requires greater assistance when assessing support.</li> </ul>	□	⊗	□

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<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>The scheme does not discriminate against any applicant due to their sexual orientation.</li> </ul>	□	⊗	□
<b>Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>Income from Carers Allowance and the support component of Employment and Support Allowance will be disregarded.</li> <li>Income from a war widows pension or war disablement pension will be disregarded.</li> </ul>	□	⊗	□

### Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
<p>Where an applicant is adversely affected by the scheme, additional support can be applied for through the Council's Exceptional Hardship Scheme.</p> <p>In the main the majority of applicants will see either no change or an increase in the level of support</p>	21/09/2022	Richard Sealy	Monthly	□

### If negative impacts remain, please provide an explanation below.

The scheme will be reviewed annually

**Completed by:**

**Simon Doyle, Benefits Specialist**

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<b>Date</b>	<b>21 September 2022</b>
<b>Signed off by:</b>	<b>Richard Sealy, Assistant Director-Customer</b>
<b>Date</b>	<b>23 September 2022</b>
<b>Equality Lead/Manager sign off date:</b>	8 November 2022 / Tom Rutland
<b>To be reviewed by: (officer name)</b>	Revenues & Benefits Service Manager
<b>Review date:</b>	September 2023

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## APPENDIX B

### Council Tax Reduction Scheme 2023/24 Consultation – Summary of the Responses

Detailed below is a summary of the responses to the consultation questions. Also included for each section is a summary of the key themes being expressed in additional comments from people who **disagree** with the proposals.

Part 1 – The introduction of an Income Grid scheme for all applicants of working age which will provide up to 100% support

2. Do you agree with introducing an income-based banded discount scheme as shown above?			
Answer Choices		Response Percent	Response Total
1	Yes	68.70%	316
2	No	17.83%	82
3	Don't Know	13.48%	62
		answered	460
		skipped	722

#### Key themes from people that disagree

- That all household should pay something;
- Generally, agree that 100% is good and supportive

Part 2 - Removing Non Dependant Deductions

4. Do you agree with this proposal?			
Answer Choices		Response Percent	Response Total
1	Yes	61.08%	259
2	No	20.75%	88
3	Don't Know	18.16%	77
		answered	424
		skipped	758

#### Key themes from people that disagree

- That non dependants should pay something

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- That there is a potential for fraud

## Part 3 – Disregarding the housing element of Universal Credit

### 6. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	75.24%	310
2	No	14.81%	61
3	Don't Know	9.95%	41
		answered	412
		skipped	770

### Key themes from people that disagree

- That this is 'pampering' to people who should work;
- That all rent payments should be disregarded irrespective of whether HB or UC (Housing Element) is disregarded

Part 4 – Where applicants or their partner (if they have one) are working, a standard disregard of £25 a week will be applied for single applicants, couples and lone parents

### 8. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	71.50%	286
2	No	13.00%	52
3	Don't Know	15.50%	62
		answered	400
		skipped	782

### Key themes from people that disagree

- Seems a bit low?

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Part 5 – Any new claim or change in circumstances will be assessed on a daily basis

## 10. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	85.60%	333
2	No	3.60%	14
3	Don't Know	10.80%	42
		answered	389
		skipped	793

### Key themes from people that disagree

- Misunderstanding that this will make the scheme complicated, some respondents thought that CTR will be changing daily

Part 6 – Provide for backdating any discount (up to a maximum of 12 months) where circumstances show that the applicant would have been continuously eligible for the period in question had they applied at that time

## 12. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	79.79%	308
2	No	11.40%	44
3	Don't Know	8.81%	34
		answered	386
		skipped	796

### Key themes from people that disagree

- Backdating provision is too long;

Part 7 – Protecting disabled persons by disregarding certain disability benefits providing a further disregard of £30 a week where the applicant, partner or dependant is in receipt of a disability benefit.

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## 14. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	77.31%	293
2	No	12.66%	48
3	Don't Know	10.03%	38
		answered	379
		skipped	803

### Key themes from people that disagree

- That disability benefits should be taken into account;
- That figure (£30) is too low
- That figure (£30 is too high)
- That all income should be included

## Part 8 – Protecting families by disregarding Child Benefit and Child Maintenance

## 16. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	74.40%	279
2	No	14.40%	54
3	Don't Know	11.20%	42
		answered	375
		skipped	807

### Key themes from people that disagree

- That all income should be counted 'income is income';

## Part 9 – Disregarding Carer's Allowance and the Support Component of Employment and Support Allowance

## 18. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	79.57%	296

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## 18. Do you agree with this proposal?

2	No		9.68%	36
3	Don't Know		10.75%	40
			answered	372
			skipped	810

### Key themes from people that disagree

- That 'all' income should count;
- Discriminating against others

Part 10 – Protecting War Pensioners by disregarding War Pensions or War Disablement pensions in full.

## 20. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	82.21%	305
2	No	7.01%	26
3	Don't know	10.78%	40
		answered	371
		skipped	811

### Key themes from people that disagree

- All income should count and no disregard should be given

Part 11 – Introducing a capital limit of £6,000.

## 22. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	59.40%	218
2	No	26.70%	98
3	Don't know	13.90%	51
		answered	367



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22. Do you agree with this proposal?

skipped 815

## Key themes from people that disagree

- Capital level is too low

## Part 12 – Providing an Exceptional Hardship Scheme

24. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes	80.27%	293
2	No	6.58%	24
3	Don't know	13.15%	48
		answered	365
		skipped	817

## Key themes from people that disagree

- Provided that it is for EXCEPTIONAL use only;

## 15. Alternatives to introducing the proposed Council Tax Reduction Scheme

### Key themes for people that disagree

- Generally there is agreement on the new scheme but several emphasise that working age bear most of the costs;
- Worry about single person discount (not affected);
- Savings level mentioned again as per capital question

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## APPENDIX C

### Impact analysis of proposed CTR scheme on current caseload

**Table C.1 High level analysis by client groups**

The figures shown below compare the caseload, overall expenditure and average weekly amounts of support under the current schemes against the proposed new scheme.

These figures indicate that the majority of our existing claimants will continue to receive support under the proposed new scheme and on average will receive more support per week. 759 people will cease to be eligible for support under the proposed new scheme.

	Existing scheme			Proposed scheme			
	Numbers	Expenditure	Average weekly amount	Numbers	Expenditure	Average weekly amount	Average weekly loss / gain
Single person	6,225	£4,776,285	£14.76	5,954	£4,919,557	£15.87	£1.13
Couples with no children	967	£951,181	£18.92	913	£882,818	£18.60	-£0.32
Families with 1 child	3,362	£2,419,148	£13.84	2,987	£2,426,731	£15.62	£1.79
Families with 2 or more children	4,525	£3,413,016	£14.50	4,466	£3,551,982	£15.29	£0.79
Passported	4,548	£4,781,983	£20.22	4,548	£5,538,337	£23.42	£3.20
<b>Total working age scheme</b>	<b>19,627</b>	<b>£16,341,614</b>	<b>£16.01</b>	<b>18,868</b>	<b>£17,319,423</b>	<b>£17.65</b>	<b>£1.64</b>
Total pension age scheme	13,928	£15,871,950	£21.91	13,928	£15,871,950	£21.91	0
<b>Total scheme costs</b>	<b>33,555</b>	<b>£32,213,564</b>	<b>£18.46</b>	<b>32,796</b>	<b>£33,187,925</b>	<b>£19.46</b>	<b>£1.64</b>

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## APPENDIX C cont.

**Table C.2 Summary of effect of proposed CTR scheme on current caseload by client group**

The table below summarises the impact of the proposed scheme on the current caseload split by client group.

The key messages from the below data are that:

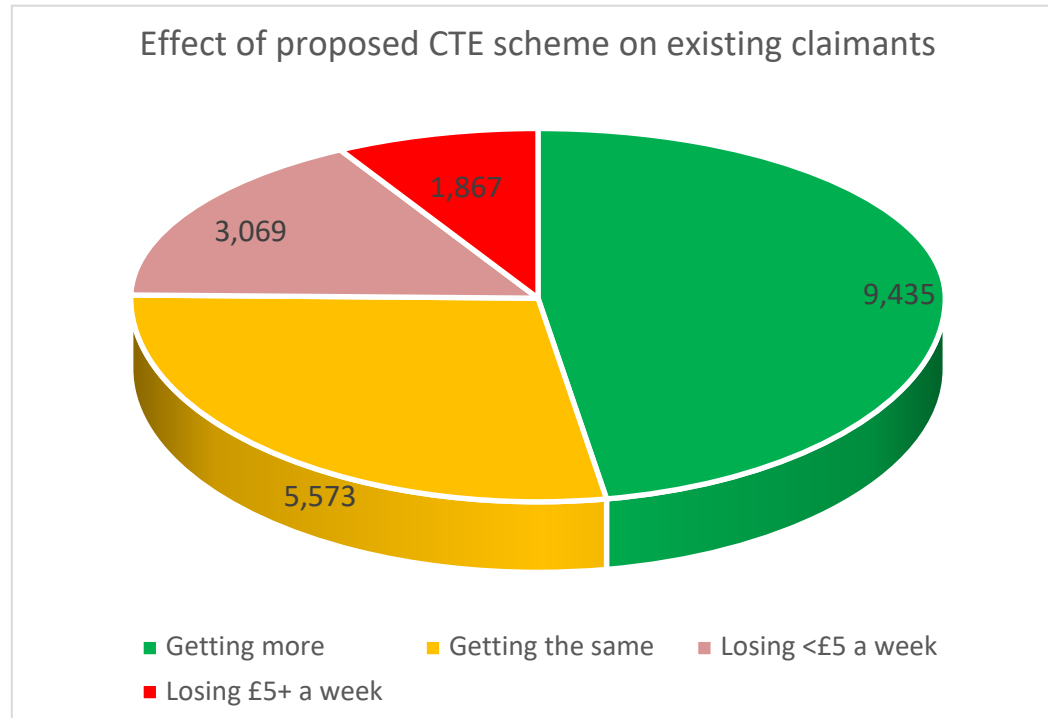
- 15,008 (75%) of claimants are receiving either the same amount of support or are better off under the proposed scheme;
- Of which 9,435 (47%) are better off under the proposed scheme; and
- 4,936 (25%) claimants are worse off, although the majority of these, 3,069, are only seeing a reduction of below £5 per week.

	Numbers getting more support	Numbers getting the same support	Numbers losing less than £5 a week in support	Numbers losing £5 or more a week in support	Biggest weekly loss	Average weekly loss (of those getting less support)
Single person	2,530	1,624	1,512	667	£32.49	£4.70
Couples with no children	314	315	191	184	£29.31	£7.54
Families with 1 child	1,345	809	731	504	£29.31	£6.87
Families with 2 children	1,491	1,091	294	143	£32.03	£4.51
Families with more than 2 children	540	401	341	369	£32.58	£5.36
Passported	3,215	1,333	0	0	-	-
<b>Total</b>	<b>9,435</b>	<b>5,573</b>	<b>3,069</b>	<b>1,867</b>		

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## APPENDIX C cont.

Chart C.3 Summary of effect of proposed on current caseload



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**APPENDIX D**

**SOMERSET COUNCIL  
COUNCIL TAX SUPPORT SCHEME  
S13A and Schedule 1a of the  
Local Government Finance Act 1992**

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**Somerset Council  
Council Tax Support Scheme  
S13A and Schedule 1a of the  
Local Government Finance Act 1992**

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## **1.0 Introduction to the Council Tax Support Scheme**

1.1 The following has been adopted by the Council and details the Council Tax Support scheme for the period from 1<sup>st</sup> April 2023.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1<sup>st</sup> April 2023 for a period of one financial year.

1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (England) (Amendment) Regulations 2017;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
- The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022; 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;
- (f) not have capital savings above £16,000; and
- (g) 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 band 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.

**Council Tax Support Scheme**

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

## **2.0 Interpretation – an explanation of the terms used within this policy**

### **2.1 In this policy–**

‘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 policy all references are in the masculine gender but apply equally to male and female;

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

‘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;

‘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).

‘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;

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

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

‘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;

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

and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

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

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

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

‘couple’ means;

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(b) a man and a woman who are not married to each other but are living together as if they were a married couple or civil partners;

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

‘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 2000 Act;

‘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;

‘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 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b);

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

‘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 same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;

‘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 in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

‘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;

‘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;

‘member of the work-related activity group’ means a claimant who has or is treated as having limited capability for work;

‘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;

‘net earnings’ means such earnings as are calculated in accordance with this scheme;

‘net profit’ means such profit as is calculated in accordance with this scheme;

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

‘new dwelling’ means, for the purposes of the definition of ‘second authority’ and sections 60C, and 61C the dwelling to which an applicant has moved, or is about to move, in which the

applicant is or will be resident;

‘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;

‘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’ means—

- (a) where an applicant is a member of a couple, the other member of that couple; or
- (b) where an applicant is polygamously married to two or more members of his household, any such member to whom he is married;

‘paternity leave’ means a period of absence from work on 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;

‘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 20 or 21 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- (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 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;

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

‘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.

‘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;

‘reduction week’ means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

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

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

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

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

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

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

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

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

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

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

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

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

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

‘water charges’ means;

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

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

‘week’ means a period of seven days beginning with a Monday;

‘Welfare Reform Act’ means the Welfare Reform Act 2007;

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended.

- 2.2 In this policy, 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.
- 2.3 For the purpose of this policy, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker’s allowance is not payable); or
  - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
  - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker’s allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
  - (d) in respect of which an income-based jobseeker’s allowance or a joint-claim jobseeker’s

allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

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

2.6 In this policy, 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 Requirement to provide a National Insurance Number**

3.1 No person shall be entitled to reduction unless the criteria below in 3.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming reduction.

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

- 3.3 Paragraph 3.2 shall not apply–
- (a) in the case of a child or young person in respect of whom council tax reduction is claimed;
  - (b) to a person who;
    - i. is a person in respect of whom a claim for council tax reduction is made;
    - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
    - iii. is a person from abroad for the purposes of this scheme; and
    - iv. has not previously been allocated a national insurance number.

### **4.0 Persons who have attained the qualifying age for state pension credit**

- 4.1 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.

## **5.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control**

### **Persons treated as not being in Great Britain**

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations;
  - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
    - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
    - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
  - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).
- 5.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
  - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
  - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
  - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- 5.4B Paragraph (4A)(b) does not apply to a person who—
- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)
- 5.5 A person falls within this paragraph if the person is—
- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
    - (i) the Afghan Relocations and Assistance Policy; or
    - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);

- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-paragraph (a);
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971<sup>1</sup> where that leave is—
  - (i) discretionary leave to enter or remain in the United Kingdom,
  - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012;
  - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005; or
  - (iv) granted under the Afghan Citizens Resettlement Scheme.
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4).

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

5.7 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.

5.8 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;

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

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020

“EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;

“family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);

“relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and

“Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006.

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

5.9 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.

5.10 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 5.9

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

#### **6.0 Transitional provision**

6.1 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.

6.2 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.

6.3 In this section “the Act” means the Local Government Finance Act 1992.

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

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

7.2 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 7.1.

7.3 In paragraph 7.2, 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 7.4 applies; and
  - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

7.4 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 7.1, 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 7.3a) 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.

7.5 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); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952.

7.6 Where paragraph 7.5 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 7.3 b) or c), he shall be treated, for the purposes of paragraph 7.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of paragraph 7.4 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

7.7 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.

## **8.0 Membership of a family**

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

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

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

- 8.2 Paragraph 8.1 the definition of child or young person shall not apply to a person who is;
- (a) on income support;
  - (b) an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
  - (c) a person to whom section 6 of the Children (Leaving Care) Act 2000 applies
- 8.3 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

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

9.1 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.

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

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

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

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

10.1 Subject to paragraphs 10.2 and 10.3, the applicant and any partner and, where the applicant or his partner is treated as responsible 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.

10.2 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 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.

10.3 Subject to paragraph (4), paragraph (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).

10.4 The authority shall treat a child or young person to whom paragraph (3a) applies as being a member of the applicant's household in any reduction week where;

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

10.5 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 as amended.

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

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

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

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

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

**12.0 Calculation of income and capital: persons who have an award of universal credit**

12.1 Any universal credit data or notification received by the authority may be used as a claim for reduction or in the assessment of council tax reduction including data received from the Secretary of State where the applicant no longer qualifies for a universal credit award

12.2 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 may 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. The authority may use any other assessment based on the information provided by the Secretary of State.

12.3 The authority may adjust the amount referred to in sub-paragraph (2) to take account of

- (a) income consisting of the award of universal credit;
- (b) any sum to be disregarded in the calculation of earnings;
- (c) any sum to be disregarded in the calculation of income other than earnings; and
- (d) any sum which may be disregarded as housing costs;

12.4 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.

12.5 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

### **13.0 Calculation of income on a weekly basis**

13.1 For the purposes of this scheme 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.

### **14.0 Average weekly earnings of employed earners**

14.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by the authority by reference to his actual earnings over a period determined by the authority as reasonable.

14.2 Where the applicant is recently employed and cannot furnish the appropriate evidence, the authority may 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.

14.3 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.

### **15.0 Average weekly earnings of self-employed earners**

15.1 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.

### **16.0 Average weekly income other than earnings**

16.1 An applicant's income which does not consist of earnings shall be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately.

### **17.0 Calculation of average weekly income from tax credits**

17.1 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 (2)

17.2 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.

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

### **18.0 Calculation of weekly income**

18.1 For the purposes of this scheme where the period in respect of which a payment is made;

- (a) does not exceed a week, the weekly amount shall be the amount of that payment;
- (b) exceeds a week, the weekly amount shall be determined—
  - i. in a case where that period is a month, by multiplying the amount of the payment

- by 12 and dividing the product by 52;
- ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.

18.2 The weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

#### **19.0 Earnings of employed earners**

19.1 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, 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 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 amended.

19.2 Earnings shall not include–

- (a) 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

#### **20.0 Calculation of net earnings of employed earners**

20.1 For the purposes of this scheme, the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall be his net earnings.

20.2 There shall be disregarded from an applicant's (or their partner's) net earnings, £25 per week.

This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.

- 20.3 Net earnings shall 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 National Insurance contributions
  - (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
- 20.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 20.5 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.
- 20.6 Where the earnings of an applicant are estimated an appropriate estimate of net earnings shall be determined in line with paragraph (3) above.

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

- 21.1 'Earnings', in the case of employment as a self-employed earner, means the gross income of the employment
- 21.2 'Earnings' shall not include any payment 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.
- 21.3 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 trademark; 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 trademark, or an original contributor to the book of work concerned.

## **22.0 Calculation of net profit of self-employed earners**

- 22.1 For the purposes of this scheme 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

- ii. payable under this scheme; and one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.2 There shall be disregarded from an applicant's (or their partner's) net earnings, £25 per week. This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.
- 22.3 The net profit of the employment must be calculated by taking into account the earnings for the employment over the assessment period less
  - (a) 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 calculated in accordance with section 22; and
    - iii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.4 For the purposes of paragraph (1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 22.5 No deduction shall be made under paragraph (3 a) or (4), in respect of–
  - (a) any capital expenditure;
  - (b) the depreciation of any capital asset;
  - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
  - (d) any loss incurred before the beginning of the assessment period;
  - (e) the repayment of capital on any loan taken out for the purposes of the employment;
  - (f) any expenses incurred in providing business entertainment, and
  - (g) 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.
- 22.6 A deduction shall be made under paragraph (3 a) or (4) in respect of the repayment of capital on any loan used for–
  - (a) the replacement in the course of business of equipment or machinery; 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.
- 22.7 The authority shall refuse to make deduction in respect of any expenses where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 22.8 For the avoidance of doubt–
  - (a) deduction shall not be made 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 extent that any sum is payable under an insurance policy for its repair;
    - iii. any payment of interest on a loan taken out for the purposes of the employment
- 22.9 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 calculated in accordance with section 22 (and
- (c) one-half of the amount any qualifying pension contribution in accordance with (11).

22.10 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.

22.11 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.

22.12 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.

### **23.0 Deduction of tax and contributions of self-employed earners**

23.1 The amount to be deducted in respect of income tax under section 28 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 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 is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

23.2 The amount to be deducted in respect of national insurance contributions under section shall be the total of—

- (a) the amount of Class 2 National Insurance contributions payable 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.

23.3 In this section 'chargeable income' means—

- (a) the earnings derived from the employment less any expenses deducted under section 22;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

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

- 24.1 For the purposes of this scheme, the income of an applicant which does not consist of earnings to be taken into account shall be his gross income and any capital treated as income under section 25.
- 24.2 There shall be disregarded from the calculation of an applicant's gross income any sum, where applicable, specified in Schedule 2.
- 24.3 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 shall be the gross amount payable.
- 24.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 24.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 24.6 'Tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 24.7 Paragraphs (7),(8), (9) and (10) apply to any applicant who is a student. Paragraph (8) and (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.
- 24.8 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 (1) in respect of a person to whom paragraph (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 he last day of the academic term in which he abandoned, or was dismissed from, his course;  
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 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.
- 24.9 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 (1) in respect of a person to whom paragraph (8) applies, shall be calculated by applying the formula in paragraph (8) but as if–  
A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course or was dismissed from it.

- 24.10 In this section– ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of this scheme, ‘assessment period’ means–
- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
  - (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes–
    - i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
    - ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.
- whichever of those date 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.

## **25.0 Capital treated as income and Notional Income**

- 25.1 Any payment received under an annuity shall be treated as income.
- 25.2 Any earnings to the extent that they are not a payment of income shall be treated as income.
- 25.3 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income
- 25.4 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.
- 25.6 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of reduction or increasing the amount of that reduction.
- 25.7 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) rehabilitation allowance made under section 2 of the 1973 Act;
  - (e) child tax credit; or
  - (f) working tax credit,

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.

- 25.8 Any payment of income 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.

25.9 This section 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 previous participation in the Mandatory Work Activity Scheme;
- (e) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
  - (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.

25.10 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 1st April in that year.

25.11 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.

25.12 Paragraph (11) 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)(q) of the Jobseeker’s Allowance Regulations, other than where the service is performed in connection with the applicant’s participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
  - (ii) the applicant’s or the applicant’s partner’s participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

25.13 ‘Work placement’ means practical work experience which is not undertaken in expectation of payment.

25.14 Where an applicant is treated as possessing any income under this section, 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.

25.15 Where an applicant is treated as possessing any earnings under this section 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 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 subparagraph shall be calculated on a pro rate basis;
- (b) an amount equivalent to the amount of the primary Class 1 National Insurance contributions that would be payable by him 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.

## **26.0 Capital limit**

26.1 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.

## **27.0 Calculation of capital**

27.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under this scheme

27.2 There shall be disregarded from the calculation of an applicant’s capital under paragraph (1), any capital, where applicable, specified in Schedule 3.

## **28.0 Disregard of capital of child and young person**

28.1 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.

## **29.0 Income treated as capital**

29.1 Any bounty derived from employment and paid at intervals of at least one year shall be treated as capital.

29.2 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.

29.3 Any holiday pay which is not earnings shall be treated as capital.

29.4 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.

29.5 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.

29.6 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.

29.7 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.

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

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

## **30.0 Calculation of capital in the United Kingdom**

30.1 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;

## **31.0 Calculation of capital outside the United Kingdom**

31.1 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.

## **32.0 Notional capital**

32.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with section 33.

32.2 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 3; 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 Schedule 3 refers; or
- (f) child tax credit; or
- (g) 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.

32.3 Any payment of capital, other than a payment of capital specified in paragraph (4), made

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) 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.

32.4 Paragraph 32.3 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;
- (c) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (d) Enterprise Scheme;
- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
  - vi. 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;

- vii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- viii. 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.

32.5 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 be disregarded; and
- (b) he shall 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.

32.6 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 (5) shall be disregarded.

32.7 Where an applicant is treated as possessing capital under any of paragraphs (1) and (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.

### **33.0 Diminishing notional capital rule**

33.1 Where an applicant is treated as possessing notional capital the amount which he is treated as possessing shall be reduced by the amount calculated by the authority as the weekly amount of council tax reduction lost due to the inclusion of the notional capital within the calculation.

33.1 The authority shall determine the frequency by which the notional capital is reduced.

### **34.0 Capital jointly held**

34.1 Where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

### **35.0 Students - Student related definitions**

35.1 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 holders parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
  - (iv) the holder's spouse or civil partner;

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

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

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

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

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

exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

**'grant'** means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary;

**'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

35.2 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.

35.3 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.

### **36.0 Students who are excluded from entitlement to council tax reduction**

36.1 Students except those define in paragraph (3) are not able to claim Council tax reduction under Classes D of the authority’s reduction scheme.

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

36.3 Paragraph 36.2 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) who is in receipt of a Personal Independence Payment;
- (d) 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;
- (e) (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,
- (f) who is;
  - (i) aged under 21 and whose course of study is not a course of higher education, or
  - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);

- (g) 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.

36.4 For the purposes of paragraph (3(f)(i)) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

36.5 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.

36.6 An intercalating student may be eligible for a reduction if the following circumstances are met:

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
  - (i) engaged in caring for another person; or
  - (ii) ill;
- (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (7).

36.7 The period specified for the purposes of paragraph (6) 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.

### **37.0 Students - Calculation of grant income**

37.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs (2) and (3), be the whole of his grant income.

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

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;

- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the childcare costs of a child dependant.
- (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

37.3 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.

37.4 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.

37.5 Subject to paragraphs (6) and (7), a student's grant income shall be apportioned;

- (a) subject to paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

37.6 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.

37.7 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 shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

37.8 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.

### **38.0 Students- Calculation of covenant income where a contribution is assessed**

38.1 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 (3), the amount of the contribution.

- 38.2 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 (1) by 52 or 53, whichever is reasonable in the circumstances; and
  - (b) by disregarding from the resulting amount, £5.

**39.0 Students - Covenant income where no grant income or no contribution is assessed**

- 39.1 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 the 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 in the 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.
- 39.2 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 (1).

**40.0 Students - Covenant Income and Grant income – non-disregard**

- 40.1 No part of a student's covenant income or grant income shall be disregarded under this scheme

**41.0 Treatment of student loans**

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

- (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
- (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term,  
and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
  - (i) the first day of the first reduction week in September; or
  - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,  
and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

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

41.3 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.

41.4 Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5).

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

41.5 There shall be deducted from the amount of income taken into account under paragraph (4)

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

#### **42.0 Students - Treatment of fee loans**

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

#### **43.0 Students - Treatment of payments from access funds**

43.1 A payment from access funds, other than a payment to which paragraph 43.2 applies, shall be disregarded as income.

43.2 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.

43.3 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.

#### **44.0 Students - Disregard of contribution**

44.1 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.

#### **45.0 Further disregard of student's income**

45.1 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.

#### **46.0 Students - Income treated as capital**

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

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

46.3 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.

#### **47.0 Students - Disregard of changes occurring during summer vacation**

47.1 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.

#### **48.0 Maximum Council Tax Reduction**

48.1 Subject to paragraphs (2) to (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.

48.2 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.

48.3 Subject to paragraph (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 who is excluded from entitlement to Council Tax Reduction applies, in determining the maximum Council Tax Reduction in his case in accordance with paragraph (1), the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

48.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (3) shall not apply in his case

#### **49.0 Date on which entitlement is to begin**

49.1 Subject to paragraph (2), any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that reduction shall be so entitled from the date on which that claim is made or is treated as made.

49.2 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 the date of claim

#### **50.0 Date on which change of circumstances is to take effect**

50.1 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 date on which the change actually occurs.

50.2 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.

50.3 Where the change of circumstances is that income, or an increase in the amount of income, 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.

**51.0 Making an application**

- 51.1 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.
- 51.2 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.
- 51.3 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.
- 51.4 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).
- 51.5 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).
- 51.6 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.
- 51.7 The authority must;
- (a) inform any person making an application of the duty imposed on them
  - (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.

## **52.0 Procedure by which a person may apply for a reduction under the authority's scheme<sup>2</sup>**

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

52.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (d) a notification of Universal Credit or any legacy benefit from DWP, may be treated by the authority as a claim for reduction.

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

52.4 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.

52.5 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.

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

52.7 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.

52.8 If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

52.9 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.

52.10 Where an applicant ('C') makes a claim which includes (or which C subsequently requests should include) a period before the claim is made, the authority may, at its discretion, treat the claim as made on an earlier date up to the first date of the financial year in which the request is received by the authority or up to 12 months from the date the claim is received, whichever is the earlier.

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<sup>2</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**53.0 Date on which an application is made<sup>3</sup>**

53.1 Subject to sub-paragraph (7), the date on which an application is made is;

(a) in a case where;

(i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and

(ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

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

(b) in a case where

(i) an applicant or his partner is a person in receipt of a guarantee credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and

(iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where;

(i) an award of income support, an income-based jobseeker's allowance, or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and

(ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

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

(d) in a case where;

(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and

(iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

(i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and

(ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,

the date of the death or separation;

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

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

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

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

<sup>3</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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.

- 53.3 Where there is a defect in an application by telephone;  
(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;  
(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- 53.4 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.
- 53.5 The conditions are that—  
(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or  
(b) where an application is not on approved form or further information requested by authority applies;  
(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;  
(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,  
in either case, within such longer period as the authority may consider reasonable; or  
(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- 53.6 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.
- 53.7 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.

53.8 In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions.

**54.0 Submission of evidence electronically**

54.1 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

**55.0 Use of telephone provided evidence**

55.1 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

**56.0 Information and evidence<sup>4</sup>**

56.1 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.

56.2 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.

56.3 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.

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

56.5 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.

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

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify

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<sup>4</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

the authority of any change of circumstances; and

(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

- 56.7 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 or the London Bombings Relief Charitable Fund; and
  - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);

- 56.8 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.

**57.0 Amendment and withdrawal of application<sup>5</sup>**

- 57.1 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.
- 57.2 Where the application was made by telephone the amendment may also be made by telephone.
- 57.3 Any application amended is to be treated as if it had been amended in the first instance.
- 57.4 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.
- 57.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 57.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 57.7 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.

**58.0 Duty to notify changes of circumstances<sup>6</sup>**

- 58.1 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.
- 58.2 The applicant (or any person acting on his behalf) must notify any change of circumstances

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<sup>5</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>6</sup> 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.

58.3 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.

58.4 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.

58.5 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.

58.6 Not used.

58.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances

## **59.0 Decisions by the authority<sup>7</sup>**

59.1 The authority must make a decision on an application under its scheme within 14 days or as soon as reasonably practicable thereafter.

## **60.0 Notification of decision<sup>8</sup>**

60.1 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.

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<sup>7</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>8</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012



- 60.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;
- (a) informing the person affected of the duty imposed by paragraph 9(1);
  - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.
- 60.3 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.
- 60.4 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.
- 60.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- 60.6 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.
- 60.7 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).
- 60.8 This sub-paragraph applies to—
- (a) the applicant;
  - (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
    - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
    - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
    - (iii) an attorney with a general power or a power to apply or, as the case may be, 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.

## **61.0 Time and manner of granting council tax reduction<sup>9</sup>**

61.1 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.

61.2 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).

61.3 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.

61.4 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).

## **62.0 Persons to whom reduction is to be paid<sup>10</sup>**

62.1 Subject to paragraph (2), any payment of the amount of a reduction must be made to that person.

62.2 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.

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<sup>9</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>10</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

### **63.0 Shortfall in reduction<sup>11</sup>**

63.1 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 reasonably practicable, as soon as possible afterwards.

### **64.0 Payment on the death of the person entitled<sup>12</sup>**

64.1 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.

### **65.0 Offsetting**

65.1 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.

### **66.0 Payment where there is joint and several liability<sup>13</sup>**

66.1 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.

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

66.3 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 this scheme or is treated as having been so appointed, the amount of the reduction may be paid to that person.

### **67.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)**

67.1 The authority will use information provided by the DWP and HMRC for the purposes of Council

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<sup>11</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>12</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>13</sup> Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

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

67.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements<sup>14</sup>..

#### **68.0 Collection of information**

68.1 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

68.2 The authority may verify relevant information supplied to or obtained.

#### **69.0 Recording and holding information**

69.1 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.

#### **70.0 Forwarding of information**

70.1 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.

#### **71.0 Persons affected by Decisions**

71.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- (a) an applicant;
- (b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
  - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction on his behalf,
  - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
  - (iii) an attorney with a general power or a power to receive benefit or reduction appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- (c) a person appointed by the authority under this scheme;

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<sup>14</sup> Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

## **72.0 Terminations**

- 72.1 The authority may terminate reduction in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;
- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
  - (b) a decision as to an award of such a reduction should be revised or superseded.
- 72.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;
- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
  - (b) a decision as to an award of such a reduction should be revised or superseded.
- Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

## **73.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>15</sup>**

- 73.1 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.
- 73.2 The authority must
- (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing;
    - (i) that the ground is not well founded, giving reasons for that belief; or
    - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 73.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act<sup>16</sup>.

## **74.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act<sup>17</sup>**

- 74.1 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.
- 74.2 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).

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<sup>15</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>16</sup> As amended by the Tribunal Procedure (Amendment No 3 ) Rules 2014

<sup>17</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

## **75.0 Exceptional Hardship Scheme**

75.1 The authority may provide additional help to an applicant who is entitled to reduction under its Exceptional Hardship Scheme.

75.2 Such payments shall be deemed to be made under S13A (1)(a) of the 1992 Act.

## **76.0 Interpretation for the use of electronic communication**

76.1 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.

## **77.0 Conditions for the use of electronic communication**

77.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

77.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

77.3 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.

77.4 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.

77.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

77.6 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.

77.7 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.

77.8 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.

## **78.0 Use of intermediaries**

78.1 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.

## **79.0 Effect of delivering information by means of electronic communication**

- 79.1 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.
- 79.2 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).
- 79.3 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.

## **80.0 Proof of identity of sender or recipient of information**

- 80.1 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.

## **81.0 Proof of delivery of information**

- 81.1 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.
- 81.2 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.
- 81.3 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.

## **82.0 Proof of content of information**

- 82.1 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.

## **83.0 Counter Fraud and compliance**

- 83.1 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

- 83.2 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.

83.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph (1) and (2) can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.



**Schedule 1**

**Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme.**

- 1 The authority's Council Tax Reduction scheme from 2023/24 shall be calculated on the basis of the following Banded Discount Scheme:

Band	Discount	Single person	Single person with one child	Single person with two or more children	Couple	Couple with one child	Couple with two or more children
Weekly Income Level							
1	100%	£0	£0	£0	£0	£0	£0
		to £95	to £160	to £220	to £140	to £200	to £260
2	75%	£95.01	£160.01	£220.01	£140.01	£200.01	£260.01
		to £155	to £220	to £290	to £210	to £260	to £330
3	40%	£155.01	£220.01	£290.01	£210.01	£260.01	£330.01
		to £190	to £255	to £370	to £260	to £295	to £410
4	25%	£190.01	£255.01	£370.01	£260.01	£295.01	£410.01
		to £235	to £290	to £480	to £310	to £330	to £520

- 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 and partner as defined within this scheme;
  - The capital of the applicant and partner 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 whose 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 decided by the Council.
8. \*Where an applicant or partner is in receipt of Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be awarded at Band 1 level.

**Schedule 2**

**Sums to be disregarded in the calculation of income other than earnings**

1. Any amount paid by way of tax on income.
2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
3. 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).
4. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
5. 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.
6. 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.
7. 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.
8. Where the applicant, or the person who was the partner of the applicant on 31<sup>st</sup> 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 5<sup>th</sup> 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.
9. Any disability living allowance or personal independence payment or AFIP
10. Any concessionary payment made to compensate for the non-payment of;
  - (a) income support;
  - (b) an income-based jobseeker's allowance.
  - (c) an income-related employment and support allowance.
11. 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.
12. Any attendance allowance.
13. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
14. (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)I 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

(69) 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
  - I directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)I 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).
- 15. 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.
- 16 (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)I 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.
- 17 (1) Subject to sub-paragraph (2), any of the following payments;
  - (a) a charitable payment;
  - (b) a voluntary payment;
  - I 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
  - (70) 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.
  
- 18. 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;
    - l 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;
    - l 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.
  
- 19. £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.
  
- 20. (1) Any income derived from capital to which the applicant is or is treated as beneficially entitled.
  
- 21. 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.
  
- 22. (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 defined within this scheme.
  - (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.
23. Any payment made to the applicant by a child or young person or a non- dependant.
24. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person 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.
25. (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.
26. (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.
27. 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.
28. (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) 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);

- (a) 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.
29. 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
- (71) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
30. 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) 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
31. 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).
32. (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 continues to live with the applicant.
33. (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).

- 34. Any payment of income which is to be treated as capital.
- 35. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund), or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 36. Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 37. 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.
- 38. (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.

39. Any Housing Benefit or where the applicant is entitled to an award of Universal Credit which includes a housing element, an amount of Universal Credit equal to the housing element used in that award, up to a maximum of the Universal Credit award.
40. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
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. 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).
43. (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);  
I 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).
44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

45. 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.
46. (1) Where an applicant's family includes at least one child or young person, £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).
47. (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;  
 I a court order;  
 (d) a consent order;  
 I 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.
48. 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.
49. Any guardian's allowance.
50. (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.
51. 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.
52. 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.
- 53 (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 31<sup>st</sup> 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 19<sup>th</sup> December 1881, the Royal Warrant of 27<sup>th</sup> October 1884 and the Order by His Majesty of 14<sup>th</sup> January 1922 (exceptional grants of pay, non-effective pay and allowances).

- 54. Any council tax reduction or council tax benefit to which the applicant is entitled.
- 55. 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).
- 56. (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
- 57. (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.
- 58. 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.
- 59. 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.
- 60. 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.
- 61. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
 (2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
- 62. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

63. Any payment of child benefit.
64. Any Windrush compensation payment.
65. Any payment made under the We Love Manchester Emergency Fund.
66. Any payment made under the London Emergency Trust.
67. Carers Allowance.
68. The support component of Employment and Support Allowance.
69. An amount the authority determines relates to the housing element of Universal Credit.
70. Any payment deemed to be made by the authority under a local welfare provision.
71. Any increase in national welfare benefits made in relation to a crisis by Government which would result in a reduction in support.
72. Where, **but for this scheme**, the applicant would be entitled to either a Disability Premium, Enhanced Disability Premium, Severe Disability Premium or a Disabled Child Premium, a further disregard of £30 shall be made from their income.
73. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
  - (a) an applicant's entitlement to a reduction under the scheme; or
  - (b) the amount of any reduction to which the applicant is entitled."The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022.
74. Any payment made under by Government to compensate or redress for the victims of infected Blood.

**Schedule 3**  
**Capital to be disregarded**

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme 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.
4. 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.
5. 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.
6. 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.
7. 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 provided that it is no more than £16,000.
8. 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.
9. 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.
10. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.  
 (2) The assets of any business owned in whole or in part by the applicant where–
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is

made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

11. (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) an income-related benefit;
  - (b) an income-based jobseeker's allowance;
  - (c) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
  - (d) working tax credit and child tax credit
  - (e) an income-related employment and reduction allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

12. 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.

12. 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.

13. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.

14. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

15. 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.

16. (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).

17. The value of the right to receive any income under a life interest or from a life rent.
18. The surrender value of any policy of life insurance.
19. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
20. 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).
21. (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.
22. Any social fund payment.
23. 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.
24. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
25. 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.
27. 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.
28. 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 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 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 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) 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.

28. (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.
29. 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.
30. 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.
31. 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.
32. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
33. The value of the right to receive an occupational or personal pension.
34. The value of any funds held under a personal pension scheme
35. 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.
36. 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).
37. 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.
38. 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.
39. 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.
40. Any arrears of supplementary pension which is disregarded under this scheme but only for a period of 52 weeks from the date of receipt of the arrears.
41. (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 sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
42. 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.
43. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
44. 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.
45. 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.
46. 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.
47. (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.
48. (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 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.

49. 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.
50. Any payment to the applicant as holder of the Victoria Cross or George Cross.
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).
54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of–
- (a) the applicant;
  - (b) the applicant's partner;
  - (c) the applicant's deceased spouse or deceased civil partner; or
  - (d) the applicant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, £10,000.
57. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
  - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
  - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending–
    - (i) two years after that date; or
    - (ii) on the day before the day on which that person–
      - (aa) ceases receiving full-time education; or
      - (bb) attains the age of 20,
- whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is–
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,
- but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to–
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or

- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending–
- (i) two years after that date; or
  - (ii) on the day before the day on which that person
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of 20,
 whichever is the latest.
- (5) In this paragraph, a reference to a person–
- (a) being the diagnosed person’s partner;
  - (b) being a member of a diagnosed person’s family;
  - (c) acting in place of the diagnosed person’s parents,
- at the date of the diagnosed person’s death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph– ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;  
 ‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;  
 ‘trust payment’ means a payment under a relevant trust.
58. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or the applicant’s partner’s deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
  - (b) had suffered property loss or had suffered personal injury; or
  - (c) was a parent of a child who had died,
- during the Second World War.
59. (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) ‘local authority’ includes in England a county council.
60. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
61. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
62. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
63. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments),
64. Any Windrush compensation payment.
65. Any payment made under the We Love Manchester Emergency Fund.
66. Any payment made under the London Emergency Trust.

67. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:  
(a)an applicant’s entitlement to a reduction under the scheme; or  
(b)the amount of any reduction to which the applicant is entitled.  
“The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022
68. Any payment made under by Government to compensate or redress for the victims of infected Blood.



# PAPER C

## Proposed Council Tax Discounts and Premiums from 1st April 2023

Executive Member(s): Cllr Liz Leyshon – Lead Member for Finance & Human Resources

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### 1. Summary

- 1.1 The report identifies decisions required and makes recommendations to align the new Council's approach in respect of the discretionary areas within Council Tax legislation. These changes will take effect from 1 April 2023.
- 1.2 These decisions must be taken by Full Council acting in its capacity as a 'Billing Authority'. A report detailing these recommendations will be brought to Full Council on 23<sup>rd</sup> November 2022. This report outlines the intended policy approach and recommendations.
- 1.3 The Executive are requested to consider the proposed approaches outlined in this report and make recommendations to Full Council for the agreement of an aligned approach for each discretionary area.
- 1.4 These proposals were considered by the Scrutiny for Policies and Place committee on 11 October 2022. A summary of the comments and requests from the Scrutiny committee are included at section 10 below.
- 1.5 The proposals outlined below are forecast to generate an additional £1.835m in Council Tax income for 2023/24 based on current Council Tax data.

### 2. Background

- 2.1 A large part of the Council Tax legislation is mandatory on all billing authorities within England. Discounts (such as Single Person Discounts), Disregards and Exemptions are set by statute with no discretion allowed. These mandatory Discounts, Disregards and Exemptions are summarised in Appendix B for information.
- 2.2 However, there are an increasing number of areas where each Council may determine the type and levels of charge to be made.
- 2.3 The current main discretionary areas are as follows:
  - (a) Second homes (premises which are no-one's sole or main residence but are furnished);
  - (b) Unoccupied and substantially unfurnished premises;

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- (c) Unoccupied and substantially unfurnished premises which require or are undergoing structural repairs; and
- (d) Premiums where premises have been unoccupied and substantially unfurnished for a period exceeding 2 years.

- 2.4 When determining its policy, each billing authority has to decide the level of charge (or discount) by the 31 March prior to the financial year in which it wants to introduce the changes.
- 2.5 For the new Council, there is a requirement to determine the level of any discounts or premiums and a decision is required to be made by full Council under Section 11A & 11B of the Local Government Finance Act 1992.
- 2.6 Once determined, the resolution of the Council will need to be published in a local newspaper(s) within 21 days of the decision.
- 2.7 The existing district councils have adopted broadly similar approaches, although there are some differences which are highlighted in the table below:

	Mendip	Sedgemoor	South Somerset	Somerset West & Taunton
Second Homes Not sole or main residence/Furnished 28-day planning restriction <sup>1</sup> (Class A)	0% discount	0% discount	0% discount	0% discount
Second Homes Not sole or main residence /Furnished No planning restriction <sup>2</sup> (Class B)	0% discount	0% discount	0% discount	0% discount
Class C Unoccupied / substantially unfurnished	100% discount for <b>6 months</b>	100% discount for <b>3 months.</b>	100% discount for <b>3 months.</b>	100% discount for <b>3 months.</b>
Class D structural repairs (Unoccupied & substantially unfurnished) Maximum 12 months	<b>75%</b> discount for 12 months	<b>100%</b> discount for 12 months	<b>100%</b> discount for 12 months	<b>100%</b> discount for 12 months
Premium Empty 2yr	100% premium	100% premium	100% premium	100% premium
Premium Empty	200% premium	200% premium	200% premium	200% premium

<sup>1</sup> **restricted** by a planning condition preventing occupancy for a continuous period of at least 28 days

<sup>2</sup> the occupation of which is **not restricted** by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year

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	Mendip	Sedgemoor	South Somerset	Somerset West & Taunton
5yr				
Premium Empty 10yr	300% premium	300% premium	300% premium	300% premium
Care Leavers (S13A 1C)	100% discount below 25 years old	100% discount below 25 years old	100% discount below 25 years old	100% discount below 26 years old

- 2.8 Until the legislation changed in 2013, mandatory exemptions would have been granted in place of Class C and Class D discounts giving a period of no charge for 6 months and 12 months respectively. It can be seen that, since that time, the majority of the districts have looked to increase charges for the Class C category by reducing the discounts available to a 3 month period.
- 2.9 Likewise, all districts introduced premiums which allow additional charges to be made where premises have been unoccupied for a period of two years or more.
- 2.10 In addition to the changes in discounts and premiums, each of the districts, in conjunction with the County Council's Leaving Care team, have introduced a local discount (under S13A1C of the Local Government Finance Act 1992) for care leavers. This applies a discount of 100% where the care leaver is a liable person for Council Tax. Three of the districts apply this discount to care leavers below the age of 25 and one to care leavers below the age of 26.
- 2.11 Currently the care leavers discount only applies to care leavers who have been in the care of Somerset County Council. Some districts do not provide discount where the care leaver lives with a non-care leaver.
- 2.12 The creation of the new Council requires a decision to be made in relation to the discounts that will be implemented across the whole of the Somerset area.
- 2.13 In the case of second homes and premiums, all districts currently adopt the same approach and so we are already aligned.
- 2.14 In the case of Class C discount, the current Mendip area is slightly more generous (100% discount for 6 months) whilst the other areas have the same level of discount (100%) but for a three month period.
- 2.15 In the case of Class D discount, the current Mendip area is slightly less generous (75% discount for 12 months) whilst the other areas have the same level of discount (100% for 12 months).

### 3. Decisions required and the options.

- 3.1 The creation of a single unitary Council means that a unified approach is required to ensure equality across all the whole of the Somerset area.

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3.2 Each of the decisions required are detailed below together with the potential options. Recommendations are made within section 4.

## **Class A Second Homes – No one’s sole or main residence/furnished - 28-day planning restriction<sup>3</sup>**

3.3 Currently none of the districts allow a discount for second homes in this class.

3.4 Our discretionary options include:

- (a) The application of 0% discount across the whole of the new Council’s area (no change); or
- (b) The application of a percentage discount (up to 100%) across the new Council’s area.

## **Class B Second Homes - No one’s sole or main residence /Furnished - No planning restriction<sup>4</sup>**

3.5 In all existing districts, 0% discount is applied to this category of chargeable dwellings.

3.6 Our discretionary options include:

- (a) The application of 0% discount across the whole of the new Council’s area (no change); or
- (b) The application of a percentage discount (up to 100%) across the new Council’s area.

## **Class C Unoccupied / substantially unfurnished**

3.7 In the case of Class C discounts, the approach taken across the existing districts is similar (100% discount for three months) apart from Mendip which currently grants a discount of 100% for six months.

3.8 Our discretionary options include:

- (a) The application of 0% discount across the whole of the new Council’s area; or
- (b) The application of a single percentage discount (up to 100%) across the new Council area a period of up to six months (the legislative maximum).

## **Class D structural repairs (Unoccupied & substantially unfurnished) - Maximum 12 months**

3.9 In the case of Class D discounts, again, the approach taken across the current districts is largely aligned (100% for a twelve month period) with the outlier being Mendip which offers a 75% discount for the twelve month period.

3.10 Our discretionary options include:

- (a) The application of 0% discount across the whole of the Council’s area; or
- (b) The application of a single percentage discount (up to 100%) across the new Council’s area for a 12 month period (the legislative maximum). It should be noted that there is no ability to have varying discounts during the 12 month period;

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<sup>3</sup> restricted by a planning condition preventing occupancy for a continuous period of at least 28 days

<sup>4</sup> the occupation of which is **not restricted** by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year

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## Premiums

- 3.11 Premiums were introduced by Government in 2013 with a view to encouraging homeowners to occupy homes and not leave them vacant in the long term. Initially premiums could only be charged at 50% but legislation has now changed to allow a progressive charge to be made as follows:
- Dwellings left unoccupied and substantially unfurnished for 2 years or more, up to 100%;
  - Dwellings left unoccupied and substantially unfurnished for 5 years or more, up to 200%; and
  - Dwellings left unoccupied and substantially unfurnished for 10 years or more, up to 300%.
- 3.12 All of the districts have introduced premiums and have aligned with the legislative maximums.
- 3.13 A number of options are available for the new Council including:
- (a) To levy the premiums at the maximum level available to the Council (i.e. the current approach);
  - (b) To amend the premiums to another level; or
  - (c) To end the charging of premiums altogether.

## Changes in Premiums with effect from 1 April 2024

- 3.14 It should be noted that Government encourages all billing authorities to adopt premiums with a view to encouraging the use of empty properties. In addition, with the recent introduction of the Levelling Up and Regeneration Bill, it is Government's intention to:
- (a) reduce the minimum period for the implementation of a premium for empty premises from two years to one year; and
  - (b) to allow Council's to introduce a premium in respect of second homes (dwellings that are unoccupied but furnished, Class A and B) of up to 100%.
- 3.15 The changes outlined above will, subject to the bill receiving Royal Assent, be effective from 1 April 2024. Any Council wishing to introduce these changes for 1 April 2024 must pass a resolution to that effect and to confirm its requirements by no later than 31 March 2023.

## Care Leavers

- 3.16 As mentioned within 2.10, each of the districts provides a local discount for care leavers who meet the local criteria within each district (NB. There are differences in the criteria currently applied across the four districts, as outlined above). Whilst not a national or statutory discount, similar provisions have been applied in the vast majority of English local authorities. This discount (or reduction in liability) is provided under S13A1C of the Local Government Finance Act 1992.
- 3.17 The new Council has basically two options:

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- (a) to maintain the current provisions (NB. which will require standardising the qualifying criteria); or
- (b) to remove or amend the current provisions.

### Foster Carers & Special Guardians

- 3.18 The Council is keen to promote foster carers and in particular those that have been approved as a foster carer by the Council, who meet the care skills standard and who continue to be registered as a foster carer with the Council.
- 3.19 Nationally and locally there are insufficient foster carers available to look after children in care. In addition, there has been a steady overall reduction in the number of foster carers. Nationally the number of foster carers has reduced by 12% in the last 12 months. In 2021, there was an 11% increase in the number of children in care nationally.
- 3.20 Fosterwiki (a national fostering support organisation) completed a national survey in July 2022, in which 54% of 1,036 carers who took part said they were considering resigning due to the current cost of living crisis and the need to return to full time work to increase their income. In 2021-22, 30% of Somerset foster carers who deregistered did so due to changes in their personal circumstances including no longer having a bedroom for fostering, and 27% due to seeking other employment; these factors are likely exacerbated by reduced disposable income. Providing more financial support to foster carers in relation to exempting them from council tax could support better foster carer recruitment and retention. The Fostering Network's 2021 'state of the nation' survey found that for a significant number of foster carers, better pay would support the retention of them in their fostering role.
- 3.21 In Somerset, there are currently 591 looked after children (as of 19.9.22), 60 more children than the same period last year (11% increase). In contrast, the percentage of active Somerset County Council foster carers has reduced by approximately 12%. Due to insufficient foster carers in the Council and in independent fostering agencies, more Somerset children have moved to high-cost residential provision.
- 3.22 A shortage of in-house fostering provision, means that the Council is funding high cost external residential homes. There are now 99 children in residential care compared to 55 at the same point last year. Many of these children do not need specialist residential care and would be better living with a foster family.
- 3.23 The costs of funding alternative non-fostering arrangements are significant. Adding as few as three new foster carers could save circa £500k, in alternative costs.
- 3.24 Currently none of the existing districts provide any additional Council Tax discounts for this particular group and the new Council is keen to introduce a special discount where all of the relevant criteria are met. The intention is to provide support for Somerset County Council (Somerset Council) registered foster carers, Home & Horizon Foster

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Carers and qualifying<sup>5</sup> Special Guardians where they have their sole or main residence within Somerset and are caring for Somerset children. Full details of the proposed eligibility criteria are included in Section 4 below. Currently this would affect a total of 423 properties.

- 3.25 There is no specific statutory provision for this discount, but it can be introduced using the provisions of S13A1C of the Local Government Finance Act 1992s.

## 4. Recommendations

- 4.1 Detailed below is the proposed approach to each of the Council Tax discretionary discount areas and premiums outlined above. The Executive are requested to consider the proposed approaches outlined below and make recommendations to Full Council on 23 November 2022.

### **Class A Second Homes – No one’s sole or main residence/furnished - 28-day planning restriction**

- 4.2 It is recommended that the Council adopts a standard 0% discount for all Class A chargeable dwellings from 1 April 2023.
- 4.3 The proposed approach is essentially a continuation of the existing approach currently taken by the four districts and requires no changes to be made.

### **Class B Second Homes - No one’s sole or main residence /Furnished - No planning restriction**

- 4.4 It is recommended that the Council adopts a standard 0% discount for all Class B chargeable dwellings from 1 April 2023.
- 4.5 The proposed approach is essentially a continuation of the existing approach currently taken by the four districts and requires no changes to be made.

### **Class C Unoccupied / substantially unfurnished**

- 4.6 It is recommended that the Council adopts a standard 0% discount for all Class C chargeable dwellings.
- 4.7 This approach proposes removing the discount currently awarded by the existing districts (SDC, SSDC & SWT - 100% for 3 months & Mendip – 100% for 6 months). This will generate additional Council Tax income of approximately £1.3m
- 4.8 However, there are disadvantages to adopting this approach. Essentially this removes any ‘grace’ period where people change addresses and either their old or new property is empty for a period of time. This change will impact on homeowners and tenants (some of whom may be in receipt of benefits and may struggle to pay), private landlords and our own housing service. This will increase administration as we will be issuing bills for small amounts, which may prove more difficult to recover

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<sup>5</sup> Qualifying special guardians are those who meet the criteria for financial assessment and support as set out in the Somerset children’s social care special guardianship support policy  
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resulting in write-offs. It is also likely to involve us in protracted disputes between new and old occupiers and with landlords over precise move dates. In the short term is likely to result in complaints and increased contact from taxpayers.

- 4.9 The proposed change is unlikely to affect Housing Associations, as they are usually registered charities and as such receive exemption for up to 6 months in respect of empty properties under the Class B exemption provisions (see Appendix B).
- 4.10 We currently have approximately 2,476 properties in receipt of Class C exemption out of a total of 262,576 properties, so this represents a small proportion (0.94%) of the overall changeable base. Unfortunately, we do not hold data in respect of these properties in a way that allows us to easily identify and map the specific impacts on private sector landlords, our own housing stock and individual tenants and property owners.

## **Class D structural repairs (Unoccupied & substantially unfurnished) - Maximum 12 months**

- 4.11 It is recommended that the Council adopt a standard 0% discount for all Class D chargeable Dwellings.
- 4.12 This approach proposes removing the discount currently awarded by the existing districts (SDC, SSDC & SWT - 100% for 12 months & Mendip – 75% for 12 months). This will generate additional Council Tax income of approximately £941k
- 4.13 Again, however, there are disadvantages to removing the exemption. This is likely to involve more administration, at least in the short term, as we will receive more complaints and increased contact from taxpayers. In addition, this may result in some Council Taxpayers approaching the Valuation Agency to request their property be removed from Council Tax banding on the basis of its not being habitable.
- 4.14 We currently have approximately 556 properties in receipt of Class D exemption out of a total of 262,576 properties, so, again, this represents a small proportion (0.2%) of the overall changeable base.

## **Premiums**

- 4.15 It is recommended that the Council adopts a standard approach with the new unitary levying the maximum level of premium across the whole of its area i.e.
- Premium Empty 2yr = 100%;
  - Premium Empty 5yr = 200%; and
  - Premium Empty 10yr = 300%.
- 4.16 The proposed approach is essentially a continuation of the existing approach currently taken by the four districts and requires no changes to be made.

## **Changes in premiums from 1<sup>st</sup> April 2024.**

- 4.17 It is recommended that the changes in premiums, which will be allowed once the Levelling Up and Regeneration Bill is enacted, are noted and that the Council adopts the



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new premiums with effect from 1<sup>st</sup> April 2024, subject to the bill receiving Royal Assent. Specifically:

- Premium Empty – reduce to 1 year & charge a 100% premium; and
- Implement a second homes premium (dwellings that are unoccupied but furnished, Class A and B) of 100%, the maximum allowed.

4.18 This will generate additional Council Tax of approximately £5.85m (based on current Council Tax levels) from 2024/25 onwards.

## Hardship

4.19 The approach proposed above to removing discounts for empty properties and maximising our use of premiums for long term empty properties and potentially second homes is intended to ensure that properties are brought into use quickly. However, it is recognised that this approach may have unintended consequences in certain cases and result in financial hardship. Where this is the case or we receive applications for other reasons we recommend that officers are given the discretion, on a case-by-case basis, to discount or exempt individuals from payment using the Section 13A(1)(C) provisions.

4.20 Any applications received under S13A(1)(C) will be treated on their individual merits.

4.21 In all such cases, the Council will require the applicant(s) (where appropriate) to demonstrate and / or undertake the following before submitting an application for a reduction:

- Take reasonable steps to discharge their liability before applying for a reduction;
- Consider, discuss and, where appropriate, enter into alternative payment arrangements;
- Assist the Council to minimise their liability by ensuring that any discounts or reductions appropriate to any property for which they are liable for Council Tax have been applied for;
- Maximise their income though the application for any welfare benefits to which they maybe entitled; and / or
- Make use of an assets, capital or other financial remedy to discharge their liability.

4.22 Applications for a reduction under S13A(1)(C) must be submitting in writing or via the Council's website and must provide evidence of:

- Exceptional financial hardship or exceptional personal circumstance that would merit a reduction in their Council Tax liability; and
- Their income, savings, capital and any other potential financial assistance available to the applicant.

4.23 When considering applications and exercising any discretion under S13A(1)(C), the Council will consider:

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- The financial circumstances of individuals (both income and essential expenditure);
- Whether the granting of any reduction is in the best interests of all of the Council Tax payers of Somerset;
- The circumstances giving rise to the debt and the extent to which these were within the control of the applicant; and
- Any other relevant factors to the individual circumstances of the case and the applicant's ability to make payment.

4.24 Awards under these Hardship provisions are only intended to provide temporary, short-term support and consequently will only be made for short periods, as appropriate to individual cases, and for a maximum of up to a single financial year.

4.25 The Section 151 Officer has delegated powers to either authorise or decline claims for a reduction and / or for delegating these powers to senior roles within the Revenues and Benefits service.

### Care Leavers

4.26 It is recommended that the new Council continues to provide a 100% discount for care leavers, but aligns to awarding the discount to individuals:

- where they are liable for Council Tax as an occupier in the property for which they are claiming the discount;
- where they are below the age of 25;
- where they are a registered care leaver with Somerset Council or any other relevant local authority within the United Kingdom (and subject to the provision of proof of registration, where required); and
- irrespective of whether they live alone or not.

4.27 The above aligns the age qualification criteria to 'below 25 years old' and extends eligibility to non-Somerset care leavers and, in some of the district areas, extends eligibility to those living with non-care leavers. Consequently there may be a very small increase in cost.

### Foster Carers & Special Guardians

4.28 As highlighted in section 3 above, the Council is keen to assist certain foster carers who have been approved by the Council and qualifying<sup>6</sup> Special Guardians. In view of this, it is recommended that a 50% discount is provided subject to the foster carer or special guardian meeting the following criteria; namely that they:

- are fully approved as a foster carer by the new Council and meet the care skills standard;
- have provided foster care to a child for a total of 26 weeks (182 days) in the previous 12 months from 1 April to 31 March;

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<sup>6</sup> Qualifying special guardians are those who meet the criteria for financial assessment and support as set out in the Somerset children's social care special guardianship support policy  
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- maintain their approval as a foster carer with the Council
- maintain their availability to foster;
- live within the Somerset area;
- claim all relevant benefits and discounts to which they would usually be entitled;
- claim this discount only on the one dwelling which is their main residence; and
- agree to receiving this council tax discount.

4.29 This would be a new discount and would cost approximately £415k per annum (NB. Based on current Council Tax levels and assuming it applied to 423 qualifying properties with an average band D charge). It is proposed to review the impact of these proposals during the 2023/24 financial year.

4.30 In summary, the recommendations made are as follows:

Changes with effect from 1 <sup>st</sup> April 2023	Somerset Council
Second Homes Not sole or main residence/Furnished 28-day planning restriction <sup>7</sup> (Class A)	0% discount
Second Homes Not sole or main residence /Furnished No planning restriction <sup>8</sup> (Class B)	0% discount
Class C Unoccupied / substantially unfurnished	0% discount
Class D structural repairs (Unoccupied & substantially unfurnished) Maximum 12 months	0% discount
Premium Empty 2yr	100% premium
Premium Empty 5yr	200% premium
Premium Empty 10yr	300% premium
Care Leavers below 25 years old (S13A 1C)	100% discount
Foster Carers (meeting the criteria) (S13A 1C)	50% discount
Changes with effect from 1 <sup>st</sup> April 2024 <sup>9</sup>	
Reducing empty home premium	1 year
Second Home premium	100% premium

## 5. Reasons for recommendations

<sup>7</sup> restricted by a planning condition preventing occupancy for a continuous period of at least 28 days

<sup>8</sup> the occupation of which is **not restricted** by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year

<sup>9</sup> Subject to the Levelling Up and Regeneration Bill Receiving Royal Assent  
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- 5.1 The recommendations set out within this report, which change the existing provisions (Class C and Class D) and which would be effective from 1<sup>st</sup> April 2023 would generate additional income for the Council's Collection Fund of circa £2.25m.
- 5.2 The introduction of the new discount for Foster Carers with effect from 1<sup>st</sup> April 2023 would cost approximately £415k.
- 5.3 Introducing new premiums and changes to the existing empty homes premiums with effect from 1<sup>st</sup> April 2024 (and subject to the Levelling Up and Regeneration Bill receiving Royal Assent) will generate additional income in the region of £5.85m.
- 5.4 The benefit of any additional income would also be apportioned across all major preceptors. Additional costs incurred for foster carers would likewise be shared
- 5.5 It should be noted that the existing Districts are already applying a number of the proposed policies, albeit not consistently across the entire Somerset area. The rationale for the recommendations is to:
- (a) incentivise the occupation of empty properties rather than financial gain;
  - (b) to implement a consistent policy approach across the whole of the Somerset area;
  - (c) to continue to support care leavers within Somerset; and
  - (d) to provide assistance to foster carers approved by the Council and special guardians.

## 6. Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 6.1 The corporate priorities for the new council are emerging but not yet agreed. It is reasonable to assume however, that the new Council will wish to support the provision of sustainable homes as well as protecting the vulnerable, in addition to identifying opportunities to reduce the forecast MTFP budgetary pressures. The proposals within this report delivers against those anticipated aims.
- 6.2 The proposals outlined above seek to incentivise the permanent use of and occupation of properties through removing exemptions for empty properties and maximising the premiums that can be charged on empty properties and, from 1 April 2024, second homes. The proposals ensure the ongoing provision of exemption from Council Tax for care leavers under the age of 25 and introduce a new discount for foster carers and special guardians. In addition these proposals will generate additional income of £1.835m in 2023/24 and a further £5.85m in 2024/25.

## 7. Financial Implications

- 7.1 The implementation of these recommendations with effect from 1<sup>st</sup> April 2023 would provide an additional net £1.835m to the Council's tax income (based on existing data). Any additional income will be shared with the major preceptors.
- 7.2 The implementation of further recommendations relating to premiums with effect from 1<sup>st</sup> April 2024 will generate additional income in the region of £5.85m.

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7.3 The table below summarises the net impact on the Council Tax Collection Fund for 2023/24 of the proposed discretionary approach for the Council Tax discount changes outlined above. The figures also include the cost of the proposed new Council Tax Reduction (CTR) scheme to show the overall net financial impact on the Collection Fund of both the CTR scheme in conjunction with the Council Tax discounts. (NB. The recommendations in respect of Council Tax Reduction scheme are covered in detail in a separate report).

7.4 The combined impact on the Collection Fund of the proposed Council Tax discount changes, the new Council Tax Reduction scheme and the reduction in the write-off provision generates net additional income of £1.57m. The benefit of this is split proportionately across the major precepting authorities.

	£000
2021/22 Council Tax Reduction scheme <b>cost</b> as at 31 Mar 2022	£33.241
2021/22 Exceptional Hardship Scheme <b>cost</b> as at 31 Mar 2022	£0.182
<b>TOTAL CTR cost for 2021/22</b>	<b>£33.423</b>
Projected Council Tax Reduction scheme <b>cost</b> for 2023/24	£33.187
Projected Exceptional Hardship scheme <b>cost</b> for 2023/24	£0.500
<b>TOTAL projected CTR cost for 2023/24</b>	<b>£33.687</b>
<b>PROJECTED net additional CTR scheme cost</b>	<b>£0.264</b>
Projected additional <b>income</b> from removing the class C discount	£1.309
Projected additional <b>income</b> from removing the Class D discount	£0.941
Projected additional <b>cost</b> of the Foster Carers discount	£0.415
<b>Net additional INCOME from the Council Tax discount proposals</b>	<b>£1.835</b>
<b>Projected total additional INCOME for the Council Tax Collection Fund</b>	<b>£1.571</b>

Note: The projections for the 2023/24 CTR scheme cost detailed above are based on current financial year Council Tax charges and caseloads as at August 2022. The Council Tax discounts figures have been calculated using data from October 2022.

### 8. Legal Implications

8.1 Implementation of the recommendations will satisfy the Council's obligations under Section 11A & 11B of the Local Government Finance Act 1992.

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- 8.2 In the case of both the provisions for care leavers and foster carers, the new Council's policy under S13A1C of the Local Government Finance Act 1992 will be amended to allow for any recommendations made.

## 9. Other Implications

### Equalities Implications

- 9.1 Consideration has been given to our obligations under the Public Sector Equality Duty in developing the proposed approach to discounts and premiums in the areas where we have discretion. The key areas identified where we can have a positive impact are in relation to care leavers and foster carers. The proposed approach will align the award of exemption from Council Tax to care leavers below the age of 25 where they are resident within the County. Foster carers and qualifying special guardians will receive a 50% discount on their Council Tax to help retain and incentivise people to become foster carers. The proposals have significant benefits for young people leaving care and children requiring foster care.
- 9.2 The other changes proposed relate to discounts and premiums for empty properties and second homes. The level of the discount or premium charged in these instances is, by law, determined by the status of the property. We determine the amounts to be charged or the discounts to be provided. In developing the recommended approach we have considered the protected groups, but realistically, given the fact that the status the property determines the discount or premium applicable, there is little scope to positively impact on the protected groups. There is no indication from the data available that the proposed approach will impact disproportionately on any particular protected group.
- 9.3 An Equalities Impact Assessment has been undertaken and is included at Appendix A.
- 9.4 However, in summary, there are no equalities implications resulting from the proposed approach. All taxpayers where their dwellings meet the requirements of the legislation, will be treated fairly across the whole of the Somerset area.
- 9.5 The changes in relation to care leavers and foster carers will provide additional support to those groups in accordance with the new Council's objectives.

### Climate Change implications

- 9.6 None.

### Health and Wellbeing Implications

- 9.7 The recommendations and policy are designed to encourage the occupation of empty premises, bring second homes into use for local residents, to continue to support care leavers and to provide additional support to (and encourage) foster carers approved by the Council.

## 10. Scrutiny comments / recommendations

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- 10.1 The recommended options were considered by the Scrutiny for Policies & Place Committee on 11 October 2022.
- 10.2 Scrutiny were broadly supportive of the proposals, although concern was expressed by some Members in relation to the recommendations to remove the exemptions for Class C, unoccupied and unfurnished properties, and Class D, properties undergoing or requiring structural repairs.
- 10.3 Scrutiny also requested that:
- i) Information be provided, if available, regarding the potential number of landlords affected by the removal of the Class C exemption. (NB. Unfortunately we do not hold data in respect of these properties in a way that allows us to easily identify and map the specific impacts on private sector landlords, our own housing stock and individual tenants and property owners); and
  - ii) The qualification criteria for the Care Leavers discount be clearly outlined in the recommendation (NB. The wording above in Section 4 has been adjusted to clearly set out the qualifying criteria. Section 4 also recommends aligning the age qualification criteria to ‘below the age of 25’, rather than 26 years old. This aligns to the age limit currently applied by three out of the four districts).

## 11. Background Papers

- 11.1 The [Council Tax Discounts & Premiums](#) report which went to Corporate Scrutiny on 11 October 2022.

### Report Sign-Off

		Date completed
Legal Implications	Tom Woodhams	8 Nov 2022
Governance	Scott Wooldridge	7 Nov 2022
Corporate Finance	Jason Vaughan	7 Nov 2022
Customers, Digital and Workforce	Chris Squire	7 Nov 2022
Property	Paula Hewitt / Oliver Woodhams	2 Nov 2022
Procurement	Jason Vaughan	8 Nov 2022
Senior Manager	Jason Vaughan	7 Nov 2022
Commissioning Development	Sunita Mills / Ryszard Rusinek	2 Nov 2022
Executive Member	Cllr Liz Leyshon – Lead Member for Finance & Human Resources	7 Nov 2022
<b><u>Consulted on report</u></b>		
Local Member	N/A	

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Opposition Spokesperson	Cllr Mandy Chilcott	2 Nov 2022
Scrutiny Chair	Cllr Gwil Wren	2 Nov 2022



## APPENDIX A

### Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Version	V2.0	Date	8 Nov 2022
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Description of what is being impact assessed

Council Tax Discounts and Premiums to be implemented by Somerset Council with effect from 1<sup>st</sup> April 2023

Evidence

**What data/information have you used to assess how this policy/service might impact on protected groups?** Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset’s Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

All data used for this assessment has been obtained from the existing District Councils’ Council Tax Base information. Specifically we have mapped the existing policy framework in use across the four districts, which is summarised in the body of the report. In addition, data has been used from the 2021/22 CTB1 returns for each district to identify the financial impact of the proposed changes.

**Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?**

We have consulted with Childrens Services in the development of the proposals in relation to Care Leavers and Foster Carers. There is no requirement within Council Tax legislation to consult under the current legislation in relation to the proposed changes to the discounts and

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premiums relating to empty properties and second homes.

## Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> <li>Care leavers – the proposals align the approach across Somerset and will ensure that all care leavers below the age of 25 will receive an exemption from Council Tax</li> <li>Foster carers and Special Guardians meeting the criteria will receive additional discounts against their Council Tax to incentivise new foster carers and to help retain existing foster carers.</li> <li>Persons under 18 years old cannot be liable for Council Tax.</li> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☒
Disability	<ul style="list-style-type: none"> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☐

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Gender reassignment	<ul style="list-style-type: none"> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☐
Marriage and civil partnership	<ul style="list-style-type: none"> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☐
Pregnancy and maternity	<ul style="list-style-type: none"> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☐
Race and ethnicity	<ul style="list-style-type: none"> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☐
Religion or belief	<ul style="list-style-type: none"> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☐

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Sex	<ul style="list-style-type: none"> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☐
Sexual orientation	<ul style="list-style-type: none"> <li>The applicability of the second home and empty property discounts &amp; premiums proposed in this report are determined by the status of the property. Each of the protected groups has been considered, but realistically there is little scope to use these provisions to positively impact on those groups.</li> </ul>	☐	☒	☐
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> <li>The recommendations for care leavers and foster carers (meeting the criteria) will have a positive effect on those groups.</li> </ul>	☐	☒	☒

### Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Not applicable	Select date			☒

If negative impacts remain, please provide an explanation below.

Not applicable

Completed by:	Will Walsh & Jenny Collins
Date	8 November 2022

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Signed off by:	Richard Sealy
Date	8 November 2022
Equality Lead/Manager sign off date:	8 November 2022 / Tom Rutland
To be reviewed by: (officer name)	Revenues & Benefits Service Manager
Review date:	September 2023

**Mandatory Council Tax Disregards, Discounts & Exemptions**

<b>Exemption</b>	<b>Percentage</b>	<b>Qualifying criteria</b>
<b>Class B - Charity</b>	100%	An unoccupied dwelling which is owned by a charity.
<b>Class D- In Detention</b>	100%	An unoccupied dwelling which was previously the main resident of a person who is now detained in a prison, a hospital or other place of virtue of an order of the court.
<b>Class E – In a Residential home</b>	100%	An unoccupied dwelling which was previously the sole or main residence of a person whose main residence is in a hospital, residential care home, nursing home and receiving care and treatment.
<b>Class F – Probate</b>	100%	An unoccupied dwelling which has been unoccupied since the death of a person
<b>Class G – Occupation prohibited by law</b>	100%	An unoccupied dwelling where occupation is prohibited by law
<b>Class H – Minister of Religion</b>	100%	An unoccupied dwelling which is available of occupation by a minister of any religion.
<b>Class I – Receiving Care</b>	100%	An unoccupied dwelling which was previously the sole or main residence of a person where their main residence is in another place (not hospital or care home) to receive personal care
<b>Class J – Providing Care</b>	100%	An unoccupied dwelling which was previously the main residence of a person where their main residence is in another place for the purpose of providing personal care.
<b>Class K – Previously occupied by students</b>	100%	An unoccupied dwelling which was last occupied by a person who was a qualifying student
<b>Class L – Mortgagee in possession</b>	100%	An unoccupied dwelling where a mortgagee is in possession under the mortgage
<b>Class M – Hall of Residence</b>	100%	A dwelling provided predominately for the accommodation of students - hall of residences
<b>Class N – Occupied by Students</b>	100%	A dwelling occupied by one or more students
<b>Class O – Armed Forces</b>	100%	A dwelling of which the Secretary of state for defence is the owner – held for the purposes of armed forces
<b>Class P – Visiting forces</b>	100%	Properties occupied by members of visiting forces and their dependants

<b>Class Q – Trustee in Bankruptcy</b>	100%	An unoccupied dwelling in relation to which a person is a qualifying person in their capacity as a trustee in bankruptcy
<b>Class R – Pitch or mooring</b>	100%	A dwelling consisting of a pitch or a mooring which is not occupied by a caravan or a boat.
<b>Class S – occupied by person under 18</b>	100%	A dwelling occupied only by a person/persons aged under 18
<b>Class T – Planning restriction</b>	100%	An unoccupied dwelling which forms part of a single property which includes another dwelling and may not be let out separately from that other dwelling without a breach of planning control
<b>Class U – All occupiers are severe mental impairment</b>	100%	A dwelling occupied only by one or more severely mentally impaired persons
<b>Class V -Diplomat's residence</b>	100%	Properties occupied by diplomats
<b>Class W – self-contained- Annexe</b>	100%	A dwelling which forms part of a single property including at least one dwelling and which is the sole of main residence of a dependant relative of a person who is resident of that other dwelling.

<b>Discount</b>	<b>Percentage</b>	<b>Qualifying criteria</b>
<b>Single person discount</b>	25%	Where there is only one person over the age of 18 resident at a property a single person discount can apply
<b>Severely Mentally Impaired</b>	25%	Where there are two people over the age of 18 resident at the property and one of those persons qualifies as severely mentally impaired a 25% discount can be awarded
<b>Student discount</b>	25%	Where there are two people over the age of 18 resident at the property and one of those persons qualifies as a full-time student a 25% discount can be awarded
<b>Student apprentice discount</b>	25%	Where there are two people over the age of 18 resident at the property and one of those persons qualifies as an apprentice a 25% discount can be awarded
<b>Job related discount</b>	50%	Where a person is required to live in/occupy a dwelling as part of their employment, and where they have another property which is furnished a discount of 50% may be applicable
<b>Person in Detention discount</b>	25%	Where there are two people over the age of 18 resident at the property and one of those persons qualifies as a person in detention (in prison) a 25% discount can be awarded
<b>Carers' discount</b>	25%	Where there are two people over the age of 18 resident at the property and one of those persons qualifies as a full-time carer a 25% discount can be

		awarded
<b>Residential Nursing or Care home</b>	25%	A dwelling where a person is a resident in a nursing and care home. Where all residents are disregarded (nursing home) 2 x 25% discounts can apply.
<b>Annexe discount</b>	50%	Where a person lives in an annexe and where they are a relative of the person who is responsible for paying the Council Tax on the main property.



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## Proposed Non Domestic Rating Discretionary Areas and Hardship from 1st April 2023

Executive Member(s): Cllr Liz Leyshon – Lead Member for Finance & Human Resources

Local Member(s) and Division: N/A

Lead Officer: Jason Vaughan Director of Finance and Governance

Author: Richard Sealy, Assistant Director – Customer, Somerset West & Taunton Council

Contact Details: Direct dial: 01823 217558 [r.sealy@somersetwestandtaunton.gov.uk](mailto:r.sealy@somersetwestandtaunton.gov.uk)

### 1. Summary

- 1.1 The report identifies key decisions required in respect of a number of areas where the Council has local discretion under the Non-Domestic Rating provisions. Specifically:
  - Discretionary rate relief (as defined by S47 of the Local Government Finance Act 1988)
  - The hardship provisions (as defined by S49 of the Local Government Finance Act 1988).
- 1.2 Set out below is an overview of each of the reliefs together with our recommended future approach for the areas where we have discretion. The legislation requires that these recommendations be decided upon by Full Council acting in its capacity as a 'billing authority'. Decisions need to be made by the end of this calendar year in order that they can be implemented for 1 April 2023. Consequently, the recommendations will be brought to the Executive on 16 November 2022 and Full Council on 23 November 2022.
- 1.3 The Executive are asked to consider the proposed policy, as outlined below and in Appendix 1, and make recommendations for the agreement of an aligned policy to Full Council on 23 November 2022.
- 1.4 These proposals were considered by the Scrutiny for Policies and Place committee on 11 October 2022. A summary of the comments and requests from the Scrutiny committee are included at section 9 below.

### 2. Background to the Various Reliefs

#### Discretionary Rate Relief (S47)

- 2.1 Non-Domestic Rating has a large number of reliefs divided basically into two types, mandatory and discretionary. Mandatory reliefs are dictated by legislation and the new Somerset Council will be obliged to implement those in full. In the case of the discretionary reliefs, these are broadly divided into three types as follows:
  - (a) Discretionary relief which is **defined by legislation** and borne by the Council and Government under the Business Rates Retention provision (50%/50%);
  - (b) Discretionary relief which is wholly **defined by the Council** and borne by the Council and Government under the Business Rates Retention provision (50%/50%); and

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- (c) Discretionary relief which is wholly **defined and reimbursed by the Government** under a S31 Grant.
- 2.2 In the case of (a), the basic provisions are laid down by legislation (S47) but the decision whether to grant relief is at the discretion of each Council. Councils are required to develop their approach to granting within the legislative framework.
- 2.3 In the case of (b), each Council has full discretion to develop its own policy and relief can be awarded to any ratepayer.
- 2.4 In the case of (c), Government has for a considerable time developed schemes which are expected to be adopted by Councils. These are normally in response to economic events such as the financial crisis or the recent Covid pandemic. In these cases, where Councils adopt the suggested approach, the full amount of relief is reimbursed by means of a S31 grant. It is therefore obvious, that with these reliefs, all billing authorities currently adopt Government guidance in full.
- 2.5 For information, the reliefs are as follows:
- **Type (a) Discretionary relief which is defined by legislation and borne by the Council and Government under the Business Rates Retention provision (50%/50%);**
    - (i) Discretionary relief ‘top up’ for those ratepayers who receive mandatory Charity Relief (80%) – discretionary relief can be granted up to 20% and is often referred to as ‘top up’. This category can include Community Amateur Sports Clubs (CASCs);
    - (ii) Discretionary relief for those ratepayers who are in a Rural Settlement and who do not receive mandatory rural rate relief – discretionary relief can be granted up to 100%;
    - (iii) Discretionary relief for those ratepayers who are not charities but are ‘not for profit’ organisations and whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature, or the fine arts – discretionary relief can be granted up to 100%; and
    - (iv) Discretionary relief for those ratepayers who are not charities but whose premises are wholly or mainly used for purposes of recreation, and all or part of which is occupied for the purposes of a club, society or other organisation not established or conducted for profit. These are largely sports clubs (not CASCs) – discretionary relief can be granted up to 100%;
  - **Type (b) Discretionary relief which is wholly defined by the Council and borne by the Council and Government under the Business Rates Retention provision (50%/50%);**

Relief under this provision is wholly determined by each Council. This relief is commonly known as the localism provisions and allows authorities to grant up to 100% relief to any ratepayer that meets the Council’s defined policy;
  - **Type (c) Discretionary relief which is wholly defined by the Government and reimbursed by the Government under a S31 Grant:**
    - (i) Mandatory Rural Rate Relief – Top Up (50%);
    - (ii) Local Newspaper Relief – Up to 100%;

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- (iii) Transitional & Support for Small Businesses Relief (variable relief for small and medium businesses) (2022/23 only);
- (iv) Retail, Hospitality and Leisure Relief – 50% subject to a cash cap of £110,000;
- (v) Covid Additional Restrictions Fund (CARF) for 2021/22 only, variable subject to fund limits; and
- (vi) Investment Relief (from 2023)– 100% relief based on certificated values from the Valuation Office Agency.

For completeness, details of these reliefs have been included within the proposed policy document.

2.6 The following broadly summarises the overall approach being taken currently by the districts within the Somerset area:

- **Type (a) Discretionary relief which is defined by legislation and borne by the Council and Government under the Business Rates Retention provision (50%/50%);**

A variety of approaches are being undertaken within each district and none of the existing districts are aligned in their approach in any way;

- **Type (b) Discretionary relief which is wholly defined by the Council and borne by the Council and Government under the Business Rates Retention provision (50%/50%) (Localism provisions);**

There are no current awards under these provisions and therefore the new Council has the ability to define its own policy without any impact on existing cases; and

- **Type (c) Discretionary relief which is wholly defined by the Government and reimbursed by the Government under a S31 Grant:**

All districts adopt Government guidance in full in order to assist business and fully reclaim the S31 Grants available. For completeness, details of these reliefs have been included within the proposed policy document.

## Hardship (S49)

2.7 All authorities have the ability to reduce or remit rates liabilities where hardship is proven under S49 of the Local Government Finance Act 1988. Most authorities adopt a flexible policy and cases are assessed on a case by case basis. Any amount of reduction awarded is met under the business rates retention scheme.

## Mandatory Rate Relief

2.8 Detailed below, for information, are the areas and types of organisations who are eligible to receive mandatory rate relief. Eligibility for these reliefs is prescribed in legislation and we have no local discretion in these areas, although, as outlined above, we do have the discretion to provide ‘top-up’ discretionary relief in certain instances.

Table 1

Mandatory Relief type	Percentage	Qualifying criteria
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	<b>awarded</b>	
Charitable Organisations (includes CASCs)	80%	Occupied wholly and mainly occupied and used wholly or mainly for charitable purposes
Charity Shops	80%	Occupied wholly and mainly occupied and used wholly or mainly for charitable purposes. Goods for sale are wholly or mainly donated to the charity
Rural Rate Relief	50%	Qualifying Rural Post Offices, General Stores, Public Houses, Petrol Filling Stations, Rural Food Shops
	50%	Government also finances the remaining 50% relief in the case of qualifying rural premises
Public Lavatories	100%	Hereditaments consisting wholly or mainly of public lavatories

## 3.0 Proposed aligned discretionary policy for the new Council

3.1 The creation of a single Somerset Council requires the development of a single unified approach in all areas relating to both discretionary rate relief and hardship to ensure equality across all the whole of the Somerset area.

3.2 The proposed policy is attached at Appendix 1 and is summarised below.

### **Type (a) Discretionary relief which is defined by legislation and borne by the Council and Government under the Business Rates Retention provision**

3.3 As all of the Districts operate separate approaches, it is essential that a single approach is adopted which is both robust and also simple to operate and understand across the whole of the Somerset area. It is recommended that a simplified system is implemented. The essential advantage of such a system would be that it would allow for uniformity across the whole area whilst at the same time applying a high level of reasonableness given the need to be fair to all applicants and the need to align any relief with the key aims of the new authority. The recommended approach is as follows (Table 2):

**Table 2**

Relief Type	Maximum possible relief	Proposed relief & qualifying criteria
<b>Mandatory Recipients – ‘Top Up’ (Discretionary) Excluding CASCs</b>	20%	<b>20%</b> for all local (wholly or mainly Somerset Based) Charities
<b>Discretionary Relief – Non Profit Making organisations</b>	100%	<b>75%</b> for all local (wholly or mainly Somerset Based) organisations
<b>Discretionary Relief – Non</b>	100%	<b>75%</b> for all local (wholly or mainly Somerset

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Relief Type	Maximum possible relief	Proposed relief & qualifying criteria
Profit Making Recreation Clubs		Based) recreation clubs  All clubs are encouraged to claim CASC status
Mandatory Recipients – ‘Top Up’ (Discretionary) CASCs	20%	<b>20%</b> for all local (wholly or mainly Somerset Based) CASCs
Rural Rate Relief – Discretionary Only (small number of cases that fall with the criteria)	100%	<b>75%</b> for all local (wholly or mainly Somerset Based) rural businesses
<ul style="list-style-type: none"> <li>• ‘Somerset based’ means organisations which are wholly or mainly based in Somerset and are wholly or mainly for the benefit of the Somerset area i.e. at least 51% of the organisation is located within Somerset and at least 51% of the benefits, support, objectives etc. of the organisation are delivered within and for the Somerset area; and</li> <li>• CASC means Community Amateur Sports Club as defined by HMRC.</li> </ul>		

- 3.4 The proposed scheme will target support at Somerset based organisations only, as defined above.
- 3.5 Schools (except for Somerset based play groups, pre-schools and child nurseries) will be specifically excluded from receiving relief.
- 3.6 In all cases it is recommended that the amount of relief is limited to a maximum of £10,000 per hereditament per annum.
- 3.7 All ratepayers wishing to apply for relief will be required to make a full application prior to the commencement of the 2023/24 financial year or on receipt of their rates bill.
- 3.8 The Business Rates Rating List is due to be revalued with effect from 1<sup>st</sup> April 2023 and all linked legislation such as the rateable values of hereditaments, the level of the multiplier; the rateable value limits for the various reliefs; and the authority’s share from the Business Rates Retention scheme, is subject to change. These changes are likely to be set by Government in December 2022 / January 2023.
- 3.9 In view of the revaluation exercise and associated changes, the proposed policy provides the delegated powers for the S151 Officer in conjunction with the relevant Lead Member to vary the amount (percentage) and / or the maximum relief cap limit if necessary, in line with the changes in the rating list, rateable values and legislation generally.

**Type (b) Discretionary relief which is wholly defined by the Council and borne by the Council and Government under the Business Rates Retention provision – Localism**

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- 3.10 Given that there are no current ratepayers receiving relief under these provisions, it is recommended that any applications be considered on an individual basis with effect from 1<sup>st</sup> April 2023 in line with the overarching policy shown within Appendix 1.

## **Type (c) Discretionary relief which is wholly defined by the Government and reimbursed by the Government under a S31 Grant**

- 3.11 Reliefs under these provisions are initiated and paid in full by Central Government. There are a range of reliefs available and the Treasury use these to mitigate the effects of economic downturns or to encourage businesses to develop in certain areas or sectors.
- 3.12 Given that the reliefs are fully funded, it is recommended that the Council adopts all S31 Government funded discretionary reliefs in accordance with any guidance issued. For completeness, details of these reliefs have been included within the proposed policy document.

## **Hardship (S49 Local Government Finance Act 1988)**

- 3.13 The Council has the power to remit or reduce rates under S49 of the Local Government Finance Act 1988. The recommended policy to be adopted by the Council is shown at Appendix 1. If accepted, applications for hardship relief after the 1 April 2023 will continue to be considered on a case by case basis.

## **Impact of the proposed changes**

- 3.14 The proposed changes will only have specific impact on discretionary reliefs applied for under Type (a) above i.e. discretionary relief which is defined by legislation and borne by the Council and Government under the Business Rates Retention provision. Reliefs awarded under the other categories are either determined on a case-by-case basis or to criteria pre-determined by Government.
- 3.15 A high level comparison exercise has been undertaken in each district to identify the impacts of the proposed new scheme against different types of organisations who qualify under the existing local district schemes. (NB. It has not been possible to undertake a detailed case-by-case modelling exercise across the four districts due to software and resourcing constraints. This exercise would, in any case, be rendered inaccurate due to the revaluation of all business rates next year).
- 3.16 The results of this comparison exercise are set out in Appendix 3. In summary this exercise indicates that:
- *Mandatory top-up recipients* – little impact in three of the existing districts, where it will result in minor increases and decreases. Greater impact in the South Somerset area where locally based charities, who do not currently receive top-up relief, would benefit, but national charities would lose out. Potentially significant

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impact on a nationally based leisure provider who would lose the top-up relief currently provided of circa £58k.

- *Non profit making organisations* – minimal impact anticipated across the four districts, as very few cases currently apply for and receive this relief.
- *Non profit making recreational clubs* – again, minimal impact anticipated across the four districts as small numbers of organisations involved.
- *Mandatory top-up for Community Amateur Sports Clubs (CASCs)* – overall minor impact, as only effects small numbers of clubs. In most cases this will see small increases in the amounts of top-up relief paid.
- *Rural Rate Relief Discretionary only* – very minor impact due to the small number of businesses who currently claim this relief.

It has not been possible to map the precise financial impact of the proposed new scheme. However, the high-level comparison exercise indicates that the overall impact of the proposed new scheme on current spend is minimal.

## *Community libraries*

- 3.17 A detailed exercise has also been undertaken to identify the impact on Community Libraries. There are a number of these in operation across the County area. We have not identified any that would be detrimentally impacted by the proposed scheme.

## *Public toilets*

- 3.18 Questions were also raised at the Scrutiny for Policies & Place Committee on 11<sup>th</sup> October 2022 regarding the impact on public toilets. These proposals will have no impact on public toilets, which are covered by a separate and specific legislation – ‘The Non-Domestic Rating (Public Toilets) Act’. Under this act separately assessed public toilets receive 100% relief.

## **4.0 Recommendations**

- 4.1 The recommendations set out within this report will enable the new authority to continue to support key businesses and other organisations within the Somerset Council area with comprehensive and aligned policies that will be applied across the whole of the Somerset area.
- 4.2 The Executive are asked to consider the proposed policy, as outlined above and in Appendix 1, and make recommendations for the agreement of an aligned policy to Full Council on 23 November 2022.

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## 5.0 Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 5.1 The corporate priorities for the new council are emerging but not yet agreed. It is reasonable to assume however, that the new Council will wish to support local charities and not for profit organisations, whilst also ensuring that the cost of providing support is affordable.

## 6.0 Financial Implications

- 6.1 The existing districts currently incur £900k per annum (in total) in respect of reliefs which are not fully funded by Central Government. However, this cost is partly funded by Government (approximately 50%) under the business rates retention scheme.
- 6.2 The Council is not able to fix an exact budget given the nature of discretionary relief, the changes in rateable value with effect from 1<sup>st</sup> April 2023, the changes in Business Rates Retention and changes in legislation which will be introduced alongside the new rating list. However, it is anticipated that the costs for future reliefs will be in the same region as current spend.

## 7.0 Legal Implications

- 7.1 The recommendations made will meet the Council's legal obligations under Sections 47 and 49 of the Local Government Finance Act 1988.

## 8.0 Other Implications

### Equalities Implications

- 8.1 Consideration has been given to our obligations under the Public Sector Equality Duty in developing the proposed approach to Non Domestic Rate discretionary reliefs in the areas where we have discretion. Much of the discretionary relief we award will, by law, be awarded to organisations such as charities, community amateur sports clubs and other non-profit making organisations. The proposed scheme aims to align the different approaches currently taken across the existing four districts and targets relief to organisation primarily based in and providing support and facilities within the Somerset area. The proposals are designed to require open access to all in protected groups, where relevant, to things such as recreational clubs as part of the qualifying criteria for relief.
- 8.2 An Equalities Impact Assessment has been undertaken and is included at Appendix 2.
- 8.3 However, in summary, there are no equalities implications resulting from the proposed approach. All ratepayers who meet the requirements of the legislation, will be treated fairly across the whole of the Somerset area.



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## Climate Change implications

8.4 None.

## Health and Wellbeing Implications

8.5 The recommendations and policy (including localism) is designed to support local (Somerset based) charities and non-profit making organisations.

8.6 The S49 Hardship policy is designed to assist ratepayers who are clearly suffering hardship.

## 9.0 Scrutiny comments / recommendations

9.1 Scrutiny for Policies and Place considered these proposals on 11<sup>th</sup> October 2022.

9.2 Scrutiny were broadly supportive of the proposals but requested that more detail be added to the report to:

- i) Outline the areas and types of organisations covered by Mandatory Relief – this information has now been included above; and
- ii) Provide information about the types of organisations who are potentially detrimentally affected in each existing district area by the proposed changes – this information has been included at Appendix 3.

9.3 Questions were also asked about the impact of the proposals on the rate relief specifically for community libraries and public toilets. More detail has been provided above in section 3 above.

## 10.0 Background Papers

10.1 [The Non Domestic Rate Discretionary Relief Policy Report](#) that went to Scrutiny for Policies & Place on 11<sup>th</sup> October 2022.

## 11.0 Report Sign-Off

		Date completed
Legal Implications	Tom Woodhams	8 Nov 2022
Governance	Scott Wooldridge	7 Nov 2022
Corporate Finance	Jason Vaughan	7 Nov 2022
Customers, Digital and Workforce	Chris Squire	7 Nov 2022

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Property	Paula Hewitt / Oliver Woodhams	2 Nov 2022
Procurement	Jason Vaughan	8 Nov 2022
Senior Manager	Jason Vaughan	7 Nov 2022
Commissioning Development	Sunita Mills / Ryszard Rusinek	2 Nov 2022
Executive Member	Cllr Liz Leyshon – Lead Member for Finance & Human Resources	7 Nov 2022
<b><u>Consulted on report</u></b>		
Local Member	N/A	
Opposition Spokesperson	Cllr Mandy Chilcott	2 Nov 2022
Scrutiny Chair	Cllr Gwil Wren	2 Nov 2022

**Somerset Council  
Non Domestic Rating  
Discretionary Rate Relief and Hardship  
Policy  
2023/24**

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## 1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of discretionary relief and related areas to be granted to certain defined ratepayers within the Council's area. The policy includes all changes effective from 1 April 2023 and includes all extended reliefs due to the COVID-19 crisis and the Government specified reliefs due to the revaluation. The Council is keen to support businesses as far as possible.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant mandatory relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for mandatory relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance will be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017 or have been affected by the COVID-19 crisis. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met. In the case of the new reliefs, some guidance has been issued by Central Government outlining actions expected to be taken by local authorities. This policy includes Government guidance where appropriate but also looks to target discretionary relief in line with the Council's priorities.
- 1.5 This document outlines the following areas:
- Details of the criteria for receiving Discretionary Reliefs for all relevant areas;
  - The Council's policy for the granting of all types of Discretionary Reliefs;
  - Guidance on granting and administering the reliefs and awards; and
  - The Council's Scheme of Delegation.
- 1.6 Where organisations apply for relief they will be granted (or not granted) relief or reductions in line with the following policy.

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## 2.0 Mandatory Relief - Legislative Background

### Charity Relief

- 2.1 The powers relating to the granting of mandatory<sup>1</sup> and discretionary relief are given to the Council under the Local Government Finance Act 1988<sup>2</sup>. Charities and Trustees for Charities are only liable to pay one fifth of the Non-Domestic Rates that would otherwise be payable where property is occupied and used wholly or mainly for charitable purposes. This amounts to mandatory relief of 80%. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, whether or not it is registered with the Charity Commission. The provision has been extended under the Local Government Act 2003 (effective from 1 April 2004) to registered Community Amateur Sports Clubs (CASCs). Full details of the mandatory provisions are given later within this policy.
- 2.2 In the case of charity shops, the premises must meet the criteria laid down by section 64 (10) of the Local Government Finance Act 1988 which states that the premises are to be treated as used for charitable purposes at any time it is wholly or mainly used for the sale of goods donated to the charity and the proceeds of goods (after any deductions for expenses) are applied for the purpose of the charity.
- 2.3 The Council has discretion to grant relief of up to a further 20% for these mandatory cases under its discretionary provisions.

### Rural Rate Relief

- 2.4 From 1 April 1998, under powers originally granted to the Council by the Local Government and Rating Act 1997<sup>3</sup>, certain types of business in rural settlements, with a population below 3000 may qualify for mandatory rate relief of 50% Businesses that qualify for this relief are the sole general store and the sole post office in the settlement, provided it has a Rateable Value of up to £8,500; any food shop with a Rateable Value of up to £8,500; and the sole pub and the sole petrol station in the settlement provided it has a Rateable Value of up to £12,500.
- 2.5 From 1 April 2017 onwards, Central Government has indicated that it wants all authorities to give 100% relief to premises that receive mandatory rural rate relief. The legislation enabling this will not be forthcoming for some time and therefore it has indicated that where the additional 50% is granted, a section 31 grant will be made available to the Council. This is dealt with further within this policy and the Council will automatically grant the additional 50% discretionary relief where appropriate.
- 2.6 Where businesses in rural settlements have a Rateable Value of up to £16,500 **and** are not in receipt of mandatory relief, the Council may decide to give up to 100% discretionary relief if it is satisfied that the business is of benefit to the community and having regard to the

<sup>1</sup> S43 & S45 Local Government Finance Act 1988

<sup>2</sup> S47 & S48 Local Government Finance Act 1988

<sup>3</sup> LGFA 1988, s.47, as amended by Sch. 1 to the Local Government and Rating Act 1997

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interests of its Council Taxpayers. It should be noted that the limits mentioned in 2.4, 2.5 or 2.5 will need to be reviewed by Government before 1 April 2023, when the next rating list comes into force.

## Public Lavatories

- 2.7 Where a hereditament is occupied and consists wholly or mainly as a public lavatory, 100% mandatory relief is available. This relief is only available with effect from 1 April 20 and was inserted by the Non-Domestic Rating (Public Lavatories) Act 2021.

## 3.0 Discretionary Relief – Legislative Background

### Introduction

- 3.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to ‘top’ up cases where ratepayers already receive mandatory relief.
- 3.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 3.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 3.4 Unlike mandatory relief, ratepayers are obliged to make a written application to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information and evidence as required in order to determine whether relief should be awarded.
- 3.5 The Council is obliged to carefully consider every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority’s area. There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 3.6 Granting of the relief falls broadly into the following categories:
- (a) Discretionary Relief – Charities who already receive mandatory relief (shown in Appendix A);
  - (b) Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts or premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes of recreation (shown in Appendix B);

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- (c) Discretionary Relief – Rural Rate Relief - premises that already receive mandatory relief (shown in Appendix C);
- (d) Discretionary Relief – Rural Rate Relief - premises not receiving mandatory relief but of benefit to the local community and less than £16,500 RV (shown in Appendix D);
- (e) Discretionary Relief – Granted under the Localism Act 2011 provisions (shown in Appendix E);
- (f) Local Newspaper Relief (from 1 April 2017 until 2025) (shown in Appendix F);
- (g) Retail, Hospitality and Leisure Relief (from 1 April 2022 for a period of one year) (shown in Appendix G);
- (h) Transitional Relief and Supporting Small Business Rate Relief (from 1 April 2022) (shown in Appendix H);

3.7 The decision to grant or not to grant discretionary relief is a matter purely for the Council. In the case of G and H, the reliefs will remain relevant until 30<sup>th</sup> September 2023, when no further relief can be granted.

3.8 In addition to the granting of discretionary relief, the Council's policy in respect of S49 Hardship is provided in Appendix I.

## **The Council's general approach to granting Discretionary Relief**

3.9 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:

- (a) Relief granted by the previous districts Councils;
- (b) The policy should support business, charities, organisations, and groups that are wholly or mainly in the Somerset area (at least 51% based in Somerset and supporting Somerset residents, businesses, or other organisations);
- (c) To help to retain services in rural areas;
- (d) Help and encourage businesses, charities, organisations, groups, and communities to become self-reliant;
- (e) Awarding discretionary relief should not distort competition; and
- (f) Every business/ organisation should contribute something towards the provision of local services; and
- (g) Since March 2020, provide assistance to ratepayers suffering from the effects of the COVID-19 crisis.

3.10 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant Discretionary Rate Relief for that amount.

3.11 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

## **The Council's approach to granting Government led Discretionary Relief schemes**



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3.12 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable. However, the Council reserves the right to vary its approach where thought appropriate.

## 4.0 Effect on the Council's Finances

4.1 The granting of discretionary relief will, in the main, involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.

4.2 Any amounts granted prior to 1 April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. For any amounts granted for similar cases after 1 April 2019, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, and 50% by Somerset Council. This also applies where mandatory relief is granted.

4.3 Where Central Government leads an initiative, grants are often available through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas

4.4 The financial effects of discretionary reliefs covered by this policy are as follows

Appendix	Relief Type	Granted after 1 April 2023
	<b>Charity Relief</b>	
A	Discretionary relief granted to Mandatory Relief recipients	50% borne by the Council
B	Non-profit Making Organisations including Sports Clubs and societies	50% borne by the Council
	<b>Rural Rate Relief</b>	
C	50% Discretionary relief granted to Mandatory Rural Relief recipients	Section 31 Grant
D	Other premises within a rural settlement under £16,500 RV	50% borne by the Council
	<b>Localism</b>	
E	Discretionary Relief granted to ratepayers generally and not covered by any other section	50% borne by the Council
	<b>Local Newspaper Relief</b>	
F	Discretionary Relief granted to local newspapers meeting the criteria (From 1 April 2017 until 2025)	Section 31 Grant
	<b>Retail, Hospitality and Leisure Relief</b>	

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Appendix	Relief Type	Granted after 1 April 2023
	<b>(2022/23)</b>	
G	Retail, Hospitality and Leisure Relief (from 1 April 2022 for a period of one year)	Section 31 Grant
	<b>Transitional Relief &amp; Supporting Small Business Rates Relief (2022/23)</b>	
H	Transitional Relief and Supporting Small Business Rates Relief (from 1 April 2022 for a period of one year)	Section 31 Grant
	<b>S49 Hardship Relief</b>	
I	Hardship relief as defined by S49 of the Local Government Finance Act 1988	50% borne by the Council

## 5.0 Administration of Discretionary Relief

5.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction. This is essentially laid down by legislation<sup>4</sup>

### Applications and Evidence

5.2 All reliefs must be applied for. Application forms (where required) are available both in hard copy and electronic format. The relevant application forms are available from the Council. The Council will specify how applications are to be received and this may vary from time to time.

5.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts (normally the last two years), financial statements etc. necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.

5.4 Applications should initially be made to the Revenues and Benefits Service and will be determined in accordance with this policy.

5.5 **The Council will provide this service and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties. Applications will be accepted from ratepayers only.**

### Granting of relief

5.6 In all cases, the Council will notify the ratepayer of decisions made.

5.7 Where an application is successful, then the following will be notified to them in writing:

<sup>4</sup> The Non-Domestic Rating (Discretionary Relief) Regulations 1989

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- The amount of relief granted and the date from which it has been granted;
- If relief has been granted for a specified period, the date on which it will end. (It should be noted that reliefs are granted for the period specified in the appropriate Appendix and may vary from a day to a full financial year);
- The new chargeable amount;
- The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
- A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.

5.8 Where relief is not granted, then the following information is provided, again in writing:

- An explanation of the decision within the context of the Council's statutory duty; and
- An explanation of the appeal rights (see below).

5.9 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made or when liability begins whichever is the later. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision.

5.10 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, the Council reserves the right to grant relief for any other period as appropriate.

5.11 A fresh application for discretionary relief will be necessary for each financial year **or** at such time-period as the Council determines.

## Variation of a decision

5.12 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:

- Where the amount is to be increased due to a change in rate charge (excluding rateable value increases) or a change in the Council's decision which increases the award – this will apply from a date determined by the Council as appropriate;
- Where the amount is to increase for any other reason, it will take effect at the expiry of a financial year unless it is granted for a fixed period;
- Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
- Where the amount is to be reduced for any other reason, it will take effect from a date determined by the Council as appropriate;

5.13 A decision may be revoked at any time however; a one-year period of notice will be given, and the change will take effect at the expiry of a financial year.

## 6.0 Scheme of Delegation

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## **Granting, Varying, Reviewing and Revocation of Relief**

- 6.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003, and the Localism Act 2011. However, section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 6.2 The Council's S151 Officer in conjunction with the relevant Lead Member are delegated powers to vary the amount (percentage) and / or the maximum relief cap limit if necessary, in line with changes in the rating list, rateable values and legislation generally.
- 6.3 The Council's scheme of delegation allows for the Revenues and Benefits Service to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature or subject to review, will be subject to consultation with the Council's S151 Officer, relevant service director or service manager.
- 6.4 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

## **Reviews**

- 6.5 The policy for granting relief will be reviewed periodically or where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

## **Appeals**

- 6.6 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by Revenues and Benefits Service. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 6.7 Where the ratepayer wishes to appeal the decision, the case will be considered by the Council's Section 151 Officer, relevant service director or service manager whose decision on behalf of the Council will be final.
- 6.8 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

## **7.0 Reporting changes in circumstances**

- 7.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible or in any event within 21 days of the change. This will be important where the change would result in the

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amount of the award being reduced or cancelled e.g., where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.

- 7.2 Where a change of circumstances is reported, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

## **8.0 Fraud**

- 8.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

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## Appendix A

### Discretionary Relief – Mandatory Relief recipients

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## Discretionary Relief – Mandatory Relief recipients

### General Explanation

- A.1 S43 of the Local Government Finance Act 1988 allows mandatory relief (80%) to be granted on premises if the ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes. No charge is made in respect of unoccupied premises where it appears that *when next in use* it will be used wholly or mainly for those purposes.
- A.2 The legislation has been amended by the Local Government Act 2003 (effective from 1 April 2004) to include registered<sup>5</sup> Community Amateur Sports Clubs (CASC). These organisations can now receive the mandatory (80%) relief.

### Charity registration

- A.3 Charities are defined within the legislation as being an institution<sup>6</sup> or other organisation established for charitable purposes only or by persons administering a trust established for charitable purposes only.
- A.4 The question as to whether an organisation is a charity may be resolved in the majority of cases by reference to the register of charities maintained by the Charity Commissioners under s.4 of the Charities Act 1960. Entry in the register is conclusive evidence. By definition, under the Non-Domestic Rating legislation, there is no actual need for an organisation to be a registered charity to receive the relief and this has been supported by litigation<sup>7</sup>, however in all cases the organisation must fall within the following categories:
- trusts for the relief of poverty;
  - trusts for the advancement of religion;
  - trusts for the advancement of education; and
  - trusts for other purposes beneficial to the community, but not falling under any of the preceding heads.
- A.5 Certain organisations are exempted from registration generally and are not required to make formal application to the Charity Commissioners these are:
- the Church Commissioners and any institution administered by them;
  - any registered society within the meaning of the Friendly Societies Acts of 1896 to 1974;
  - units of the Boy Scouts Association or the Girl Guides Association; and
  - voluntary schools within the meaning of the Education Acts of 1944 to 1980.
- A.6 The Council will consider charitable organisations, registered or not, for mandatory relief.

### Use of Premises – wholly or mainly used

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<sup>5</sup> Registered with HMRC as a CASC

<sup>6</sup> S67(10) Local Government Finance Act 1988

<sup>7</sup> Income Tax Special Commissioners v Pemsell (1891)

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- A.7 Irrespective of whether an organisation is registered as a charity or not, the premises **must** be wholly or mainly used for charitable purposes. This is essential if any relief (either mandatory or discretionary) is to be granted. In most cases this can be readily seen by inspection, but on occasions the Council has had to question the actual use to which the premises are to be put. In some cases, it will be necessary for the Council to inspect any premises fully.
- A.8 Guidance from the (then) Department of Communities and Local Government (DCLG) has stated that in the case of 'mainly', at least 51% must be used for charitable purposes whether of that charity or of that and other charities
- A.9 The following part of this section gives details on typical uses where relief may be given plus additional criteria that have to be satisfied. The list is not exhaustive but gives clear guidance on premises for which mandatory relief can be granted *and therefore* premises which may be equally considered for discretionary rate relief.

## **Offices, administration, and similar premises**

- A.10 Premises used for administration of the Charity include:
- Offices;
  - Meeting Rooms; and
  - Conference Rooms.

## **Charity shops**

- A.11 Charity shops are required to meet additional legislative criteria if they are to receive mandatory relief. Section 64 (10) of the Local Government Finance Act 1988 provides that a property is to be treated as being wholly or mainly used for charitable purposes at any time if, at the time, it is wholly or mainly used for the sale of goods donated to a charity and the proceeds of the sale of the goods (after any deduction of expenses) are applied for the purposes of the charity.
- A.12 In order to ascertain whether an organisation meets these requirements, inspections may be made by an officer of the Council when an application is received.

## **Granting of Mandatory Relief - the Council's Policy**

- A.13 Where the criteria for awarding mandatory relief are met, the rate charges shall be calculated in accordance with the legislation reducing the liability of ratepayers for each day that the criteria are met.

## **Charity Relief – Mandatory Relief recipients, the Council's Policy for granting discretionary relief.**

- A.14 The Council has resolved to grant the following discretionary relief where the applicants already receive mandatory charity relief:



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Relief Type	Maximum possible relief	Proposed relief & qualifying criteria
<b>Mandatory Recipients – ‘Top Up’ (Discretionary) Excluding CASCs (Business Rates)</b>	20%	<b>20%</b> for all local (wholly or mainly Somerset Based) Charities Subject to a cap per hereditament of £10,000.
<b>Mandatory Recipients – ‘Top Up’ (Discretionary) CASCs (Business Rates)</b>	20%	<b>20%</b> for all local (wholly or mainly Somerset Based) CASCs Subject to a cap per hereditament of £10,000.
<b>Rural Rate Relief – Discretionary Only (small number of cases that fall within the criteria)</b>	100%	<b>75%</b> for all local (wholly or mainly Somerset Based) rural businesses Subject to a cap per hereditament of £10,000.
<ul style="list-style-type: none"> <li>• Somerset based’ means organisations which are wholly or mainly based in Somerset and are wholly or mainly for the benefit of the Somerset area i.e. at least 51% of the organisation is located within Somerset and at least 51% of the benefits, support, objectives etc. of the organisation are delivered within and for the Somerset area; and</li> <li>• CASC means Community Amateur Sports Club as defined by HMRC.</li> <li>• Schools (except for Somerset based play groups, pre-schools, and child nurseries) will be specifically excluded from receiving relief.</li> </ul>		

A.15 The policy targets support at Somerset based organisations only, as defined above.

A.16 Schools (except for Somerset based play groups, pre-schools, and child nurseries) will be specifically excluded from receiving relief.

A.17 In all cases the total amount of discretionary relief awarded will be limited to a maximum of £10,000 per hereditament per annum. The amount of relief awarded will be calculated on a daily basis for the period concerned. Where the cap applies to the property and the relief awarded is for a period of less than a year the amount awarded will be in proportion to the amount of the £10,000 cap applicable for the number of days for which the relief is awarded.

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## Appendix B

### Discretionary Relief – Non-Profit Making Organisations including Recreation

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## Discretionary Relief – Non-Profit Making Organisations including Recreation

### General explanation

#### Non-Profit

- B.1 The legislation<sup>8</sup> allows the Council to grant discretionary relief where the property is not an *excepted* one and all or part of it is occupied for the purposes of one or more institutions or other organisations none of which is established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature, or the fine arts.
- B.2 Relief cannot be granted to any premises occupied by the Council, or any city, town, parish council or major Precepting Authority (*excepted premises*).
- B.3 A number of issues arise from the term 'not established or conducted for profit'. This requires the Council to make enquiries as to the overall purpose of the organisation although if surpluses and such amounts are directed towards the furtherance or achievement of the objects of the organisation then it does not necessarily mean that the organisation was established or conducted for profit.

#### Recreation Clubs

- B.4 Ideally all recreation clubs should be encouraged to apply for Community Amateur Sports Club (CASC) status, which would automatically entitle them to 80% relief. The relief granted to CASCs is covered earlier within this policy.
- B.5 Recreation clubs can also apply to the Charity Commissioners for registration as a Charity (thereby falling under the mandatory provisions for 80% relief) where they meet the following conditions:
- (a) The promotion of community participation in healthy recreation and by the provision of facilities for the playing of particular sports; and
  - (b) The advancement of the physical education of young people not undergoing formal education.
- B.6 Where sports clubs do not meet the CASC requirement, and are not registered charities, discretionary relief can be granted (0-100%) where the property is not an *excepted* one, it is wholly or mainly used for purposes of recreation and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

### Definition of Recreation

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<sup>8</sup> S47 Local Government Finance Act 1988

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B.7 Recreation is clearly defined by the Sports England as anything that meets the the Council of Europe's European Sports Charter 1993 definition of sport which is:

"Sport means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels."

## Access to clubs

B.8 Guidance issued by the Government also requires the Council to consider access to clubs within the community before granting discretionary relief.

B.9 Membership should be open to all sections of the community. There may be legitimate restrictions placed on membership which relate for example to ability in sport or to the achievement of a standard in the field covered by the organisation or where the capacity of the facility is limited, but in general membership should not be exclusive or restrictive.

B.10 Membership rates should not be set at such a high level as to exclude the general community. However, membership fees may be payable at different rates that distinguish the different classes of membership such as juniors, adults, students, pensioners, players, non-players, employed and unemployed. In general, the club or organisation must be prepared to show that the criteria by which it considers applications for membership are consistent with the principle of open access.

B.11 The Council also asks the following question to help establish the level of access "Does the organisation actively encourage membership from particular groups in the community e.g., young people, women, older age groups, persons with disability, ethnic minorities' etc.?"

## Provision of facilities

B.12 Clubs which provide training or education are encouraged, as are those who provide schemes for particular groups to develop their skills e.g., young people, the disabled, retired people.

B.13 A number of organisations run a bar. The mere existence of a bar will not in itself be a reason for not granting relief. However, the Council focuses on the main purpose of the organisation. The Council is encouraged to examine the balance between playing and non-playing members.

B.14 Within this area, the Council also considers whether the facilities provided relieve the Council of the need to do so or enhance and supplement those that it does provide.

## Discretionary Relief - Non-Profit Organisations including Recreation – the Council's Policy

B.15 Applications will be considered from non-profit making organisations, which can

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demonstrate the following:

- (a) That the activities of the organisation are consistent with the Council's core values and priorities;
- (b) That they are non-profit making associations, groups, clubs which are accessible to all potential users, possess a representative management group and are clearly accountable to users, beneficiaries, and members (e.g., evidence of constitution, membership and/or participation are required); and
- (c) That the membership comprises mainly residents of Somerset or that activities are of direct benefit to residents of the Somerset Council area.

B.16 The current policy is as follows:

Relief Type	Maximum possible relief	Proposed relief & qualifying criteria
<b>Discretionary Relief – Non Profit Making organisations (Business Rates Retention)</b>	100%	<b>75%</b> for all local (wholly or mainly Somerset Based) organisations. Subject to a cap per hereditament of £10,000. No awards of discretionary relief will be made to schools (except for Somerset based play groups, pre-schools, and child nurseries) under this section.
<b>Discretionary Relief – Non Profit Making Recreation Clubs (Business Rates Retention)</b>	100%	<b>75%</b> for all local (wholly or mainly Somerset Based) recreation clubs. Subject to a cap per hereditament of £10,000. All clubs are encouraged to claim CASC status.
<ul style="list-style-type: none"> <li>• Somerset based' means organisations which are wholly or mainly based in Somerset and are wholly or mainly for the benefit of the Somerset area i.e. at least 51% of the organisation is located within Somerset and at least 51% of the benefits, support, objectives etc. of the organisation are delivered within and for the Somerset area; and</li> <li>• CASC means Community Amateur Sports Club as defined by HMRC.</li> </ul>		

B.17 The policy targets support at Somerset based organisations only, as defined above.

B.18 Schools (except for Somerset based play groups, pre-schools, and child nurseries) will be specifically excluded from receiving relief.

B.19 In all cases the total amount of discretionary relief awarded will be limited to a maximum of £10,000 per hereditament per annum. The amount of relief awarded will be calculated on a daily basis for the period concerned. Where the cap applies to the property and the relief awarded is for a period of less than a year the amount awarded will be in proportion to the amount of the £10,000 cap applicable for the number of days for which the relief is awarded.

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## Appendix C

### Discretionary Relief - Rural Rate Relief – Mandatory Relief recipients

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## Discretionary Relief - Rural Rate Relief – Mandatory Relief recipients

### What are the qualifying criteria for Mandatory Relief?

- C.1 For a Post Office or General Store to be entitled to 50% Mandatory Relief, all the following criteria must be met:
- The Rateable Value of the property must not exceed £8,500 (from 1 April 2010);
  - The property must be used as a Post Office or a General Store (see below for definition), or both;
  - The property must be the only Post Office or the only General Store within the Rural Settlement.
- C.2 For a Public House or Petrol Filling Station to be entitled to 50% Mandatory Relief, all the following criteria must be met:
- The Rateable Value of the property must not exceed £12,500 from 1 April 2010);
  - The property must be used as a Public House (see below for definition) or a Petrol Filling Station (see below for definition); and
  - The property must be the only Public House or the only Petrol Filling Station within the Rural Settlement.
- C.3 For a village food shop to be entitled to 50% Mandatory Relief, all the following criteria must be met:
- The Rateable Value of the property must not exceed £8,500 from 1 April 2010); and
  - The property must be used as a shop selling mainly food (see below for definition).

### What is the definition of a General Store?

- C.4 For the purposes of Rural Rate Relief, 'General Store' means a business or trade, which wholly or mainly sells by retail both food (other than confectionery) for human consumption and general household goods. Where there are two or more General Stores within the same Rural Settlement, none can qualify for Mandatory Relief on that basis, although if one of them functions as a Post Office or a Food Shop relief may be claimed independently on that ground. However, both a General Store and a Post Office in the same Rural Settlement will qualify for Mandatory Relief, provided that, they both meet the criteria. Although a General Store or a Post Office may not meet the criteria for Mandatory Relief, they may still be eligible to apply for Discretionary Relief.

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## **What is the definition of a Public House?**

- C.5 For the purposes of Rural Rate Relief, 'Public House' means any premises as defined in the Licensing Act 2003, which has a premises license authorising sale by retail of alcohol for consumption on the premises. In addition, the premises must be used principally for retail sales of alcohol to members of the public for consumption on the premises, and sales must not be subject to the condition that buyers reside at or consume food on the premises.

## **What is the definition of a Petrol Filling Station?**

- C.6 For the purposes of Rural Rate Relief, 'Petrol Filling Station' means premises where petrol or other automotive fuels are sold retail to the general public for fuelling motor vehicles intended or adapted for use on roads

## **What is the definition of a Food Shop?**

- C.7 For the purpose of Rural Rate Relief, 'Food Shop' means a trade or business consisting wholly or mainly of the sale by retail of food for human consumption (excluding confectionery and catering – in this context catering means any supply of food for consumption on the premises on which it is supplied and any supply of hot food for consumption off the premises). This definition may also include shops, which sell mainly household foods and which may partly also sell hot take away food or food consumed on the premises. But shops whose main business is a restaurant, tearoom, take-away, or confectionery sales are not food shops and so will not qualify for mandatory relief.

## **What are the qualifying criteria for Discretionary Relief?**

- C.8 The Council may grant up to 50% Discretionary Relief in respect of any property which qualifies for 50% Mandatory Relief and the Council may also grant up to 100% Discretionary Relief to any rural business which does not meet the mandatory provisions. It should be noted that for 2017 onwards Central Government has requested that Council grant 50% discretionary relief to all ratepayers who receive 50% mandatory rural rate relief.

## **Rural Rate Relief – Mandatory Relief recipients, the Council's Policy for granting discretionary relief.**

- C.9 As Central Government has requested and fully funds any additional relief granted to ratepayers who receive mandatory rural rate relief, the Council will automatically grant the additional 50% until such time as primarily legislation is changed.



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## **Appendix D** **Discretionary Relief – Premises within Rural Settlements**

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## Discretionary Relief – Premises within Rural Settlements

- D.1 In addition to having the ability to grant discretionary relief to those in receipt of mandatory relief, the Local Government and Rating Act 1997 allows discretionary relief of up to 100% to be granted where the rateable value is £16,500 or less and:
- (a) Property is used for purposes which are of benefit to the local community; and
  - (b) It would be reasonable for the billing authority to award relief, having regards to the Council's Council Taxpayers.
- D.2 As with most discretionary relief, part of the cost, is met by Central Government and the balance from local sources.
- D.3 The main criteria for granting discretionary relief in respect of rural rate relief is that premises are used to benefit the local community.

### Benefit to the local community

- D.4 Whilst each application for the relief will be considered on its own merits, there are certain factors which weigh heavily in the decision-making process. It is this Council's belief that the spirit of the legislation is to assist businesses and amenities, which contribute significantly to the quality of life of the people who have their main home in the Rural Settlement.
- D.5 To be successful for consideration, a business must show that its existence is a significant benefit to the local community with the majority of local residents directly benefiting from services or facilities provided by that business

### Rural Rate Relief – the Council's Policy for granting discretionary relief.

- D.6 The Council will also consider applications for a discretionary rural rate relief from all ratepayers, not entitled to mandatory relief up to the levels in the table below.
- D.7 In determining the application the following matters will be taken into consideration:
- The granting of any discretionary relief will be essential in ensuring the viability of any business within the rural settlement;
  - The granting of any discretionary relief is proportionate given the level of any business rates charged compared with the overall turnover of the business;
  - The granting of any discretionary relief will assist the business in continuing to be viable and / or prevent the business from failing;
  - The business is considered by the Council to be essential to the community and that any reduction or withdrawal of the business will have a serious detrimental effect on the rural settlement;
  - The granting of any discretionary relief is reasonable having regard to the effect on taxpayers of the Council.
- D.8 Where all of the above criteria are met the Council will grant the following relief:

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Relief Type	Maximum possible relief	Proposed relief & qualifying criteria
<b>Rural Rate Relief – Discretionary Only (small number of cases that fall within the criteria)</b>	100%	<b>75%</b> for all local (wholly or mainly Somerset Based) rural businesses.
<ul style="list-style-type: none"> <li>• Somerset based' means organisations which are wholly or mainly based in Somerset and are wholly or mainly for the benefit of the Somerset area i.e. at least 51% of the organisation is located within Somerset and at least 51% of the benefits, support, objectives etc. of the organisation are delivered within and for the Somerset area.</li> </ul>		

D.9 The policy targets support at Somerset based organisations only, as defined above.

D.10 Schools (except for Somerset based play groups, pre-schools, and child nurseries) will be specifically excluded from receiving relief.

D.11 In all cases the total amount of discretionary relief awarded will be limited to a maximum of £10,000 per hereditament per annum. The amount of relief awarded will be calculated on a daily basis for the period concerned. Where the cap applies to the property and the relief awarded is for a period of less than a year the amount awarded will be in proportion to the amount of the £10,000 cap applicable for the number of days for which the relief is awarded.

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## Appendix E Discretionary Relief – Localism Act 2011

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## Discretionary Relief – Localism Act 2011

### General explanation

- E.1 Section 69 of the Localism Act 2011 amended Section 47 of the Local Government Finance Act 1988. These provisions allow all Councils to grant discretionary relief of **up to 100%** in **any** circumstances where it feels fit having regards to the effect on the Council Taxpayers of its area.
- E.2 The provisions are designed to give authorities flexibility in granting relief where it is felt that to do so would be of benefit generally to the area and be reasonable given the financial effect to Council Taxpayers. An example where the Council has granted relief in the past are where premises were affected by flooding.

### Discretionary Relief – Localism – the Council’s Policy

- E.3 Applications will be considered from any ratepayer who wishes to apply. However, where a ratepayer is suffering hardship or severe difficulties in paying their rates liability then relief can be granted under the existing provisions as laid down by Section 49 of the Local Government Finance Act 1988. There will be no requirement to grant relief in such cases under the Council’s discretionary relief policy.
- E.4 The Council will consider any application for discretionary rate relief under these provisions against the following criteria and the amount of relief granted will be dependent on the overall level of compliance. (The Council reserves the right to vary the factors 1. and 3. below in exceptional circumstances where the occupation of the hereditament is of significant importance to the residents of Somerset);

Factor	Explanation	Compliant	
1	The ratepayer <b>must not</b> be entitled to mandatory rate relief (Charity or Rural Rate Relief)	Yes	No
2.	The ratepayer <b>must not</b> be entitled to Central Government funded discretionary reliefs (S31 funded)		
3.	The ratepayer <b>must not</b> be an organisation that could receive relief as a non-profit making organisation or as a sports club or similar		
4.	The ratepayer <b>must</b> occupy the premises (no discretionary rate relief will be granted for unoccupied premises)		
5.	The premises and organisation <b>must</b> be of <i>significant</i> benefit to residents of the Council’s area		
6.	The premises and organisation <b>must</b> relieve the Council of providing similar facilities		
7.	The ratepayer <b>must</b> ; (i) Provide facilities to certain priority groups determined by the Council such as elderly, disabled, minority groups, disadvantaged groups; <b>or</b> (ii) Provide <i>significant</i> employment or employment		

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Factor	Explanation	Compliant	
	opportunities to residents of the Council; <b>or</b> (iii) Provide the residents of the area with such services, opportunities or facilities that cannot be obtained locally or are not provided locally by another organisation		
8.	The ratepayer <b>must</b> demonstrate that assistance (provided by the discretionary rate relief) will be for a <i>short time only</i> <b>and</b> that any business / operation is financially viable in the medium and long term		
9.	The ratepayer <b>must</b> show that the activities of the organisation are consistent with the Council's core values and priorities		

E.5 Any relief granted will initially be considered for initially a short period (12 months maximum).

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## Appendix F Local Newspaper Relief

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## General Explanation

- F.1 This is a relief that will be awarded until 2025 and the Government is not changing the legislation around the reliefs available to these properties. Central Government will reimburse local authorities that use their discretionary relief powers (under section 47(3)) of the Local Government Finance Act 1988 to grant relief in line with the eligibility criteria set out in this guidance.
- F.2 The Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.

## Eligibility criteria

- F.3 The scheme will provide a £1,500 relief for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament, per annum.

## Local Newspapers

- F.4 The relief is to be specifically for local newspapers and by that, the Council means what would be considered a “traditional local newspaper.” The relief will not be available to magazines.

## Office Space

- F.5 The hereditament **must** be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.

## Amount of Relief

- F.6 The amount of relief is limited to a maximum of one discount per newspaper title (e.g., per newspaper name) **AND** per hereditament.

## Local Newspaper Relief – the Council’s policy for granting discretionary relief.

- F.7 The Council has decided to grant relief strictly in accordance with Central Government guidelines.



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## **Appendix G** **Retail Hospitality and Leisure Relief Scheme (2022/23)**

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## General Explanation

G.1 The 2022/23 Retail, Hospitality and Leisure Relief scheme will provide eligible, occupied, retail, hospitality, and leisure properties with a 50% relief, up to a cash cap limit of £110,000 per business.

## Who is eligible for the relief?

- G.2 Hereditaments which benefit from the relief will be those which for a chargeable day in 2022/23:
- (a) meet the eligibility criteria and
  - (b) the ratepayer for that chargeable day has not refused the relief for the eligible hereditament. The ratepayer may refuse the relief for each eligible hereditament anytime up to 30 April 2023. The ratepayer cannot withdraw their refusal for either all or part of the financial year.
- G.3 In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, the Council may not grant the discount to themselves certain precepting authorities (e.g., a parish or county council) or a functional body, within the meaning of the Greater London Authority Act 1999.

## How much relief will be available?

- G.4 Subject to the £110,000 cash cap per business, the total amount of government-funded relief available for each property for 2022/23 under this scheme is for chargeable days from 1 April 2022 to 31 March 2023, 50% of the chargeable amount.
- G.5 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, but before those where the Council has used their wider discretionary relief powers introduced by the Localism Act 2011, which are not funded by section 31 grants. The relief must be applied before Transitional Relief and Supporting Small Business Rate Relief (granted under S47).
- G.6 Subject to the cash cap, the eligibility for the discount and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a chargeable day for a particular hereditament in the financial year 2022/23:
- G.7 The amount of relief to be granted =  $V \times 0.5$  where:
- V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any certain other discretionary reliefs
- G.8 Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties up to the maximum £110,000 cash cap, per business.

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## The cash cap and subsidy control

- G.9 Under the cash cap, no ratepayer can in any circumstances exceed the £110,000 cash cap across all of their hereditaments in England.
- G.10 Where a ratepayer has a qualifying connection with another ratepayer then those ratepayers should be considered as one ratepayer for the purposes of the cash caps. A ratepayer shall be treated as having a qualifying connection with another:
- (a) where both ratepayers are companies, and
    - (i) one is a subsidiary of the other, or
    - (ii) both are subsidiaries of the same company; or
  - (b) where only one ratepayer is a company, the other ratepayer (the “second ratepayer”) has such an interest in that company as would, if the second ratepayer were a company, result in its being the holding company of the other.
- G.11. Furthermore, the Retail Hospitality and Leisure Scheme is likely to amount to subsidy. Any relief provided by the Council under this scheme will need to comply with the UK’s domestic and international subsidy control obligations
- G.12 To the extent that the Council is seeking to provide relief that falls within the Small Amounts of Financial Assistance Allowance, Article 364 of the TCA allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to 325,000 Special Drawing Rights (£343,000 as at 9 December 2021) in a three-year period (consisting of the 2022/23 year and the two previous financial years). Expanded Retail Discount granted in either 2020/21 or 2021/22 does not count towards the £343,000 allowance but BEIS business grants (throughout the 3 years) and any other subsidies claimed under the Small Amounts of Financial Assistance limit should be counted.
- G.13 In those cases where it is clear to the Council that the ratepayer is likely to breach the cash cap or the Small Amounts of Financial Assistance limit then the authority should automatically withhold the relief.
- G.14 The amount of relief awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or the hereditament. This change of circumstances could arise during the year in question or during a later year.

## Eligibility for the Retail, Hospitality and Leisure Relief Scheme

- G.15 Hereditaments that meet the eligibility for Retail, Hospitality and Leisure scheme will be occupied hereditaments which meet all of the following conditions for the chargeable day:
- (a) they are wholly or mainly being used:
    - (i) as shops, restaurants, cafes, drinking establishments, cinemas, or live music venues;
    - (ii) for assembly and leisure; or
    - (iii) as hotels, guest & boarding premises, or self-catering accommodation.

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G.16 The Council considers shops, restaurants, cafes, drinking establishments, cinemas, and live music venues to mean:

**i. Hereditaments that are being used for the sale of goods to visiting members of the public:**

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/ caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

**ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:**

- Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/ key cutting
- Travel agents
- Ticket offices e.g., for theatre
- Dry cleaners
- Launderettes
- PC/ TV/ domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

**iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:**

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

**iv. Hereditaments which are being used as cinemas**

**v. Hereditaments that are being used as live music venues:**

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or

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mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).

- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g., the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g., because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).

G.17 The Council considers assembly and leisure to mean:

**i. Hereditaments that are being used for the provision of sport, leisure, and facilities to visiting members of the public (including for the viewing of such activities):**

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs
- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas, massage parlours
- Casinos, gambling clubs and bingo halls

**ii. Hereditaments that are being used for the assembly of visiting members of the public:**

- Public halls
- Clubhouses, clubs, and institutions

G.18 The Council considers hotels, guest & boarding premises, and self-catering accommodation to mean:

**i. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:**

- Hotels, guest, and boarding houses
- Holiday homes
- Caravan parks and sites

G.19 To qualify for the relief the hereditament should be wholly or mainly being used for the above qualifying purposes. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

G.20 The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied uses that exist within the qualifying purposes.

G.21 The list below sets out the types of uses that the government does not consider to be an eligible use for the purpose of this discount.

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## **i. Hereditaments that are being used for the provision of the following services to visiting members of the public:**

- Financial services (e.g., banks, building societies, cash points, bureaux de change, short-term loan providers, betting shops)
- Medical services (e.g., vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g., solicitors, accountants, insurance agents/ financial advisers, employment agencies, estate agents, letting agents)
- Post office sorting offices

## **ii. Hereditaments that are not reasonably accessible to visiting members of the public**

### **Retail Hospitality and Leisure Business Rates Scheme (2022/23) - the Council's policy for granting discretionary relief.**

G.22 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

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## Appendix H

### Transitional Relief & Supporting Small Business Rates Relief (2022/23)

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## General Explanation

- H.1 The transitional relief scheme was introduced in 2017 to help those ratepayers who were faced with higher bills as a result of the revaluation. The scheme ends on 31 March 2022, as a result a small number of ratepayers would face a jump to their full rates bill from 1 April 2022.
- H.2 Government has announced that it would extend the current transitional relief (TR) scheme and the supporting small business scheme (SSB) for one year to the end of the current revaluation cycle. The scheme will restrict increases in bills to 15% for businesses with small properties (up to and including £20,000 rateable value) and 25% for medium properties (up to and including £100,000 rateable value).

## How will the relief be provided?

- H.3 As this is a temporary measure for 2022/23, the government is not changing the legislation around transitional relief. Instead, the government will, in line with the eligibility criteria set out in this guidance, reimburse the Council if it uses its discretionary relief powers, under section 47 of the Local Government Finance Act 1988, to grant relief.

## Who is eligible for the relief?

- H.4 Hereditaments that will benefit are those with a rateable value up to and including £100,000 who would have received transitional relief and/or SSB in 2022/23. In line with the existing thresholds in the transitional relief scheme, the £100,000 rateable value threshold should be based on the rateable value shown for 1 April 2017 or the substituted day in the cases of splits and mergers.
- H.5 This policy does **not** apply to those in downward transition to lower bills, those will fall to their full bill on 1 April 2022.

## How much relief will be available?

- H.6 Government will fund discretionary relief to ensure eligible properties receive the same level of protection they would have received had the statutory transitional relief scheme and SSB scheme extended into 2022/23.
- H.7 The practical effects of the transitional relief scheme should be assumed to remain as it is in the current statutory scheme (As prescribed in the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016 No. 1265) except that:
- (a) the cap on increases for small properties (with a rateable value of less than or equal to £20,000/£28,000 in London) in 2022/23 will be assumed to be 15% (before the increase for the change in the multiplier). Specifically, X in regulation 10(6) for the year commencing 1 April 2022 will be assumed to be 115. Q in regulation 10(12) should be assumed to be 1; and



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(b) the cap on increases for other properties (up to and including £100,000 rateable value) in 2022/23 will be assumed to be 25% (before the increase for the change in the multiplier). Specifically, X in regulation 10(4) for year commencing 1 April 2022 will be assumed to be 125. Q will be assumed to be 1.

- H.8 The scheme applies only to hereditaments up to and including £100,000 rateable value based on the value shown for 1 April 2017 or the substituted day in the cases of splits and mergers.
- H.9 Changes in rateable value which take effect from a later date will be calculated using the normal rules in the transitional relief scheme. For the avoidance of doubt, properties whose rateable value is £100,000 or less on 1 April 2017 (or the day of merger) but increase above £100,000 from a later date will still be eligible for the relief. Where necessary the Valuation Office Agency will continue to issue certificates for the value at 31 March 2017 (regulation 17, SI 2016 No. 1265) or 1 April 2017 (regulations 16 and 18 SI 2016 No.1265). The relief will be calculated on a daily basis.
- H.10 The SSB scheme will be assumed to remain as it is in the Council's scheme (for periods up to 31 March 2022) with a percentage cap in 2022/23 of 15% plus inflation (or a cash value increase of £600 if greater).
- H.11 Where a ratepayer would have been in receipt of both transitional relief and SSB in respect of 2022/23, a single award of section 47 relief resulting in a chargeable amount equivalent to that had the original transitional relief and SSB schemes continued.

## Subsidy control

- H.12 The extension of transitional relief and Supporting Small Business (SSB) relief scheme is likely to amount to subsidy. Any relief provided by the Council under this scheme will need to comply with the UK's domestic and international subsidy control obligations (See the BEIS guidance for public authorities which explains the subsidies chapter of the UK-EU Trade and Cooperation Agreement (TCA), World Trade Organisation rules on subsidies, and other international subsidy control commitments).
- H.13 To the extent that the Council is seeking to provide relief that falls within the Small Amounts of Financial Assistance Allowance, Article 364 of the TCA allows an economic actor (e.g. a holding company and its subsidiaries) to receive up to 325,000 Special Drawing Rights (£343,000 as at 9 December 2021) in a three-year period (consisting of the 2022/23 financial year and the two previous financial years) Expanded Retail Discount granted in either 2020/21 or 2021/22 does not count towards the £343,000 allowance but BEIS business grants (throughout the 3 years) and any other subsidies claimed under the Small Amounts of Financial Assistance limit, should be counted.
- H.14 In those cases where it is clear to the Council that the ratepayer is likely to breach the Small Amounts of Financial Assistance Allowance then the Council will automatically withhold the relief.

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## **Recalculations of relief**

H.15 As with the original transitional relief scheme, the amount of relief awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or to the hereditament. This change of circumstances could arise during the year in question or during a later year.

## **Calculating the extension of transitional relief and SSB where other reliefs apply**

H.16 Under the statutory transition scheme which ends on 31 March 2022, transitional relief is measured before all other reliefs. But the extension of transitional relief and SSB into 2022/23 will be delivered via section 47 of the Local Government Finance Act 1988 which will be measured **after** other reliefs (including other funded reliefs granted under section 47 such as Retail, Hospitality and Leisure relief).

## **Transitional Relief & Supporting Small Business Rates Relief (2022/23) - the Council's policy for granting discretionary relief.**

H.17 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

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## **Appendix I**

### **The Council's policy in respect of S49 of the Local Government Finance Act 1988**

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## General Explanation

- I.1 The Council is able to exercise its discretion under Section 49 of the Local Government Finance Act 1988 to provide either partial or full relief for non-domestic rate payments in cases of hardship where it would be reasonable to do so having due regard to the interests of council taxpayers in general.

## Discretionary Relief – Hardship – the Council’s Policy

- I.2 The Council will accept applications for hardship relief from individuals and organisations based on their own merits on a case-by-case basis. The Revenues and Benefits Service will consider applications. Application forms are available from the Council.
- I.3. A successful applicant will need to demonstrate that each of the following three conditions has been met:
- (a) that the business is suffering hardship;
  - (b) that the business is viable and that the granting of relief will help to ensure the future of the business; and
  - (c) that the business benefits the local community and its failure will be of significant impact to the local economy.
- I.4. Prior to any reduction in rate liability being applied, the business is expected to have taken appropriate action to mitigate or alleviate their hardship by:
- taking independent professional business advice;
  - reviewing their pricing structure or its approach to income generation;
  - where allowed by law, re-negotiating with creditors, including any financial institutions; service providers and the landlord regarding rent (the Council is mindful of insolvency statute that may limit this);
  - having a business plan in place to address the hardship

## Applications and Decision Making

- I.5 Hardship relief is intended to provide short term assistance to a ratepayer suffering unexpected hardship, financial difficulty, or otherwise, arising because of exceptional circumstances or short-term crisis beyond the business’ control and outside of the normal risks associated with running a business of that type, to the extent that the viability of the business would be threatened if an award were not made or where such a failure may significantly affect the local economy or employment.
- I.6 As the definition covers unforeseen events, it is not possible to offer precise definitions. However, a 'crisis' would have to result in a serious loss of trade, employment or have a major effect on the services that can be provided.
- I.7 'Exceptional circumstances' will usually be circumstances that came from outside the business or organisation and are beyond the normal risks faced by businesses and cannot be foreseen or avoided. The effect of strikes within a business or organisation, increased day to

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day running costs and increased competition would not be considered as 'exceptional circumstances' as they are normal business risks.

- I.8 Applications to reduce or remit the non-domestic rate charge will only be considered where the Council is satisfied that the ratepayer would otherwise sustain hardship if no award was made and that it is reasonable to grant relief having regard to the interest of Council Taxpayers who are affected by decisions under this section.
- I.9 Applications for hardship will be examined on a case-by-case basis by the Revenues and Benefits Service. Each application will be assessed on its individual merits. Other issues or requirements will also be considered in relation to the application as they arise including:
- All applications should be made in writing from the ratepayer, their advocate/appointee or a recognised third party acting on their behalf, preferably using the relevant form, and should contain the necessary information to substantiate the request;
  - All applications are only intended as short-term assistance and will not extend beyond the current financial year, and should not be considered as a way of reducing rate liability indefinitely;
  - The financial interests of the Council Taxpayers will not be the sole overriding factor e.g., the impact on employment and amenities provision will also be considered;
  - The test of 'hardship' is not confined strictly to financial hardship - all relevant factors affecting the ability of a business to meet its liability for rates are considered where readily available. Where the granting of relief will have an adverse effect on the financial interests of the council taxpayers, relief may still be granted if the case for relief on balance outweighs the costs to taxpayers;
  - The test of hardship will include an assessment of the ratepayer's individual accounts to verify that the payment of rates would cause hardship; and
  - How the reduction in rate liability may be affected by the Subsidy Control rules.
- I.10 Upon receipt of a written application, all supporting information must be included for consideration.
- I.11 Once a decision has been approved the ratepayer will be advised in writing of the decision.

## Review of Decision

- I.12 Under S49 of the Local Government Finance Act 1988, there is no general right of appeal against the Council's use of discretionary powers. However, on individual applications, the Council will accept a request from a ratepayer for a re-determination of its decision. The Council will consider whether the ratepayer has provided any additional information that will justify a change to its original decision.
- I.13 The Council will notify the ratepayer of its decision within 21 days of receiving a request for a redetermination. This decision shall be final.
- I.14 Should the ratepayer feel aggrieved by the way the Council has considered any application; the matter will be dealt with in accordance with the Council's complaints procedure.

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## Award of Relief and Period of the award

- I.15 Relief will normally only be awarded retrospectively. However, where the ratepayer can show that the circumstances will remain the same for a period up to the end of the current financial year, relief may be award for the remainder of the year.
- I.16 Hardship Relief will **not** be granted in respect of an unoccupied premises or where there is little or no expectation of economic survival.
- I.17 In all cases, it is expected that businesses should have taken prompt action to mitigate any factors giving rise to hardship. Examples of mitigating actions may include seeking business advice; discounts and promotions; reviewing pricing; extending the range of stock or services; and negotiating with creditors etc. Applications may be declined in circumstances where the business is unable to demonstrate that it is taking reasonable steps to alleviate the hardship.
- I.18 In all cases relief will end in the following circumstances:
- At the end of a financial year;
  - A change of ratepayer;
  - The property becomes unoccupied, partly unoccupied or is used for a different purpose;
  - The ratepayer enters any form of insolvency; or
  - The ratepayer's financial circumstances significantly change.
- I.19 The ratepayer must inform the Council if their circumstances change within a period of 21 days from the date of change.
- I.20 The Council will review cases periodically where awards are made to confirm hardship persists.
- I.21 The Council will not accept deliberate manipulation of this policy or fraud. Any person caught falsifying information to gain a discretionary award will face prosecution and any amount awarded will be removed from the non-domestic rate account.

## APPENDIX 2

# Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

<b>Version</b>	<b>2.0</b>	<b>Date</b>	<b>8 November 2022</b>
<b>Description of what is being impact assessed</b>			
<b>Somerset Council’s Business Rate Discretionary Rate Relief policy from 1 April 2023</b>			
<b>Evidence</b>			
<p><b>What data/information have you used to assess how this policy/service might impact on protected groups?</b> Sources such as the <a href="#">Office of National Statistics</a>, <a href="#">Somerset Intelligence Partnership</a>, <a href="#">Somerset’s Joint Strategic Needs Analysis (JSNA)</a>, Staff and/ or <a href="#">area profiles</a>, should be detailed here</p> <p>The policy aligns all S47 Local Government Finance Act 1992 reliefs into a single policy for the new Somerset Council.</p> <p>The policy covers three broad areas as follows:</p> <ul style="list-style-type: none"> <li>(a) Discretionary rate relief where the criteria are laid down by central government;</li> <li>(b) Discretionary rate relief where the criteria are determined by the new Council; and</li> <li>(c) Discretionary rate relief where the Government set the criteria <b>and</b> where the relief is fully funded by Central Government.</li> </ul> <p>In the case of (a) and (b) the cost of relief is shared between the Council and Government through the Business Rates Retention scheme.</p> <p>Information in relation to current rate reliefs has been obtained from each of the existing districts.</p>			

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All ratepayers requiring relief will be required to apply for relief from 1<sup>st</sup> April 2023 under the new policy.

The policy has been designed to protect existing businesses who receive relief.

**Who have you consulted with to assess possible impact on protected groups?** If you have not consulted other people, please explain why?

There is no statutory requirement to consult and there are no protected groups. Charities and organisations that are considered charitable in nature (such as Community Amateur Sports Clubs) will continue to receive mandatory rate relief under the legislation. In addition, discretionary relief may be granted where the charity is wholly or mainly Somerset based.

In the case of non-profit making organisations and also non-profit making sports clubs, discretionary relief will be granted if the organisation / club is wholly or mainly Somerset based.

Where relief can be granted under Government defined schemes, the policy will ensure that relief is granted strictly in accordance with Government guidance so that relief can be maximised and full funding received under a S31 grant.

## Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	Age is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to reliefs, where relevant to the type of organisation seeking the relief.	☐	☐	☒



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<b>Disability</b>	<ul style="list-style-type: none"> <li>Disability is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to reliefs, where relevant to the type of organisation seeking the relief.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>Gender reassignment is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to reliefs, where relevant to the type of organisation seeking the relief.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>Marriage and civil partnership is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to reliefs, where relevant to the type of organisation seeking the relief.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>Pregnancy and maternity is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to reliefs, where relevant to the type of organisation seeking the relief.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>Race and ethnicity is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to reliefs, where relevant to the type of organisation seeking the relief.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>Religion and belief is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# PAPER D

	reliefs, where relevant to the type of organisation seeking the relief.			
<b>Sex</b>	<ul style="list-style-type: none"> <li>Sex is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to reliefs, where relevant to the type of organisation seeking the relief.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>Sexual orientation is not a direct factor in the assessment of Business Rates Reliefs. However, inclusivity and access to facilities for people in any protected group will be a factor in assessing entitlement to reliefs, where relevant to the type of organisation seeking the relief.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Negative outcomes action plan**

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
NO ACTIONS IDENTIFIED	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

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	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

**If negative impacts remain, please provide an explanation below.**

<b>Completed by:</b>	<b>Will Walsh &amp; Jenny Collins</b>
<b>Date</b>	<b>8th November 2022</b>
<b>Signed off by:</b>	<b>Richard Sealy, Assistant Director Customer, Somerset West &amp; Taunton</b>
<b>Date</b>	<b>8th November 2022</b>
<b>Equality Lead/Manager sign off date:</b>	8 November 2022 / Tom Rutland
<b>To be reviewed by: (officer name)</b>	Revenues & Benefits Service Manager
<b>Review date:</b>	September 2023

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## APPENDIX 3

### High level comparison exercise to map the potential impact of the proposed policy

Relief Type	Max possible relief	Proposed relief & qualifying criteria	Impact summary			
			Mendip	Sedgemoor	Somerset West & Taunton	South Somerset
<b>Mandatory Recipients – ‘Top Up’</b> (Discretionary) Excluding CASCs (Business Rates Retention)	20%	<b>20%</b> for all local (wholly or mainly Somerset Based) Charities	<b>No significant change.</b> Currently 20% top up is awarded to all local registered charities that would otherwise receive small business rate relief. A small number currently only receive 15% top up, so these will gain a small amount of relief.	<b>Small increase in the amount being awarded.</b> Currently 20% top up is awarded to local, registered charities who occupy certain types of property excluding shops. The proposed scheme extends support to shops, which may enable 10 existing local charities to access top-up support. Potentially costs an additional £15,262. Little impact on halls & community centres as most currently receive mandatory relief.	<b>Overall net decrease</b> in spend of £16k as national charities will lose top-up. Local charities will gain by £10k.	<b>Overall net decrease in spend</b> Previously paid variable amounts of top-up dependent on the type of property & activity. The new scheme shifts support to local charities. The types of organisation that will lose out are national charities such as St Johns Ambulance and Bibic (national charity but head office in Langport)  Potentially some significant gains for locally based charities who currently receive

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Relief Type	Max possible	Proposed relief	Impact summary			
						<p>no top up e.g. Fearne Animal Sanctuary, Haynes Motor Museum gain</p> <p>The changes to the policy also affect our Leisure providers who currently receive 20% top up. 3 centres are run by a national charity and would lose their full top up of £57,804 and one further centre loses £2,595 as the relief is capped at £10,000</p>
<p>Discretionary Relief – <b>Non Profit Making organisations</b> (Business Rates Retention)</p>	<p>100%</p>	<p><b>75%</b> for all local (wholly or mainly Somerset Based) organisations</p>	<p><b>No change</b> – as reflects current Policy.</p>	<p>None currently in payment.</p>	<p>This affects very few accounts currently and based on current caseload may result in a <b>slight increase</b> in spend of £5,333.</p>	<p><b>Minor reduction</b> in the amount awarded, but affects very few accounts. The current maximum awarded is 80% so slight decrease in award. One organisation affected providing a community hired space/meeting room hire and training</p>

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Relief Type	Max possible	Proposed relief	Impact summary			
						and fitness courses.
Discretionary Relief – <b>Non Profit Making Recreation Clubs</b> (Business Rates Retention)	100%	<b>75%</b> for all local (wholly or mainly Somerset Based) recreation clubs  All clubs are encouraged to claim CASC status	<b>No change</b> – as reflect current Policy.	<b>Small increase</b> in the amount being awarded. Currently awarding £15,793 to 3 local organisations. Potential additional cost of £10,476.	This affects very few accounts currently and based on current caseload would result in a <b>potential increase</b> in spend of £11,000.	<b>Minimal impact.</b> Maximum current award is 90% so there will be a slight decrease in award but very few accounts affected. One sports/tennis club affected.
<b>Mandatory Recipients – CASC ‘Top Up’</b> (Discretionary) (Business Rates Retention)	20%	<b>20%</b> for all local (wholly or mainly Somerset Based) CASCs	<b>No significant change.</b> Currently 20% top up is awarded to all local CASC’s that would otherwise receive small business rate relief. A small number currently only receive 15% top up, so these will gain a small amount of relief.	<b>Small increase</b> in the amount being awarded. Currently do not pay top-up relief for CASCs. These proposals would potentially provide top-up for 12 current mandatory cases at an additional cost of circa £9k.	Estimated <b>small decrease</b> in net award of approx. £600 so very little impact following change to policy. Impacts very few accounts.	<b>Minor increase</b> in the amount awarded. Currently only 7 accounts all local getting 10% top up. <b>Cost circa £5k</b>
<b>Rural Rate Relief – Discretionary Only</b> (small number of cases that fall within the criteria)	100%	<b>75%</b> for all local (wholly or mainly Somerset Based) rural businesses	<b>Slight change</b> to the few accounts who currently receive 45% top up – so a gain in relief for these cases of	<b>No current cases.</b>	<b>Very little impact</b> as only 2 accounts receiving Other Rural Disc Relief.	<b>Very little change,</b> most recipients have mandatory/discretionary 50/50 relief.

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Relief Type	Max possible	Proposed relief	Impact summary			
			circa £2,500 in total.			

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Somerset County Council

County Council

– 23 November 2022

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## **Report of the Monitoring Officer –Independent Persons for Somerset Council and proposed appointments**

Lead Officer & Author: Scott Wooldridge - Monitoring Officer and Head of Governance & Democratic Services

Contact Details: 01823 357628 or 01823 359043

### **1. Summary**

#### **1.1 Independent Persons**

The Localism Act 2011 requires Councils to have arrangements in place to investigate and make decisions on allegations that a Councillor has breached the Code of Conduct. The arrangements to make decisions on allegations must include provision for the appointment of one or more “Independent Person” through a transparent process, by advertisement and application. A Member, Co-opted Member or Officer of the Authority or a relative or close friend of such person cannot be appointed as an “Independent Person”. In addition, a person cannot be appointed as an “Independent Person” if at any time during the 5 years before the appointment, the person was a Member, Co-opted Member or an Officer of the Authority. For several years the County Council has put in place an Independent Person and Reserve Independent Person to support its standards arrangements.

The Council must seek and take into account the views of the Independent Person before reaching a decision about an allegation which it has decided to investigate. The Member against whom a complaint is made may also seek the views of the Independent Person. Whilst the Independent Person must be consulted, he/she has no vote or binding authority in any determination process with regard to a complaint. In addition, Councils must include at least two Independent Persons on any panel formed to consider disciplinary action against Statutory Officers.

The Council has been recruiting for a Reserve Independent Person to fill a vacancy. Interviews are now complete and as the appointment of Independent Persons must, by law, be approved by a majority of elected Members, Council are asked to endorse the decision of the Interview Panel.

As part of the transition to the new Somerset Council, work has been undertaken to review the proposals for Independent Persons to support the

new Council's standards arrangements. That work has concluded that comparable unitary councils typically have three Independent Persons. It is recommended that the new Somerset Council appoints three Independent Persons ahead of 1 April 2023.

## **2. Recommendation(s)**

### **2.1 The Council is asked to consider and agree the following recommendations :-**

#### **Independent Persons**

- 1. Appoint Lorraine Davey as a Reserve Independent Person under Section 28 of the Localism Act 2011 with immediate effect until 31 March 2023**
- 2. Authorise the Monitoring Officer to undertake the recruitment of three Independent Persons for the new Somerset Council on the basis set out in this report**

## **3. Background**

### **3.1 Appointment of a Reserve Independent Person**

The Council has been recruiting for a Reserve Independent Person to fill a vacancy. At the same time, Mendip District Council needed to undertake the recruitment of an Independent Person and therefore a joint recruitment exercise was undertaken as part of the collaborative work on Local Government Reorganisation in Somerset. Interviews are now complete and as the appointment of Independent Persons must, by law, be approved by a majority of elected Members, Council will therefore be asked to endorse the decision of the Interview Panel.

- 3.1.1** A thorough and transparent selection process has been undertaken. The opportunity was advertised in the local press and online in July. The recruitment campaign was jointly undertaken with Mendip District Council who were also looking to recruit their own Independent Person. This collaborative approach is part of the five councils partnership work through local government reorganisation in Somerset. A single candidate was interviewed by the Monitoring Officers of both Mendip District Council and Somerset County Council.

- 3.1.2 The Interview Panel reached a unanimous decision that they would recommend Lorraine Davey to be appointed by their respective Council. Lorraine Davey has a background in the education sector and has worked for various education/local authorities as well as an academy at a senior level over the last 20 years. Currently she acts as an Independent Early Years Consultant in the nursery sector.
- 3.1.3 The Interview Panel concluded that Lorraine Davey has significant skills and qualities which would benefit the Council in meeting its legal duty to uphold and promote high standards of ethical behaviour amongst elected and co-opted Members.
- 3.1.4 Section 28 of the Localism Act 2011 places a duty on Councils to appoint at least one Independent Person. The Act also requires the vacancy for an Independent Person to be advertised in such manner as the Authority consider is likely to bring it to the attention of the public. A person cannot be appointed as an Independent Person unless they have submitted an application for the vacancy and their appointment has been approved by a majority of members of the Authority.

The options available to the Council therefore are to appoint the candidate recommended by the Panel, or recommend the post is re-advertised.

3.2.1 **Recruitment of Independent Persons for Somerset Council**

The Localism Act 2011 requires Councils to have arrangements in place to investigate and make decisions on allegations that a Councillor has breached the Code of Conduct. The arrangements to make decisions on allegations must include provision for the appointment of one or more "Independent Person" through a transparent process, by advertisement and application. A Member, Co-opted Member or Officer of the Authority or a relative or close friend of such person cannot be appointed as an "Independent Person". In addition, a person cannot be appointed as an "Independent Person" if at any time during the 5 years before the appointment, the person was a Member, Co-opted Member or an Officer of the Authority. For several years the County Council has put in place an Independent Person and Reserve Independent Person to support its standards arrangements.

- 3.2.2 The Council must seek and take into account the views of the Independent Person before reaching a decision about an allegation which it has decided to investigate. The Member against whom a complaint is made may also seek the views of the Independent Person. Whilst the Independent Person must be consulted, he/she has no vote or binding authority in any determination process with regard to a complaint. In addition, Councils must include at least two Independent Persons on any panel formed to consider disciplinary action against Statutory Officers.

- 3.2.3 The appointment of Independent Persons will also contribute to the openness and transparency of the Council's ethical standards arrangements by providing an external view on complaints against elected members.
- 3.2.4 Following the approval of the Somerset Structural Changes Order 2022, Somerset Council will come into effect on 1 April 2023 as part of local government reorganisation in Somerset. Section 28(7) of the Localism Act 2011 requires a relevant authority to put in place arrangements under which any allegations of misconduct can be investigated and decisions made on the allegations. These arrangements must include provision for the appointment of at least one independent person
- 3.2.5 More than one independent person must be appointed to ensure compliance with the Employment Procedure Amendments Regulations 2015 and in relation to standards matters this is required to ensure appropriate cover should there be any prejudicial interest or other conflict preventing an independent person being utilised on a certain issue. Review of other unitary councils formed through local government reorganisation identifies that they have appointed the following numbers of Independent Persons:
- Buckinghamshire (146 members) – 3
- Bournemouth, Christchurch & Poole (76 members) – 3
- Dorset (82 members) - 3
- Somerset (98 members) – 3
- 3.2.6 In view of the large number of council members (110 council members) within Somerset who will be covered by Somerset Council's procedure for dealing with any allegation of misconduct, as well as supporting the Monitoring Officer and Deputy Monitoring Officer(s) in respect of their role in assessing code of conduct complaints relating to all City, Town & Parish Councillors within the County, it is recommended at least three independent persons be appointed to provide the necessary resilience and sufficient capacity.
- 3.2.6 The Committee for Standards in Public Life recommends independent persons be appointed for a two-year period for a maximum of two terms. It is therefore recommended that in this instance independent persons be appointed on a four-year basis up until the next elections in 2027, so as to

avoid a further recruitment process early in the first term of the new Somerset Council.

3.2.7 Allowances paid to Independent Persons vary across councils and in some instances only travel and subsistence expenses are paid. Examples of the annual allowances paid by unitary councils formed through local government reorganisation are as follows:

Buckinghamshire - £ 250 per annum

Bournemouth, Christchurch & Poole – £ 1,000 per annum

Dorset – £ 1,000 per annum

Somerset - £ 2,522 per annum

3.2.8 It is proposed that the three Independent Persons for the new Somerset Council receive an annual allowance of £ 1,000 per annum.

3.2.10 Independent Persons do not need any specific qualifications but the attributes and experience they are expected to possess will be set out in a recruitment pack, together with the grounds which would disqualify an applicant from being appointed.

3.2.9 It is proposed that the Council authorises the Monitoring Officer to oversee and undertake the recruitment process for three Independent Persons. The role and person specification for an Independent Person is set out in Appendix 1. A transparent selection process will be undertaken with the opportunities advertised locally and on the Council's website.

3.2.10 Appointments must be approved by a majority of members of the Council, which means full Council must make the final decision. The proposed recommended appointments for the three Independent Persons will be brought to the Council's meeting in February 2023.

#### **4. Implications**

Legal – As outlined in this report the Council must appoint at least one Independent Person by Section 28 of the Localism Act 2011.

There is also a mandatory requirement introduced under the Employment Procedure Amendment Regulations 2015 to invite at least two independent persons to join a panel set up to consider the dismissal of statutory officers.

Appointments must be approved by a majority of the members of the authority. When considering the recommendations, the Council should have regard to budget implications that will arise from the agreed rate of payment for independent persons as detailed in this report.

Financial – For Somerset County Council the role of Independent Person has a current allowance of £ 577 per annum and the Reserve Independent Person has a 'retainer' allowance of £ 289 per annum.

It is proposed that the 3 Independent Persons for the new Somerset Council are paid an annual allowance of £ 1,000 per annum.

Equalities - The recruitment and advertisement process complies with Section 28 of the Localism Act 2011.

Risk - The key risk is that the Council does not have suitable persons to undertake the Independent Person(s) role. Once the appointment is accepted, then any risk will be limited to conflicts of interest which should be rare, but if they arise, they will be determined on an individual case by case basis.

## **5. Consultation**

The Constitution and Governance Committee have been consulted on the proposed recruitment of three Independent Persons at their meeting on 20 October and the Committee was supportive.

The Standards Committee were consulted at their meeting on 10 November 2022 and are supportive of the proposals relating to the appointment and recruitment of Independent Persons.

## **6. Background Papers**

- 6.1 Council's Constitution
- Localism Act 2011
- Somerset Structural Changes Order 2022

**SOMERSET  
COUNCIL**

**JOB DESCRIPTION AND PERSON SPECIFICATION**

**INDEPENDENT PERSON APPOINTED UNDER SECTION 28(7) LOCALISM  
ACT 2012**

**Ethical Framework**

The Localism Act 2011 provides the framework intended to secure high standards of conduct in public office. It requires the County Council to appoint at least one Independent Person who will be consulted on alleged breaches of the Members Code of Conduct for Members of the Council as well as Members of Town and Parish Councils within Somerset.

The Independent Person may also be consulted on allegations referred to the Monitoring Officer in deciding whether to investigate. Members who are the subject of complaints are also entitled to seek the views of the Independent Person. The Independent Person is not however a member of the Council or its Committees.

The role of the Independent person will be important to the public's perception of the effectiveness of the Council's standards arrangements and the maintenance of high standards of conduct, and it is very important that such members are seen to be genuinely independent of the County Council and any of its Town and Parish Councils.

The functions of the Independent Person in relation to Standards are:

- They must be consulted by the Monitoring Officer and/or the Council's Hearing Panel and their views considered before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect to that member.
- They may be consulted by the Monitoring Officer and/or the Council's Standards Committee in respect of the Council's standards arrangements.
- They may be consulted by a member or co-opted member

of the Council or a city / parish / town council against whom the complaint has been made.

The Council is also required to consider the recommendations of the Independent Person before taking a decision to discipline or dismiss one of the Council's Statutory Officers.

### **Job Purpose**

To undertake the statutory role of the Independent Person appointed under section 28(7) of the Localism Act 2011 and to assist the Council generally in discharging its duty to promote and maintain high standards of conduct by members and co-opted members of Somerset Council.

### **Contacts**

- Elected and co-opted members of Somerset Council and of Parish, Town and City Councils in Somerset
- Somerset Council officers
- Members of the Public

### **Key tasks**

- Advising and assisting Somerset Council in discharging its duty to promote and maintain high standards of conduct by elected and co-opted members of Somerset Council.
- Advising elected and co-opted members of Somerset Council and of Parish, Town and City Councils in Somerset in connection with complaints made against them under their Code of Conduct.
- Advising the Monitoring Officer in connection with the initial assessment of member misconduct complaints in accordance with the Council's arrangements made under section 28(6) of the Localism Act 2011.
- Advising the relevant Panel / Committee undertaking the Council's standards arrangements in connection with the determination of member misconduct complaints in accordance with the Council's arrangements made under section 28(6) of the Localism Act 2011.



## Person specification

CATEGORY	ESSENTIAL	DESIRABLE
<b>Education</b>	<ul style="list-style-type: none"> <li>• A good general level of education, sufficient to enable the Independent Person to deal with relevant paperwork and discussions.</li> </ul>	
<b>Work Experience</b>		<ul style="list-style-type: none"> <li>• Experience within a similar role that has involved the promotion of high ethical standards.</li> </ul>
<b>Skills, Knowledge and Aptitude</b>	<ul style="list-style-type: none"> <li>• Ability to analyse complex issues in a logical way, and to arrive at practical ethical solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Knowledge of relevant public services.</li> </ul>
<b>Personal attributes</b>	<ul style="list-style-type: none"> <li>• Must display the highest standards of integrity and conduct.</li> <li>• must have personal integrity and a commitment to equality and diversity.</li> <li>• must be fair and able to take an objective view of sometimes emotive situations.</li> <li>• must act with independence and tenacity and demonstrate skills of persuasion and influence.</li> <li>• must be able to exercise sound judgement, and must be able to analyse and solve complex problems.</li> <li>• must be able to express their ideas and point of view effectively, while being an excellent listener.</li> <li>• They must have excellent inter-personal skills.</li> </ul>	

<b>Motivation</b>	<ul style="list-style-type: none"> <li>• Must have a firm belief in the importance of public services to the community.</li> <li>• Must have a firm belief in the importance of high standards of conduct to the successful achievement of the Council's objectives.</li> </ul>	
<b>Restrictions</b>	<ul style="list-style-type: none"> <li>• Must not be a member, co-opted member or officer of Somerset Council or of a City, Town or Parish Council within Somerset and must not have held such a position within the previous five years.</li> <li>• Must not be related to, or a close friend of, a member, co-opted member or officer of Somerset Council or of a City, Town or Parish Council within Durham.</li> </ul>	

### **Equality and Diversity**

The Independent Person is obliged to demonstrate and promote a commitment to the Council's Equality and Diversity Policy.

### **Eligibility**

Under section 28(8) and (10) Localism Act 2011 the following persons are not eligible for appointment as an independent person:

- current members, co-opted members and officers of Somerset Council or of any parish, town or city council within its area, or their relatives or close friends;
- any person who has at any time during the 5 years ending with the appointment been a member, co-opted member or officer of the council or any of the parish, town or city councils in its area;

For these purposes a person is a relative of another person if they are -

- a. the other person's spouse or civil partner;
- b. living with the other person as husband and wife or as if they were civil partners;
- c. a grandparent of the other person
- d. a lineal descendant of a grandparent of the other person;
- e. a parent, sibling, or child of a person within a. or b. above;
- f. the spouse or civil partner of a person within c., d. or e. above; or
- g. living with a person within c., d., or e. above as husband and wife or as if they were civil partners.

### **Term of Appointment**

The Council plans to appoint 3 independent persons. These will be appointed up until the ordinary day of elections in 2027.

### **Allowance**

The Council will pay an Independent Person an annual allowance and it is proposed that the allowance for 2023/24 will be £1,000 per annum. The level of allowance will be reviewed regularly as part of the review of the Council's Members' Allowances Scheme.

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Somerset County Council

County Council  
-23 November 2022



## **Annual Report of the Corporate Parenting Board**

Cabinet Member(s): Cllr Tessa Munt, Executive Member for Children and Families  
Local Member(s) and Division: Jane Lock, Independent Chair, Somerset Corporate Parenting Board

Lead Officer: Claire Winter, Acting Director of Children's Services, SCC

Author: Fiona Phur, Partnership and Participation Manager, SCC

Contact Details: [fiona.phur@somerset.gov.uk](mailto:fiona.phur@somerset.gov.uk)

### **1. Summary**

**1.1** The Somerset Corporate Parenting Board (CPB) meets quarterly to take reports from its four sub-groups on progress to improving the lives of children and young people in care. It is also responsible for making sure that the aims of the Somerset's Corporate Parenting Strategy are met.

**1.2** In 2021-2022 children looked after, care leavers, their carers and the services that support them in Somerset have worked hard to recover from the COVID-19 pandemic. For example, many schools are still getting back to pre-pandemic attendance levels. The CPB has strived for assurance that our young people's experiences and needs have been understood and met during this recovery period. We also want to ensure those needs shape our local conversation and actions about how we support the outcomes of the impact of the pandemic for our young people and the people who care for them in the future.

**1.3** During this recovery period the CPB continues to function effectively with reports from officers and partners showing clear progress against the seven Principles of Corporate Parenting. Our OFSTED Inspection report in July 2022 noted that 'Somerset County Council is an active and caring Corporate Parent with a well-structured Corporate Parenting Board that is committed and effective. The Board is reflective, holding itself and senior leaders accountable for the quality of care provided to children. Its work is enhanced by the openness and energy of the input from the Children in Care and Care Leaver Councils.'

This annual report highlights the high quality of delivery that our front-line staff undertake, and the Board's ability to influence this delivery through its direct contact with operational leads in its subgroups and supports Children's Social Care journey to attaining an Outstanding OFSTED judgement.

- 1.4** The Board has continued to report progress virtually this year; with officers, sub-groups and members embedding their knowledge of technology and learning how to collaborate effectively through screens. This report highlights clear signs of progress and success as well as acknowledging areas that still need to improve to support our children looked after and care leavers to be safe, well and prepared for adult life.
- 1.5** The Board has also prepared to access the advantages that a unitary council will offer the children and young people we care for from 2023.

## **2. Recommendations**

- 2.1** The Corporate Parenting Board requests:
- That Council recommends a focus on corporate parenting responsibility as we move to a unitary council
  - That Council supports and promotes a whole council approach to create practical and specific offers to Care Leavers through our Local Offer and the Care Leaver Covenant
  - That Council extend its thanks to the Somerset Care Council's young people for all the hard work that they undertake.

## **3. Background**

- 3.1** The role of the Somerset Corporate Parenting Board is to ensure that Somerset County Council, together with the four District Councils, fulfil their duties towards children looked after (CLA), corporately and in partnership with other statutory agencies, including the NHS and Police. The existing Corporate Parenting Strategy and Terms of Reference (TOR), including membership, of the Corporate Parenting Board were agreed by Council in June 2022.
- 3.2** The Corporate Parenting Board has met quarterly throughout the year, receiving regular updates from officers, partners and the Somerset In Care Council (SiCC) and Somerset Leaving Care Council (SLCC) who are a representative group of young people looked after or leaving care and are supported by a Participation Worker (see Appendix B for their report). The voice of the child is a key aspect of the Strategy, and the Board has continued to engage with young people, both through their representation on the Board, and through SiCC and SLCC which is well established and has an effective and regular link with the Board.
- 3.3** The Council's corporate parenting arrangements were reviewed following May 2022 Local Elections to ensure Somerset continues to provide a robust Corporate Parenting approach.
- 3.4** Full council in June 2022 approved the new elected members, and the updated annual action plan, and the arrangements set out in the

corporate parenting strategy. Currently, ten elected members are committed to the Board.

**3.5** The chair especially wishes to highlight the many positive outcomes from the work of the Board and sub-groups especially:

- Care Experienced people of any age are now part of SCC Guaranteed Interview Scheme, where the essential criteria of a job are met
- There is more capacity for the Medical Adviser for Adoption for compliance with the Adoption Agencies Regulations
- The health of Children Looked After and Care Leavers in COVID recovery is promoted with practitioners and carers
- All 16-17 years care leavers receive hard copies of their Health Passports
- All children coming in care aged 5+ years meet an advocate to learn about their rights and how to communicate using Mind of My Own
- 95% of all Child Protection Conferences now have advocacy representation
- Online Corporate Parenting training to all SCC staff has resulted in 800+ completed modules
- SiCC and SLCC are involved in the strategic partnership to commission homes for children – Homes2Inspire – a collaboration between commissioning, procurement, CSC, SiCC and SLCC and The Shaw Trust
- Electronic Personal Education Plans (E-PEPs) are now fully launched with key monitoring delivered by WelfareCall – EPEP, attendance, suspensions and exclusions
- The Virtual Head now has a strategic role around the education of all children with social workers and support and monitoring in place
- A collaboration with Job Centre, leaving care service and SomersetWorks has seen a reduction in care leavers who are NEET from 36% (2019/20) to 30% June 2022
- A specialist senior leaving care worker has been recruited to reduce homelessness
- Long term placement stability for CLA has increased to 67% compared to 63.6% at the same point last year

#### **4. Background Papers**

- 4.1** Corporate Parenting Board Annual Report 2021 – 2022, available on request.
- 1.1.**

**Note:** For sight of individual background papers please contact the report author



Somerset Corporate Parenting Board  
**Annual Report**  
2021-22



# 1. Summary

- 1.1** The Somerset Corporate Parenting Board (CPB) meets quarterly to take reports from its four sub-groups on progress to improving the lives of children and young people in care. It is also responsible for making sure that the aims of the Somerset's Corporate Parenting Strategy are met.
- 1.2** In 2021-2022 children looked after, care leavers, their carers and the services that support them in Somerset have worked hard to recover from the COVID-19 pandemic. For example, many schools are still working on getting back to pre-pandemic attendance levels. The CPB has strived for assurance that our young people's experiences and needs have been understood and met during this recovery period. We also want to ensure those needs shape our local conversation and actions about how we support the outcomes of the impact of the pandemic for our young people and the people who care for them in the future.
- 1.3** During this recovery period the CPB continues to function effectively with reports from officers and partners showing clear progress against the seven Principles of Corporate Parenting and our Ofsted Improvement programme. This annual report highlights the high quality of delivery that our front-line staff undertake, and the Board's ability to influence this delivery through its direct contact with operational leads in its subgroups.
- 1.4** The Board has continued to report progress virtually this year; with officers, sub-groups and members embedding their knowledge of technology and learning how to collaborate effectively through screens. This report highlights clear signs of progress and success as well as acknowledging areas that still need to improve to support our children looked after and care leavers to be safe, well and prepared for adult life.
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## 3. Background

**3.1** The role of the Somerset Corporate Parenting Board is to ensure that Somerset County Council, together with the four District Councils, fulfil their duties towards children looked after (CLA); corporately and in partnership with other statutory agencies, including the NHS and Police. The Corporate Parenting Strategy 2022 - 2025 and Terms of Reference (TOR), including membership of the Corporate Parenting Board, clearly define roles and responsibilities.

The Corporate Parenting Board has met quarterly throughout the year, receiving regular updates from officers, partners and the Somerset In Care Council (SiCC) and Somerset Leaving Care Council (SLCC) who are a representative group of young people looked after or leaving care and are supported by a Participation Worker (see **Appendix B** for their report). The voice of the child is a key aspect of the Strategy and the Board has continued to engage with young people, both through their representation on the Board, and through SiCC and SLCC which is well established and has an effective and regular link with the Board.

The Council's corporate parenting arrangements were reviewed following May 2017 Local Elections to ensure Somerset continues to provide a robust Corporate Parenting approach. Preparations are now in place to review arrangements after the forthcoming local elections – May 2022.

Full council in June 2017 approved the new elected members, and the updated annual action plan, and the arrangements set out in the corporate parenting strategy. Currently, nine elected members are committed to the Board.

The overall aim of the Corporate Parenting Strategy 2019 - 2022 is to strengthen good practice through a whole council approach to corporate parenting and a strong and effective approach to partnership working, thus improving the achievement, life chances and opportunities for all children looked after and care leavers.

**3.2** Promotion of the Seven Principles of Corporate Parenting:

In order to thrive, children and young people have certain key needs that good parents generally meet. The corporate parenting principles set out Seven Principles (identified in section one of the Children and Social Work Act 2017) that local authorities must have regard to when exercising their functions in relation to looked after children and young people as follows:

1. to act in the best interests, and promote the physical and mental health and wellbeing, of those children and young people
2. to encourage those children and young people to express their views, wishes and feelings



3. to take into account the views, wishes and feelings of those children and young people
4. to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners
5. to promote high aspirations, and seek to secure the best outcomes, for those children and young people
6. for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
7. to prepare those children and young people for adulthood and independent living.

These principles form the structure of our actions and guide the decisions and challenges we make as a board.

- 3.3** The focus of the Corporate Parenting Board is on the delivery of five priorities covering placement sufficiency and stability, education, health, voice of the child and leaving care through well-established sub-groups with good cross agency working, led by a senior officer, and supported by a Councillor from the Board. Additionally, the key area of foster carer development is led by the council's fostering service. Action owners on the groups take responsibility for issues to deliver solutions within deadlines.

The outcomes of this work are reported quarterly through the Somerset Safeguarding Children Partnership (SSCP) performance reporting arrangements, against four improvement programmes. Reports are complemented by detailed data and performance measures provided to the Board to support them in their role in leading and challenging service delivery.

- 3.4** This report provides an update of the function and impact of the Board over the past 12 months.



## 4. 2021 – 2022 Achievements

**4.1** Achievements 2021 - 2022 (see **Appendix A**) : this information evaluates the progress against the annual priorities set for 2021/22

**4.2** The format/governance of the Corporate Parenting Board:

The Board has continued to meet virtually following the lockdown during pandemic in line with national and local COVID guidelines. Attendance has been strong and use of technology and virtual meeting etiquette has been embedded.

The chair of the Corporate Parenting Board is a member of the Partnership Business Group of the Somerset Safeguarding Children Partnership. The group reports to and aligns to the Safeguarding priorities and those of the Children & Young People's Plan 2019 – 2022.

**4.3** The chair especially wishes to highlight the many positive outcomes from the work of the Board and sub-groups especially:

1. Care Experienced people of any age are now part of SCC Guaranteed Interview Scheme, where the essential criteria of a job are met
2. There is more capacity for the Medical Adviser for Adoption for compliance with the Adoption Agencies Regulations
3. The health of Children Looked After and Care Leavers in COVID recovery is promoted with practitioners and carers
4. All 16-17 years care leavers receive hard copies of their Health Passports
5. All children coming in care aged 5+ years meet an advocate to learn about their rights and how to communicate using Mind of My Own
6. 95% of all Child Protection Conferences now have advocacy representation
7. Online Corporate Parenting training to all SCC staff has resulted in 800+ completed modules
8. SiCC and SLCC are involved in the strategic partnership to commission homes for children – Homes2Inspire – a collaboration between commissioning, procurement, CSC, SiCC and SLCC and The Shaw Trust
9. Electronic Personal Education Plans (E-PEPs) are now fully launched with key monitoring delivered by WelfareCall – EPEP, attendance, suspensions and exclusions
10. The Virtual Head now has a strategic role around the education of all children with social workers and support and monitoring in place
11. A collaboration with Job Centre, leaving care service and SomersetWorks has seen a reduction in care leavers who are NEET from 36% (2019/20) to 30% June 2022



12. A specialist senior leaving care worker has been recruited to reduce homelessness
13. Long term placement stability for CLA has increased to 67% compared to 63.6% at the same point last year

#### 4.4 SiCC & SLCC update: (see **Appendix B**)

- The main focus for SiCC and SLCC this year has been the amazing opportunities that the new Strategic Partnership has offered our young people. From high level decision making, branding workshops and interviews, this has been a real development of SiCC and SLCC's skills and capabilities.
- The Annual Achievements Awards ceremony had to be a smaller affair due to COVID restrictions but the young people hosted a considerate and engaging event at Dillington House - enjoyed by all who attended
- The young people interviewed for , and welcomed, their new Participation Worker who brought a wealth of skills and experiences that has changed the way young people engage with the Corporate Parenting Board and has given greater opportunities for more young people to take part.

## 5. Areas for Development

- 5.1 • Areas for Development (see **Appendix A**) – this information sets out the development areas for 2022/23.

## 6. Appendices

- **Page 7: Appendix A** – Corporate Parenting Board Achievements and Areas for Development 2021 – 2022
- **Page 15: Appendix B** – SiCC and SLCC Annual Report 2021 - 2022
- **Page 19: Appendix C** – Corporate Parenting Board Strategy 2022- 2025
- **Page 37: Appendix D** – Corporate Parenting Board Terms of Reference 2021 – 2022
- **Page 42: Glossary of Terms**
- **Link to Somerset's [Local Offer for Care Leavers](#)**



# Appendix A – Corporate Parenting Board Achievements and Areas for Development 2021 - 2022

<p><b>SEVEN PRINCIPLES</b></p>	<p><b>1. To act in the best interests, and promote the physical and mental health and well-being, of children and young people</b></p>
<p><b>ACHIEVEMENTS 2021-22</b></p>	<p>More capacity for the Medical Adviser for Adoption for compliance with the Adoption Agencies Regulations. This investment to support adoption services is through medical, nursing, midwifery and administration support to affect timeliness of adoption reviews.</p> <p>The health of Children Looked After (CLA) and Care Leavers (CL) in COVID recovery was promoted with practitioners and carers knowing where vaccinations and support were available.</p> <p>Dental assessments dramatically decreased during COVID and were slow to improve; in 2021 rose from 55.4% of CLA receiving assessment to 66.8%. All dentists received the Chief Dental Officer for England’s letter reminding them of their responsibility to CLA.</p> <p>All 16- 17 years care leavers received hard copies of their Health Passports; work in place to include 18 years+ who have left care.</p> <p>2 additional CLA nurses recruited to start in post May 2022.</p> <p>Improved hospital discharge for CLA in acute paediatric units with complex needs.</p> <p>92.2% of Initial Health Assessments complete this year which is an overall improvement; Review Health Assessments remain stable at 88%.</p>
<p><b>AREAS FOR DEVELOPMENT 2022 - 23</b></p>	<p>Ensure that all Children Looked After have robust statutory health assessments which are completed in a timely way by the right Health professional, are included in the child’s care plan and are considered at each CLA Review meeting.</p> <p>A greater focus to ensure the mental health health needs of CLs are met including transition to adult services.</p> <p>Improve access to and uptake of annual dental assessments.</p> <p>Learning from Safeguarding Reviews where CLA is involved to be embedded into subgroup agenda.</p>
<p><b>RESPONSIBILITY</b></p>	<ul style="list-style-type: none"> <li>• <b>Health and Wellbeing Sub-Group</b></li> </ul>

<p><b>SEVEN PRINCIPLES</b></p>	<p><b>2. To encourage children and young people to express their views, wishes and feelings</b></p>
<p><b>ACHIEVEMENTS 2021-22</b></p>	<p>Route One staff now meet anyone over aged 5 years when they first come into care and demonstrate Mind of My Own; regular staff training on Mind of My Own is now offered to CSC teams.</p> <p>95% of all Child Protection Conferences now have advocacy representation.</p> <p>SiCC &amp; SLCC renewed The Pledge to incorporate into CPB Strategy 2022-2025.</p> <p>Face to face meetings of the Care Councils re-commenced after lock down, with other options including Zoom meetings, WhatsApp chats and 1 to 1 meetings for young people who are unable to attend the core meetings.</p> <p>Young people took part in a review of the Strategic Partnership with Oxford Brooke university and congratulated on for the level of their collaboration and engagement.</p>
<p><b>AREAS FOR DEVELOPMENT 2022 - 23</b></p>	<p>Those charged with the responsibility of acting as corporate parents in Somerset are aware of the expectations upon them and the purpose of their role.</p> <p>Children and young people are supported to participate in their CLA reviews and have their views heard.</p> <p>Route One delivering introduction to Mind of My Own and to monitor statements of concern.</p> <p>SiCC and SLCC website to be refreshed.</p> <p>Review of The Pledge.</p> <p>Embed greater access to Advocacy especially for CP Conferences and CLA reviews, and increasing access to Independent Visitors (IVs).</p> <p>Extend the reach and purpose of SiCC and SLCC.</p>
<p><b>RESPONSIBILITY</b></p>	<ul style="list-style-type: none"> <li>• <b>Voice of the Child Sub-Group</b></li> </ul>



<p><b>SEVEN PRINCIPLES</b></p>	<p><b>3. To take into account the views, wishes and feelings of children and young people</b></p>
<p><b>ACHIEVEMENTS 2021-22</b></p>	<p>Significant increase in the use of advocacy – 703 pieces of advocacy delivered this year including to CLA, Secure Panel, Family Group Conferencing, Complaints, Children In Need and Child Protection Conference.</p> <p>Corporate Parenting Board (CPB) training launched internally through The Learning Centre (TLC) in June 2020; &lt;500 internal staff have undertaken the module this year but &gt;300 external take up.</p> <p>SiCC and SLCC made an animation called How to make a Complaint about Children’s Services – to support children and young people through the process.</p> <p>Scaled down Annual Achievements Awards ceremony 2021 due to COVID requirements – 120 young people attended.</p> <p>SiCC &amp; SLCC collaborated on the production of the CPB Strategy 2022 – 2025 including their own foreword, the design and The Pledge.</p> <p>IRO letters sent post care review have been improved and valued by recipients.</p>
<p><b>AREAS FOR DEVELOPMENT 2022 - 23</b></p>	<p>The voices of children and young people are informing service provision.</p> <p>The voices of young people who are suffering or at risk of suffering exploitation are heard and acted upon.</p> <p>CPB training available externally through The Learning Centre (TLC- guest access) to partners in district councils, health, police and voluntary organisations.</p> <p>Further develop advocacy offer in Somerset to vulnerable young people.</p> <p>Celebrate our children’s and our work force achievements.</p> <p>Learning from the Voice of Exploited Children.</p> <p>Learning from complaints from children about the care they receive.</p> <p>Young people collaborate in Corporate Parenting Strategy.</p>
<p><b>RESPONSIBILITY</b></p>	<ul style="list-style-type: none"> <li>• <b>Voice of the Child Sub-Group</b></li> <li>• <b>Corporate Parenting Board – Partnership Team</b></li> </ul>

<p><b>SEVEN PRINCIPLES</b></p>	<p><b>4. To help children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners</b></p>
<p><b>ACHIEVEMENTS 2021-22</b></p>	<p>SiCC and SLCC involved in the strategic partnership to commission homes for children – Homes2Inspire.</p> <p>Members of SiCC and SLCC supported the work on recommissioning the Pathways to Independence (P2i ) Contract.</p> <p>Young people with care experience supported to sit on interview panels for senior staff including Operations Manager, Mendip, Route One Advocacy manager, Assistant Director Commissioning and on a panel for Step Up to Social Work.</p> <p>CLA and Care Leavers receive quarterly SiCC and SLCC newsletter that gives them opportunities to participate.</p> <p>Quality audit of 49 young people about their experiences of CSC reported high satisfaction on their relationships with their workers, a good focus on aspirations and an acknowledgement of young people’s strengths.</p>
<p><b>AREAS FOR DEVELOPMENT 2022 - 23</b></p>	<p>Children and young people have an understanding of the role of social workers before they may need one.</p> <p>Members of SiCC and SLCC continue to support the work on recommissioning the P2i Contract.</p> <p>The voices of children and young people are informing service provision.</p>
<p><b>RESPONSIBILITY</b></p>	<ul style="list-style-type: none"> <li>• <b>Corporate Parenting Board – Partnership Team</b></li> <li>• <b>Voice of the Child Sub-Group</b></li> </ul>

<p><b>SEVEN PRINCIPLES</b></p>	<p><b>5. To promote high aspirations, and seek to secure the best outcomes, for children and young people</b></p>
<p><b>ACHIEVEMENTS 2021-22</b></p>	<p>EPEP now fully launched and with improved analytics.</p> <p>Quality assurance processes in place to improve quality of EPEPs.</p> <p>Young people developed Top Tips for Involving Children &amp; Young People in their PEPs.</p> <p>Average 97% PEPs in place.</p> <p>Key monitoring delivered by WelfareCall – EPEP, attendance. Suspensions, exclusions.</p> <p>Reduction in Children Missing Out on Education (CMOE) through attendance, exclusions and lack of school places.</p> <p>Virtual School Head implemented Extension of Duties to certain previously children looked after.</p> <p>Increased attendance &lt;90%.</p> <p>Virtual Heads now has a strategic role around the education of all children with social workers and support and monitoring in place.</p>
<p><b>AREAS FOR DEVELOPMENT 2022 - 23</b></p>	<p>Ongoing improvement of monitoring systems and the redeveloped processes, following Capita training for VS staff.</p> <p>Development of newly formed Governance Board who hold Virtual School staff to account for outcomes.</p> <p>Continued focus on lowering number of fixed term exclusions.</p> <p>Deliver training to schools/settings.</p> <p>Improve the quality of PEPs.</p> <p>Develop an enhanced offer of extracurricular activities i.e. working with Somerset Outdoor Learning residential team.</p> <p>Continue to ensure that all CLA have an education placement.</p> <p>Embed processes that support progress and reduce the attainment gap between CLA students.</p> <p>Develop post 16 processes that include routinely held PEP meetings for CLA that are NEET.</p> <p>Continue to develop the joint working between CSC, VS and SEND in order to improve placement stability and access to and engagement with good educational provision.</p>
<p><b>RESPONSIBILITY</b></p>	<ul style="list-style-type: none"> <li>• <b>Education Sub-Group –</b></li> <li>• <b>Virtual School</b></li> </ul>

<p><b>SEVEN PRINCIPLES</b></p>	<p><b>6. For children and young people to be safe, and for stability in their home lives, relationships and education or work</b></p>
<p><b>ACHIEVEMENTS 2021-22</b></p>	<p>SiCC and SLCC wrote and designed an animation for children coming to care called Your Journey; now given link by their social workers.</p> <p>Information on council tax exemption now published on Local Offer for Care Leavers.</p> <p>Restructure of Fostering service has led to greater understanding of needs and a revised offer.</p> <p>There are 223 fostering families in Somerset who foster 234 children; 138 are fostered by Independent Fostering agencies and 28 new carers were approved in 20/21.</p> <p>17% increase in Fostering to Adopt arrangements (20 young people).</p> <p>The Board welcomed district council representation on the Board and police representation in the Leaving Care sub group in 21/22.</p> <p>A dedicated team has been set up to support children who are missing from home to find solutions and build relationships.</p> <p>There were 474 episodes of missing for CLA; 63% Return Home Interviews within 72 hours.</p> <p>Young residents in P2i accommodation collaborated in service redesign.</p> <p>P2i Innovation Fund launched for agencies to support our most vulnerable young people in P2i.</p> <p>Placement stability for CLA placed more than 20 miles from home and out of county remains stable at 30%.</p> <p>Long term placement stability for CLA who have been in care for more than 2.5 years and have been in the same placement for more than 2 years has increased to 67% compared to 63.6% at the same point last year (against a target of 70%).</p> <p>Engagement &amp; Participation team worked with the YOS on better hearing the voices of young people they are working with.</p>

**AREAS FOR  
DEVELOPMENT  
2022 - 23**

Quality of information given to children and young people coming into care reviewed and refreshed by SiCC and SLCC with children's social care business support.

Focus on consistency in council tax exemption.

Embed changes to Fostering Service and monitor improvement.

Following May 22 elections welcome, train and embed new members to the CPB and review processes for the future.

Retain a focus on missing children and their vulnerabilities.

Retain a focus on quality and stability of placements.

**RESPONSIBILITY**

- **Corporate Parenting Board – Partnership Team**
- **Sufficiency Statement**
- **Fostering and Adoption**



<p><b>SEVEN PRINCIPLES</b></p>	<p><b>7. To prepare children and young people for adulthood and independent living</b></p>
<p><b>ACHIEVEMENTS 2021-22</b></p>	<p>Care Leavers Covenant included in SCC's Procurement Social Value policy.</p> <p>50 lapa tops gifted to P2i providers to support care leavers with employment, education and training.</p> <p>The 25 years+ offer for Care Leavers formalised and published on the Local Offer.</p> <p>Leaving Care accommodation rated 96% suitable.</p> <p>An audit of Pathway Plans found the majority to be at a Good or Outstanding OFSTED judgment.</p> <p>A specialist senior leaving care worker recruited to reduce homelessness.</p> <p>P2i Innovation fund for 12-month pilot to support residents; launch of pilot event attended by 109 practitioners.</p> <p>An intensive 6 week tracking of NEET care leavers, and greater partnership working with Job Centre+ resulted in individual conversations and bespoke initiatives; reduction in care leavers who are NEET from 36% (2019/20) to 30% June 2022.</p> <p>The Leaving Care service is in touch with 98.3% of care leavers of all ages; 100% of 18-20 year olds.</p> <p>Changes to recruitment policy entitles anyone with care experience to the same benefits as veterans and disabled people.</p>
<p><b>AREAS FOR DEVELOPMENT 2022 - 23</b></p>	<p>Develop the participation of CLs, and inclusion of the voice of CLA and CLs in service delivery and developments, aligning the work of SiCC &amp; SLCC with LC champions.</p> <p>Making full use of the Leaving Care Covenant within the Corporate Parenting community.</p> <p>Continue to improve and publicise the Local Offer for CLs, ensuring that the voice of CLA and CLs is central to service delivery of SCC and partners.</p> <p>Ensure that CLA and CLs are offered appropriate support in transition and beyond in respect of their health and wellbeing needs.</p> <p>Improve outcomes for CLA and care leavers CLs in respect of Education, Training and Employment.</p> <p>Ensure that the range of accommodation available is safe and meets the needs of all CLA and CLs.</p>
<p><b>RESPONSIBILITY</b></p>	<ul style="list-style-type: none"> <li>• <b>Care Leavers Sub-Group</b></li> </ul>

# Appendix B – SiCC & SLCC Annual Report 2021 - 2022

## SiCC and SLCC Annual Report | 2021-22



## Where we live

- **SCC tender for Children's Homes – Members of SiCC and SLCC were involved in the Strategic Partnership through five layers of engagement:**

- Met potential bidders in dialogue sessions
- Created questions to be part of the formal scoring interview process
- Designed the scoring template for visits to bidder's children's homes
- Sat on a young people's panel for Registered Manager post interviews

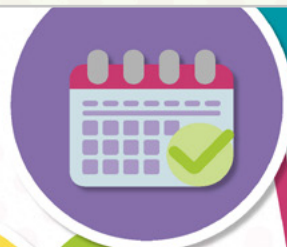
- Involved in an online session with the marketing team of the Shaw Trust to explore views on branding.

- **Looked at the revised minimum standards for P2i accommodation**



## Where we live continued

- Visited bidder's children's homes to engage with their young people to ask questions that were scored as part of the overall process
- Attended a reflective session the week after visits to confirm scores
- A young person representative on the Steering Group, attended the solutions based workshop and branding workshop with SCC staff, elected members and partners from the Shaw Trust and Homes2Inspire



## Celebrating our successes

- Planned and ran the Annual Achievement Awards 2021
- Planned the SiCC and SLCC team building away day
- Launched the quarterly newsletters
- Enjoyed the Christmas Party

**Annual Achievement Awards 2021**



The Spring SiCC and SLCC Newsletter





# High Quality Workforce

- Interviewed for our new Participation Worker
- Interviewed for Route1 worker
- Met with a research fellow from Oxford Brookes to discuss our participation within the selection of SCC's Strategic Partner



Damien Erangey, our new Participation Worker, recruited by members of SiCC and SLCC



Somerset  
Care Councils



# Safe and Sound Transitions

- Held discussions about how transitions are managed and what makes a difference
- Facilitated online SiCC and SLCC meeting – 'Do you think that the Local Authority should support you to learn to drive?'
- Updating the Coming Into Care document and created a short animation



Somerset  
Care Councils



# Looking forward

- Continue working on our priorities
- Design a Fostering Care survey with commissioning
- Hold a Care Leavers 18+ Unitary session
- Co-produce the Corporate Parent Board strategy
- Update recruitment leaflets and logo



# Aims over the next year

- Continue supporting the development of the Strategic Partnership.
- Supporting the fostering service to update forms
- Attending the fostering service Fish & Chips Day to promote SiCC and SLCC
- Supporting Unaccompanied Asylum-Seeking Children (UASC) to get involved with a project to create a film and document for other UASC young people coming into Somerset
- Collating a book of poetry and spoken word from young people in care and leaving care about their experiences by the SiCC and SLCC Creatives
- Developing localised SiCC and SLCC groups around Somerset
- Helping young people to engage in their Child Protection conferences



# Appendix C – Corporate Parenting Board Strategy 2022 - 2025

## Somerset Corporate Parenting Strategy

Would this be good enough for my child?

2022-25



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## Foreword

Dear Colleagues,

I am delighted to have been asked to write the foreword to our new Corporate Parenting Strategy. This strategy takes account of what our children looked after, and our care leavers have been telling us about their experiences of being in our care, as well as linking with the key priorities of the Somerset Plan for Children, Young People and Families 2022 - 2025 and our Sufficiency Statement.

The strategy sets out how Somerset intends to fulfil its responsibilities against the Seven Principles of Corporate Parenting in a way that puts children and young people at the centre of improvements in the planning, delivery and evaluation of our services. It forms the framework in which Somerset staff, elected members and relevant partners will work. It is our children and young people's Pledge Tree - their Tree of Life giving them stability, strength, support and shelter as they grow up and take their place in society.

I look forward to supporting the independent chair of our Corporate Parenting Board in leading member support to the delivery of this strategy.

*Frances Nicholson*

Frances Nicholson  
Lead Member for Children's Services



**Cllr Frances Nicholson**  
Cabinet member, Children and Families



**Julian Wooster**  
Director of Children's Services

Dear Somerset Corporate Parents

We are children and young people who happen to be in care – please don't judge us or make assumptions or think that we need special treatment – we just want to be treated like any other young person.

SiCC and SLCC (Somerset In Care and Leaving Care Councils) have a trusting relationship with all of our agencies to ensure that the voices of children and young people are heard by the Corporate Parenting Board - through a range of resources that we produce; such as films, policies and procedures and events. We put the 'core' into Corporate Parenting!

We expect you, as our corporate parents, to ensure our priorities are upheld in a strategic plan that makes a difference and improves the quality of our lives. That's why we have helped the Board to refresh their Pledge to all children looked after and care leavers in Somerset – we hope you enjoy reading the pledges throughout this strategy.

We want you to recognise the significance of your responsibilities to help us to become confident young adults with good prospects and stable lives.

You can help us to thrive.

Best wishes

The members of SiCC and SLCC



**Jill Johnson OBE**  
Chair of the Somerset Corporate Parenting Board

## Introduction

**When a child comes into care, they become “looked after” and Somerset County Council (SCC) becomes their Corporate Parent. This means that everyone who works for SCC, in any capacity, its elected members and its partners have a special and important responsibility in fulfilling the corporate parent role, underpinned by *The Seven Principles of Corporate Parenting*.**

Somerset County Council is committed to being an effective and trustworthy corporate parent for any child or young person who is in our care, irrespective of their age, gender, sexuality, ethnicity, faith or ability.

Every good parent knows that children require a safe and nurturing environment in which to grow and thrive. Parents protect and support their children in coping with the dangers and risks of everyday life. Parents are ambitious for their children and strive to support them to reach their potential. Parents celebrate and share in their children’s achievements, however large or small. A child who is cared for by the Council has the right to expect everything from a corporate parent that they would expect from a good parent in the community.

Services that support children looked after are corporate parents, and we are all accountable to the children and young people who are looked after in Somerset. We must all strive for children in our care to succeed in the same way that any parent would strive for their own children. This can mean providing advice and guidance to a young person who is starting to live independently, supporting carers, ensuring that children’s mental health is safeguarded, helping a young person find a job, or listening to their hopes and dreams, problems and insecurities.

There is a wide range of people and organisations who need to work together, including:

- *The Somerset Corporate Parenting Board*
- Elected members
- All Council services
- Children’s services
- The Virtual School
- Schools, Colleges and other education providers
- Health service providers
- Housing providers
- Community organisations



Number of CLA\*  
in Somerset

**48.9**

per 10,000 children

Number of  
CLA\* in England

**65.4**

per 10,000 children



### Aims and Objectives

The Seven Principles of Corporate Parenting form the aims and objectives of this strategy:

- To act in the best interests, and promote the physical and mental health and wellbeing, of those children and young people
- To promote high aspirations, and seek to secure the best outcomes, for those children and young people
- For children and young people to be safe, and for stability in their home lives, relationships and education or work
- To help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners
- To prepare those children and young people for adulthood and independent living
- To encourage those children and young people to express their views, wishes and feelings
- To take into account the views, wishes and feelings of those children and young people



Care leavers in  
touch (all ages)

**98.3%**

\* Children Looked After (CLA)

Would this be good enough for my child?

Somerset Corporate Parenting Strategy 2022-25 | 5

## Principle 1

# To act in the best interests, and promote the physical and mental health and wellbeing, of children and young people

### Our pledge to you

We will:

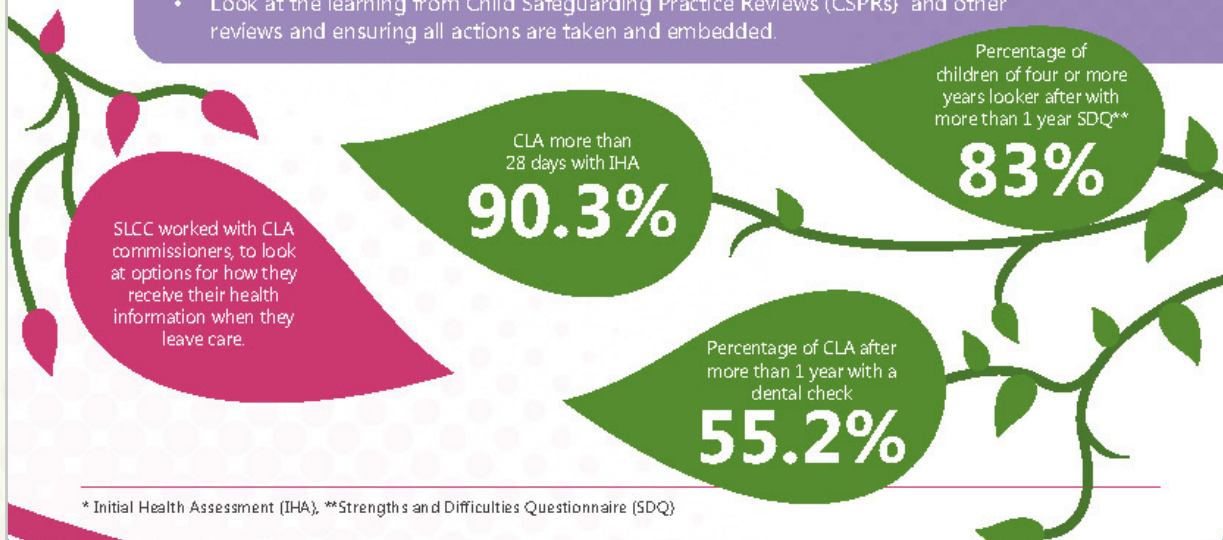
- Support you to have your physical, emotional and mental well being needs met

The Health and Wellbeing sub-group takes the lead for the delivery of this principle.

The lead officer is the Designated Nurse - Children Looked After and Care Leavers, supported by a lead member and relevant officers who meet quarterly in advance of board meetings.

### The priority focus for this group is

- Ensure that all Children Looked After have robust statutory health assessments which are completed in a timely way by the right Health professional, are included in the child's care plan and are considered at each CLA\*\*\* Review meeting
- Ensure that the emotional and mental health needs of Children Looked After and Care Leavers are recognised, prioritised and addressed
- Ensure that the Health elements of the adoption pathway remain compliant with statutory responsibilities and are adequately resourced to provide sufficient Adoption Medical Advisor, nursing and administrative capacity
- Monitor the ongoing recovery of health services to CLA and Care Leavers which have been affected by the COVID-19 pandemic and the longer term physical and emotional impact on CLA and CL
- Look at the learning from Child Safeguarding Practice Reviews (CSPRs) and other reviews and ensuring all actions are taken and embedded.



SLCC worked with CLA commissioners, to look at options for how they receive their health information when they leave care.

CLA more than 28 days with IHA  
**90.3%**

Percentage of children of four or more years looked after with more than 1 year SDQ\*\*

**83%**

Percentage of CLA after more than 1 year with a dental check

**55.2%**

\* Initial Health Assessment (IHA), \*\*Strengths and Difficulties Questionnaire (SDQ)



## Principle 2

# To promote high aspirations, and seek to secure the best outcomes, for children and young people

### Our pledge to you

We will:

- Push you to be the best you can be
- To understand your goals and help you to achieve them
- Help you to believe in yourself
- Have high aspirations for you and support you in education, training and employment

The education sub-group takes the lead for the delivery of this principle.

The lead officer is the Head of Virtual School, supported by a lead member and relevant officers who meet quarterly in advance of board meetings.

### The priority focus for this group is

- Embedding and monitoring the use and impact of the ePEP\*\* including progress data
- Improve the quality of PEPs\* so that an increased % of PEPs\* are found to be 'good' or better according to our QA process
- Deliver a system for monitoring attendance of Children Looked After which works for our schools and settings, while also providing the virtual school with the live data needed to act promptly where there are attendance concerns
- Ensure we are listening to our young people and their carers, and learning from their views and feedback
- Develop and clarify our Post-16 offer, following the appointment of a Lead Advisory Teacher to oversee and champion this work
- Continue to strengthen our partnership working, with SEND\*\*\*, CSC† and YOSH‡, to ensure holistic support to young people with multiple vulnerabilities
- Continue to see a positive impact on our Key Performance Indicators, to include improved attainment, reduced exclusions, fewer children missing education, improved attendance and engagement
- Broaden the offer of the virtual school to support partners in promoting the education of children with social workers (Extension of Duties)

Percentage of education settings using ePEP\*\*

**100%**

Percentage of PEPs\* completed

**94.2%**

Percentage of CLA in full time education

**93%**

Number of initial PEPs\* scheduled on time

**100%**  
since October 2021

\* Personal Education Plan (PEP).

\*\*Electronic Personal Education Plan.

† Children's Social Care (CSC).

‡ Youth Offending Service (YOS)

Would this be good enough for my child?

Somerset Corporate Parenting Strategy 2022-25 | 7

## Principle 3

# For children and young people to be safe, and for stability in their home lives, relationships and education or work

### Our pledge to you

We will:

- Respect you and treat you as an individual
- Work hard to give you a choice of the best and safest places for you to live.
- Make sure that if you have to move it is a planned transition wherever possible
- Celebrate your birthday and other successes and achievements, including your school prom and with family if you choose to, and its safe to do so.
- Support you to see the people who are important to you, if it is safe to do so and support you to make new friends
- Be available when you need us, or someone else we know if not
- Help you to be safe and reduce the possibility of being bullied
- Try to keep the same social worker for you where possible

The lead officers are the Strategic Commissioner, Children's Commissioning and the Strategic Operations Manager, Fostering in Somerset

### The priority focus for this group is

- Develop the strategic partnership to deliver homes for children and young people, aligned high needs fostering and therapeutic education in Somerset
- Strengthen and develop relationships with all providers who care and support our children and young people
- Create and embed 16+ standards
- Re-design prevention and supported accommodation for young people aged between 16-25 at risk of homelessness
- Share and implement the learning from the fostering feasibility study to increase stability of children and young people living in foster homes
- Continue with the 'step-forward' programme for children and young people moving from residential homes to be with foster families

CLA placed more than 20 miles from home

**31.2%**

RHI within 72 hours

**62%**

**"Just being in the WhatsApp group, I think, has had a positive impact on the mental health of carers, for sure to have that support. To know that they can throw those ideas out and have that support as well, which is quite nice"**

Carer taking part in Fostering Feasibility study 2021

Children looked after at least two and half years staying in the same home for two or more years

**67%**

Carers taking part in the Fostering Feasibility study valued the directory that gave them access to over 360 local organisations and has led to young people engaging in a new activity

\* Return Home Interview (RHI)

Would this be good enough for my child?

Somerset Corporate Parenting Strategy 2022-25 | 8

## Principle 4

### To help children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners

#### Our pledge to you

We will:

- Make sure you are made aware of the same opportunities as other young people of your age
- Support you in the same way as if you were our own child.

The Voice of the Child sub-group takes the lead for the delivery of this principle.

The lead officer is the Head of Service – Quality Assurance, supported by a lead member and relevant officers who meet quarterly in advance of board meetings.

#### The priority focus for this group is

- Celebrate young people's successes through the Annual Achievements Awards
- Promote and raise awareness of the Corporate Parenting Board through our training offer



Would this be good enough for my child?

Somerset Corporate Parenting Strategy 2022-25 | 9

## Principle 5

# To prepare children and young people for adulthood and independent living

### Our pledge to you

We will:

- Teach you independent living skills and provide practical support if you need it
- Provide adult in your lives who inspire you
- Support you when you live independently and keep in touch regularly
- Help to get the most suitable accommodation for you

The Leaving Care sub-group takes the lead for the delivery of this principle.

The lead officer is the Head of Service, Children's Social Care, supported by a lead member and relevant officers who meet quarterly in advance of board meetings.

### The priority focus for this group is

- Develop the participation of care leavers (CLs), and inclusion of the voice of children looked after (CLA) and CLs in service delivery and developments, aligning the work of SiCC & SLCC with Leaving Care Apprentices
- Making full use of the Leaving Care Covenant within the Corporate Parenting community
- Continue to improve and publicise the Local Offer for CLs, ensuring that the voice of CLA and CLs is central to service delivery of SCC and partners
- Ensure that the health and well-being needs of Children Looked After and Care Leavers are met, particularly during periods of transition
- Improve outcomes for children who are looked after CLA and care leavers CLs in respect of Education, Training and Employment
- Ensure that the range of accommodation available is safe and meets the needs of all CLA and CLs

"It is very useful to be involved as it could be used as evidence for my college course as the learning from this experience was towards my qualification in customer service."

Member of SiCC and SLCC 2021

Care Leavers who are NEET (all ages)  
**36.4% (21)**  
vs 41.7% in 2020

Care leavers who are suitably accommodated  
**96.3%**

**Leaving Care Local Offer:**  
Information and advice for Somerset's Care Leavers aged 16 to 25. [Click here](#) for more information.

**About the Care Leaver Covenant:** The Care Leaver Covenant is a national inclusion programme that supports care leavers aged 16-25 to live independently. [Click here](#) for more information.

\* Not in Education, Employment or Training (NEET)

Would this be good enough for my child?

Somerset Corporate Parenting Strategy 2022-25 | 10

## Principle 6

### To encourage children and young people to express their views, wishes and feelings

#### Our pledge to you

We will:

- Listen to your views
- Make sure you know who your worker is
- Make it easy to contact your worker and where to get their contact details
- Make sure you understand your rights and how you can make a complaint and get support from Route 1 Advocacy.
- Make sure you know how to get involved with the Care Councils
- Help you to communicate with us in the best way for you ( i.e. social media, Mind of My Own etc)

The Voice of the Child sub-group takes the lead for the delivery of this principle.

The lead officer is the Head of Service – Quality Assurance, supported by a lead member and relevant officers who meet quarterly in advance of board meetings.

#### The priority focus for this group is

- Improve the way we hear the voice of the child and young person
- Refresh and promote the Pledge
- Supporting young people to be a part of our recruitment processes



Volunteer Advocates & Independent Visitors ensure that young people's voices are heard. [Click here](#) for more information.

"It feels important to be able to make a difference for others and be part of something that will support and help young people"  
Member of SiCC and SLCC 2021.

'Making a complaint against Children's Social Care' film

making a complaint about Children Social Care



'Mind of My Own' film

\* Child Protection (CP)

## Principle 7

### To take into account the views, wishes and feelings of children and young people

#### Our pledge to you

We will:

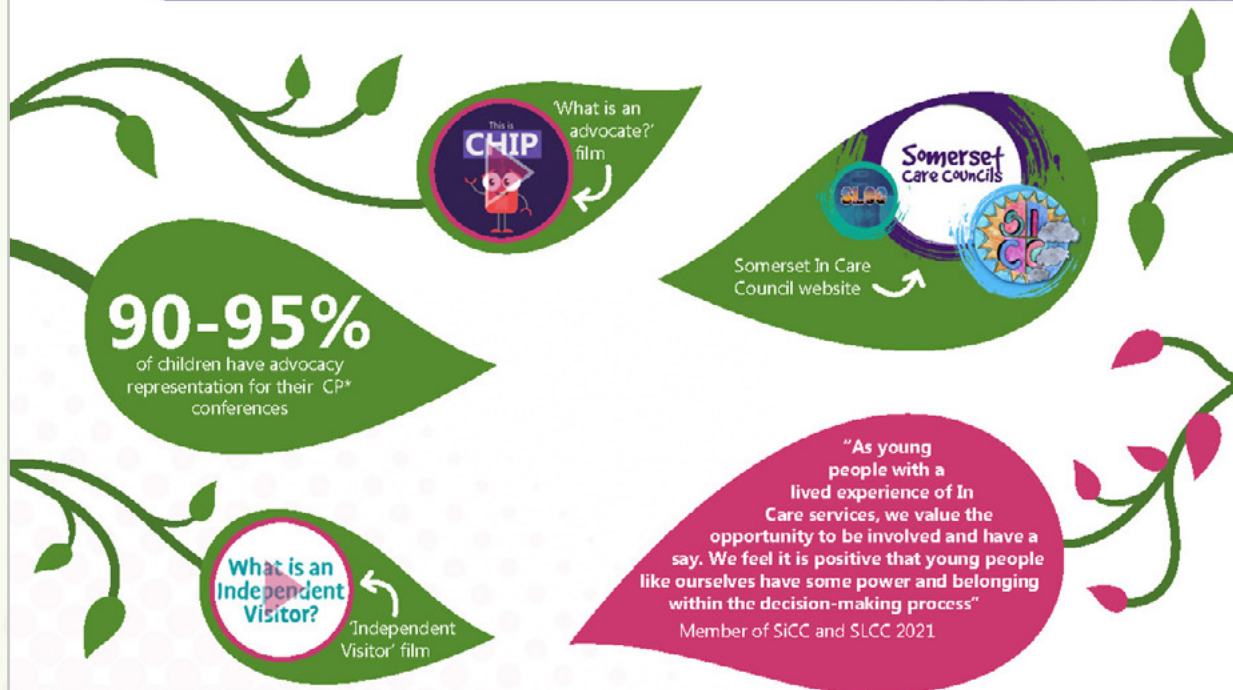
- Involve you in the decisions that affect you and aim to respect your wishes
- Tell you in good time about any proposed changes being made to your care plan – even in an emergency.

The Voice of the Child sub-group takes the lead for the delivery of this principle.

The lead officer is the Head of Service – Quality Assurance, supported by a lead member and relevant officers who meet quarterly in advance of board meetings.

#### The priority focus for this group is

- Promote advocacy to our children and young people throughout their journey
- Support the functions of the Somerset In Care Council and Leaving Care Councils (SiCC and SLCC)





## Measures of Success: Would This Be Good Enough for My Child?

**The Corporate Parenting Board monitors the services that Somerset County Council (SCC) and our partners deliver to our children looked after and care leavers, with the aim of continually improving outcomes. The Board is made up of elected members, Council officers and our partners. It holds the responsibility for producing a three-year strategy that reflects the needs of our looked after children and care leavers and our statutory obligations to them.**

The Corporate Parenting Board Strategy is underpinned by a robust three-year plan to achieve its strategic goals. The plan is flexible to recognise the changing needs of children looked after and care leavers and social care legislation.

The progress of plan is reported to the Board quarterly with supporting data from the SCC Business Intelligence Team and our partner agencies.

On reading the quarterly reports, the first question the Board must answer is, "Would this be good enough for my child"? Elected members are ultimately accountable for the quality of the service, so is the data telling them what they need to know?

The Board publishes an Annual Report for approval by the full County Council meeting. The Somerset In Care and Leaving Care Councils (SiCC and SLCC) annually evaluate improvement through their 'We Said, You Did' report which forms part of the Annual Report.

The Board is an associate function of the Somerset Safeguarding Children Partnership which receives quarterly reports for assurance on the safeguarding of our children looked after and care leavers.

## Monitoring and evaluation

This strategy will be monitored and evaluated by the successful delivery of the Corporate Parenting three year plan through:

- Listening to children and young people who are looked after
- The effective use of local data to identify areas for improvement and the extent to which national and local indicators around children looked after are being met
- Receiving reports from across service areas and from partners as required
- Peer review and challenge
- Feedback from partners, agencies, parents, carers and children and young people about services
- Continued revision of actions in the plan in the light of monitoring and evaluation to ensure effective delivery of the strategy.



## The Pledge Tree

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The children and young people of SiCC and SLCC (Somerset In Care and Leaving Care Councils) decided that the Pledge should reflect the qualities of a tree - the roots give stability, the trunk gives strength, the branches give support and the leaves give shelter.



**SOMERSET**  
County Council

[somerset.gov.uk](http://somerset.gov.uk)





# Children in Care in Somerset Pledge

The pledge is the promise that we make to you - we commit to keeping you safe, happy and healthy, and to help you reach your full potential.

Our pledge is to let you know what we should be doing for you, and for you to know what your rights are.

## Priority 1

To promote the physical and mental health and wellbeing of children and young people



## The Pledge

Support you to have your physical, emotional and mental wellbeing needs met.





## Priority 2

To encourage children and young people to express their views and wishes and feelings

### The Pledge

Make sure you know how to get involved with the Care Council

Make sure you know who your worker is

Make it easy to contact them and where to get their contact numbers.

Make sure you understand your rights and how you can make a complaint and get support from Route 1 Advocacy

Help you to communicate with us in the best way for you (i.e. social media, Mind of My Own etc.)

Listen to your views



## Priority 3

To take into account the views, wishes and feelings of children and young people

### The Pledge

Tell you in good time about any proposed changes being made to our care plan - even in an emergency

Involve you in the decisions that affect you and aim to respect your wishes



#### Priority 4

To help children and young people gain access to all services provided by the local authority and its relevant partners

#### The Pledge

Make sure you are made aware of the same opportunities as other young people your age

Aim to support you in the same way as if you were our own child



#### Priority 5

To understand your goals and help you to achieve them

#### The Pledge

Push you to be the best you can be

Have high aspirations for you and support you in education, training and employment

Help you to believe in yourself



### Priority 6

For children and young people to be safe and stable in their home lives, relationships and education or work

#### The Pledge

Support you to see the people who are important to you, if it is safe to do so and support you to make new friends

Celebrate your birthday with family if you choose to and other successes and achievements; including your school prom

Make sure that if you have to move it is a planned transition wherever possible

Work hard to give you a choice of the best and safest places for you to live

Help you to be safe and reduce the possibility of being bullied

Respect you and treat you as an individual

Be available when you need us, or someone else you know if not

To keep the same social worker where possible



### Priority 7

To prepare children and young people for adulthood and independent living

#### The Pledge

Teach you independent living skills and provide practical support if you need it

Provide adults in your lives who inspire you

Help to get the most suitable accommodation for you

Support you when you live independently and keep in touch regularly



# Appendix D – Corporate Parenting Board Terms of Reference 2021 - 2022

## Overall aim

To improve the life chances of Somerset’s children and young people in our care-and those leaving care- through a joint approach to the delivery of services. Somerset County Council (SCC) and its partner agencies together aim to continuously improve the outcomes of the children and young people we care for to bring them in line with their peers.

## Objectives

1. To listen to the voices of children and young people in our care, and those leaving care, either directly from them as individuals or through the Care Councils - Somerset in Care Councils (SiCC) and Somerset Leaving Care Council (SLCC), or indirectly (through national/local inspection and surveys, parents/carers, independent reviewing officers, advocates and others) and to use what we learn to improve services and outcomes
2. To take the lead for the children and young people in our care and leaving care, raising awareness and priorities across all agencies, making sure all agencies’ responsibilities toward children looked after are being met
3. To promote the role of all elected members as “corporate parents” and to ensure that appropriate mechanisms are put in place by SCC to enable all members to fulfil their statutory responsibilities in this area
4. To review the Corporate Parenting Strategy annually to ensure that it is current and effective and to recommend any changes to the SCC Executive for decision and to Full Council to be endorsed
5. The Corporate Parenting Board members, will offer leadership and, via its work plan for children looked after and care leavers, will keep the focus on strategic priorities, that include:
  - a. Health care needs, including physical and emotional health and wellbeing
  - b. Safeguarding, including placement stability, quality of care placements and appropriate supported accommodation
  - c. Educational attendance, attainment, and aspirations
  - d. Positive activities, including leisure, volunteering, sporting and social activities, and prevention of offending
  - e. Employment and training (including work experience and employment opportunities provided through SCC and partner agencies and contractors), housing and support
6. To ensure that SCC and its partners support SiCC and SLCC and deliver against the commitments made in the Pledge to children looked after and the Charter for care leavers
7. To ensure progress is regularly and actively monitored and reviewed.

## How will these objectives be delivered?

The Board will work to an agreed plan, which will be based on the Seven Principles of Corporate Parenting to be delivered, as set out in the Corporate Parenting Strategy 2022-2025 and aligned to the Children and Young People's Plan 2022-2025, the Sufficiency Statement (refreshed annually), the Corporate Parenting Pledge and the Local Offer for Care Leavers.

Board members will also regularly meet and hear from children looked after and care leavers, including those in foster care, residential care and independent accommodation by attending celebratory events for the achievements of children looked after and other events organised by the Participation and Engagement team and other services. Individual members will feed back on opportunities they have identified for support for employment, apprenticeships, traineeships and work experience.

The Board will:

- receive regular reports from relevant Officers to provide an insight into life for children looked after in Somerset
- consider regular reports that set out performance against key agreed outcome indicators to monitor progress over time, and compare Somerset's performance with top quartile authorities and recommend actions for improvement
- regularly monitor and receive reports in respect of SCC and partners' progress against external regulator recommendations
- establish links with other key groups responsible for representing children looked after (e.g., Foster Carers Consultative Group).

## Status

The Board is a leadership and advisory body with no formal decision-making powers but will seek to influence decision makers to drive improvement across the Council and its partners. Consequently, it will make recommendations where necessary to SCC Executive to impact and influence SCC decisions and policies.

Formal Board meetings will not be open to the public or press because of the sensitive nature of the business and will not be subject to the Access to Information Rules set out in the Council's constitution. When reporting to the Full Council, Executive, or elsewhere, the expectation is that those reports will be public unless there are good reasons to recommend the exclusion of the public and press to consider confidential information.

All members of the Board shall respect and maintain the confidentiality of the Board's business.

The Corporate Parenting Board will maintain a close working relationship with the Council's Scrutiny for Policies, Children and Families Committee to ensure they do not duplicate each other's work.

## Accountability

The Board will be accountable to **Full Council**, via an annual report, in recognition of Council's budget setting responsibilities, the role of all elected members as corporate parents, and to enable Council to maintain an overview of the Strategy and the delivery of the Board's Annual Plan.

## Reporting

The Board will report on its activities to:

- **Somerset Safeguarding Children Partnership (SSCP)**, which brings together all the relevant agencies to agree how to identify and meet the needs of children and young people in Somerset. The SSCP is responsible for coordinating agencies so that together they fulfill their statutory duties relating to safeguarding and targeted and universal services to effectively meet the needs of children, against the priorities of the Children & Young People's Plan 2022- 2025.
- **Somerset in Care Council** via the Voice of the Child Officer who is a full Board member
- **Somerset Leaving Care Council** via the Voice of the Child Officer who is a full Board member
- **Executive**, reporting as and when necessary, as the key decision-making body for County Council services including endorsement of the Strategy every 3 years.
- **Scrutiny** Committees, as and when requested, in relation to reviewing the effectiveness of the Board and the Strategies the Board is responsible for.

## Voting Arrangements

Formal meetings of the Board will operate by consensus of those present rather than through any formal voting mechanism in recognition of the wide membership and the roles of the Board to advise and challenge.

## Membership

The emphasis for Board members is leadership, and so the Board's core appointed elected membership will include any member who, as one way of exercising their role as corporate parent, has the passion and commitment to volunteer as a core Board member. Members will be nominated by their political group leader and notified to the Deputy Director Children's Social Care as the Lead Officer. There will be no limit on numbers of Members although the Chair's discretion will ensure the Board operates effectively.

Newly elected members will undertake mandatory corporate parenting training and will also be offered any ad-hoc relevant training and development i.e. Local Government Association training for Corporate Parents.

## Core Board Members

- County Council Elected Members
- "Voice of the Child" Officer
- Lead Member for Children & Families
- Director of Children's Services
- Deputy Director Children and Families
- Foster Carer Association
- District Council Elected Member – representative/s – nominee(s)
- NHS Somerset executive member
- Representation from Somerset in Care Council (SiCC) and Somerset Leaving Care Council (SLCC)
- Independent Lay person

## Lead Contributors

- Virtual School Head
- Strategic Manager, CSC Quality & Assurance
- Strategic Manager, Children looked After and Leaving Care
- Designated Nurse Children Looked After and Care Leavers
- Strategic Commissioner, Children's Commissioning
- Senior Business Intelligence Analyst, Performance Planning and Business Intelligence
- Police representatives
- All other County Councillor
- Providers of Council or NHS commissioned services.

## Co-opted Members

Co-opted members to be invited as and when the agenda requires i.e., housing, specific voluntary groups etc.

## Chairing Arrangements

The Chair and Vice Chair will be members on the Board with the Chair appointed by the Leader of the Council when a new council is convened and the vice chair appointed at the first formal meeting of the Board following the Full Council meeting post local government election.

## Officer Lead

Deputy Director Children and Families, SCC





## Frequency of meetings

The Board meets quarterly with subgroup meetings held as required to fulfil the Board's quarterly reporting and annual plan. Subgroups will report formally to the Board every quarter. Representatives from the Care Councils will attend regularly and a standing agenda space will be held for the voice of the child. The Board and its subgroup meetings may take a range of different formats, including visits to different locations and informal meetings with children and young people, and those who support them, when possible.

Thematic meetings can be called in between quarterly Board business to look at areas of interest or concern in more detail.

Meetings will be held either virtually via Teams or face to face in County Hall or suitable alternative venues.

## Corporate Parenting Board Action Log

Will be reviewed at every Board meeting, for updates and progress on the subgroups.

## Preparation for the Board

Chair to meet with the Lead Officer a minimum of two weeks before each formal meeting to agree the agenda and papers.

Agendas and papers for formal Board meetings will be sent to the members of the Board at least five working days prior to the meeting.

## Support to formal meetings of the Board

This will be provided by the Partnership Business Manager – Children's Quality Assurance, Safeguarding & Care team and Corporate & Children's Management Support Team.



# Glossary of Terms

ACRONYM	FULL TERM	DESCRIPTION
<b>CAMHS</b>	Child & Adolescent Mental Health Service	CAMHS is the Child and Adolescent Mental Health Services. These are local, specialist mental health support teams run by the NHS throughout the UK. These services are free and help young people under 18 who have emotional, behavioural or mental health problems.
	Care Leaver	<p>The leaving care age in England is 18 years old, however some young people do leave care aged 16 or 17. There are different categories of care leavers depending on age, when the care leaver was in care and for how long</p> <ul style="list-style-type: none"> <li>• Eligible child is a child aged 16 and 17 who has been looked after for at least 13 weeks since the age of 14 and who is still being looked after</li> <li>• Relevant child is a child aged 16 and 17 who has been looked after for at least 13 weeks since the age of 14 and who has left care. This also includes young people who were detained (e.g. in a youth offending institution or hospital) when they turned 16, but who were looked after immediately before being detained</li> <li>• Former relevant child is a young person over 18 who was previously 'eligible' or 'relevant'. Councils support this group until aged 21, or longer if they are in education or training</li> <li>• Qualifying child is any young person under 21 (or 24 if in education or training) who stops being looked after or accommodated in a variety of other settings, or being privately fostered, after the age of 16. This also includes young people who are under a special guardianship order</li> <li>• Former relevant child pursuing education is any former relevant child whose case was closed, for any reason. If they're planning to continue education or training they can ask the council for support. If eligible, any help would last until their 25th birthday</li> <li>• Extension to 25 years old - If you are under 25 year old and previously open to the leaving care team, under the Children and Social Work Act 2017 you are entitled to return for support.</li> </ul>

ACRONYM	FULL TERM	DESCRIPTION
	Care Plan	<p>Every child and young person who is looked after will have a Care Plan. The provision of services and other help for them and their family will be set out in the plan. The Care Plan will say what the council and other agencies will do to meet the child's needs including:</p> <ul style="list-style-type: none"> <li>• health</li> <li>• education</li> <li>• identity</li> <li>• family relationships</li> <li>• hobbies</li> </ul> <p>and sets out the plan for the child's future. It will describe the child's contact arrangements with family and friends. Where appropriate, it will include how parents or guardians will help to look after them.</p>
<b>CCG</b>	Clinical Commissioning Group	Clinical Commissioning Groups (CCGs) commission most of the hospital and community NHS services in the local areas for which they are responsible.
<b>CP or CPC</b>	Child Protection or Child Protection Conference	A Child Protection Conference is a meeting, which is arranged by Social Services because there are serious concerns about the care or protection of a child(ren). The Conference shares information about the child(ren) and discusses the concerns with the family and other professionals to see if any action is required to make ensure the child(ren) is safe and well cared for in the future.
<b>CICC</b>	Children in Care Council	The children in care council (CICC) is a way that children and young people in care can share their experiences of the care system, to help their 'corporate parents' get things right and look after them properly. In Somerset they are called SiCC & SLCC.
<b>CLA</b>	Children Looked After	<p>In England and Wales the term 'looked after children' is defined in law under the Children Act 1989. A child is looked after by a local authority if he or she is in their care or is provided with accommodation for more than 24 hours by the authority. Looked after children fall into four main groups:</p> <ul style="list-style-type: none"> <li>• Children who are accommodated under voluntary agreement with their parents (section 20);</li> <li>• Children who are the subject of a care order (section 31) or interim care order (section 38);</li> <li>• Children who are the subject of emergency orders for their protection (section 44 and 46);</li> <li>• Children who are compulsorily accommodated. This includes children remanded to the local authority or subject to a criminal justice supervision order with a residence requirement (section 21).</li> </ul>
<b>CME</b>	Child Missing Education	Children of compulsory school age who are not registered pupils at a school and are not receiving a suitable education otherwise than being at a school (for example, at home or in alternative provision).

ACRONYM	FULL TERM	DESCRIPTION
<b>CSC</b>	Children's Social Care	<p>By law, Children's Social Care has to give priority of service to children with specific categories of need.</p> <ul style="list-style-type: none"> <li>• Those at risk of serious harm and who may need a protection plan</li> <li>• Those who are, or may need to be, looked after by Children's Social Care and are unable to remain living at home (birth to 18 years including unaccompanied asylum seeking children and young people)</li> <li>• Private Fostering – such arrangements have to be notified to the local authority (Children's Social Care)</li> <li>• Those aged 16 or over who are leaving the care of Children's Social Care or have previously left care and are eligible for Leaving Care services</li> <li>• Where Children's Social Care involvement is required by the courts</li> </ul> <p>In Somerset we also provide a number of specialist services, such as:</p> <ul style="list-style-type: none"> <li>• The recruitment, assessment and supervision of foster carers</li> <li>• Placing and supporting children with foster carers</li> <li>• The recruitment, assessment and support of people who want to adopt</li> <li>• Matching and placing children with adopters</li> <li>• The provision of residential care for children who are no longer able to live at home and where that is the appropriate option</li> <li>• Supervising children who are privately fostered</li> <li>• Young carers</li> </ul>
<b>CYPP</b>	Children & Young People's Plan	The children and young people plan (CYPP) explains how services will work together to support and help young people who live or go to school in Somerset. We collaborate on the CYPP with children, young people, parents and carers and the professionals and volunteers who support them.
<b>DBS</b>	Disclosure and Barring Service	The body in England and Wales which looks after providing criminal records checks for employers or employees.
<b>EHCP</b>	Education, Health & Care Plan	Schools in England must provide support to children with special educational needs (SEN) as part of their standard offer to children. Where a child requires additional support that goes beyond what a school, college, or nursery can typically deliver from their own budgets or staffing then they may need an Education Health and Care Plan (EHCP).
<b>EHE</b>	Elective Home Educated	A choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time.
<b>ETE</b>	Education Training Employment	The status given to a young person who has been supported into Education, training and/or employment.

ACRONYM	FULL TERM	DESCRIPTION
<b>IHA</b>	Initial Health Assessment	A statutory health assessment that is required to be completed within 28 days of a child coming into care. It is completed by a paediatrician or a designated CLA nurse.
<b>IRO</b>	Independent Reviewing Officer	Person who chairs reviews for children living in children's homes or foster care.
<b>IV</b>	Independent Visitor	Adult volunteers who provide independent, one-to-one befriending support to children in care. Their role is to "visit, advise and befriend" the young person with whom they are matched. In Somerset, this service is provided by Route One Advocacy.
<b>NEET</b>	Not in Education, Employment or Training	Young people (aged 16 to 24 years) who are not in education, employment or training.
<b>P2i</b>	Pathway to Independence	Offers housing and advice for young people aged 16-24 across Somerset. It is a jointly commissioned initiative by Somerset County Council, District Councils working with a consortium of provider organisations.
	Pathways Plan	From 16 years, a child should be supported to leave care using a Pathway Plan. The plan shows how the young person will be helped to prepare for the future and includes what's happening with: <ul style="list-style-type: none"> <li>• Accommodation</li> <li>• Finance</li> <li>• Health and wellbeing</li> <li>• Emotional Issues and behaviour</li> <li>• Education, training, employment, work experience and volunteering</li> <li>• Relationships with family, friends and support networks</li> <li>• Identity, such as ethnicity, religion, sexual orientation</li> <li>• Hobbies, sport, leisure, social life</li> <li>• Parenthood (for those about to become a parent)</li> <li>• Keeping safe</li> <li>• Practical skills and other skills for living independently</li> </ul>
<b>PEP</b>	Personal Education Plan	All looked-after children must have a care plan, of which the PEP is an integral part. The PEP (pre-school, to age 18) should be initiated as part of the care plan.
<b>PP</b>	Pupil Premium	Pupil premium is funding to improve education outcomes for disadvantaged pupils in schools in England. Evidence shows that disadvantaged children generally face additional challenges in reaching their potential at school and often do not perform as well as other pupils.
<b>QA</b>	Quality Assurance	Work that is carried out in children's services that supports learning and service improvement includes audits and practice reviews.

ACRONYM	FULL TERM	DESCRIPTION
<b>RHA</b>	Review Health Assessment	A statutory assessment for all children looked after and supports and informs the child's care plan, undertaken: <ul style="list-style-type: none"> <li>• Every 6 months for children under 5 years old</li> <li>• Annually for children and young people aged 5-18</li> </ul>
<b>SDQ</b>	Strengths and Difficulties Questionnaire	The strengths and difficulties questionnaire (SDQ) is a short behavioural screening questionnaire for children aged 3 to 16. The questionnaire is used to assess children's mental health, and can be completed by children and young people themselves, by their parents or by their teachers.  It can be used for various purposes, including clinical assessment, evaluation of outcomes, research and screening.
<b>SEND</b>	Special Education Needs and Disabilities	A child or young person aged from 0 to 25 years old is said to have special educational needs or a disability if they: <ul style="list-style-type: none"> <li>• have a learning difficulty or disability which makes it much harder for them to learn than the majority of other pupils of the same age</li> <li>• require special educational provision to be made for them because they have a disability that prevents or hinders them from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools</li> </ul>
<b>SENDIAS</b>	Special Education Needs and Disabilities Information, Advice and Support	Somerset SENDIAS (Special Educational Needs and Disability Information, Advice and Support) can give children, young people and their parent carers information, advice and support about SEND. This can include information on Education, Health and Care (EHC) Needs Assessments and Plans.  The service is free, confidential and impartial.
<b>SiCC and SLCC</b>	Somerset In Care and Somerset Leaving Care Councils	Somerset's in care councils where children and young people in care can share their experiences of the care system, to help their 'corporate parents' get things right and look after them properly.
<b>Stat Neighbours</b>	Statistical Neighbours	Statistical neighbours provide a method for benchmarking progress. For each local authority (LA), these models designate a number of other LAs deemed to have similar characteristics. These designated LAs are known as statistical neighbours.
<b>SSCP</b>	Somerset Safeguarding Children Partnership	The partnership responsible for safeguarding children in Somerset made up by three organisations –Somerset County Council, Avon and Somerset Constabulary and Somerset Clinical Commissioning Group –have joint and equal responsibility to safeguard children and young people.

ACRONYM	FULL TERM	DESCRIPTION
<b>UASC</b>	UnAccompanied Asylum Seeking Children	Children who are outside their country of origin to seek asylum in the United Kingdom, are separated from parents and relatives, and are not in the care of someone who is responsible for doing so. Before the age of 18, separated children are the responsibility of the local authority who assesses the child's needs and provides accommodation, education and health care.
<b>VS</b>	Virtual School	The Virtual School is a statutory service which exists to support and challenge all those involved in the education of children in care. The Virtual School Headteacher must be able to demonstrate how the pupil premium and other funding is raising the achievement of looked-after children.
<b>CYP</b>	Children and Young People	An abbreviation often found in reporting in children's services.



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Somerset County Council  
County Council- 23 November 2022

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### **Report of the HR Committee – for decision**

Chairman: Cllr Liz Leyshon – Lead Member for Finance and Human Resources

Division and Local Member: All

Lead Officer: Chris Squire, Director of Customers, Digital and Workforce

**1.1** This report covers the meeting of the Committee on 17 November 2022 which considered three items of business:

- Chief Officer Pay Award 2022-23
- Update on LGR People Workstream
- Employment Policies

**1.2** On 1 November 2022, the National Joint Council (NJC) for local government services reached agreement on a one year pay award for 2022/23, applicable to Green Book staff. Details are outlined below:

With effect from 1 April 2022, an increase of £1,925 (pro-rata for part time staff) on all NJC pay points 1 and above (as listed in Annex A of the NJC Local Government Services pay agreement 2022/23 circular dated 1st November 2022).

With effect from 1 April 2022, an increase of 4.04 per cent on all allowances (as listed in Annex 2 of the NJC Local Government Services pay agreement 2022/23 circular dated 1 November 2022).

**1.3** In recent years, the Green Book national pay award has been a percentage increase on basic salary. The 2022 pay award offer differs from previous years and is based on an increase of £1,925, which reflects a different percentage increase, depending on basic salary. For the lowest paid workers on Spinal Column Point (SCP) 1, currently SCC Grade 17, on a salary of £18,333, this will equate to a 10.5% increase. The maximum Green Book JNC national pay spine is SCP 43, on a salary of £47,665, this will equate to a 4.04% increase.

**1.4** Employers are encouraged to implement the pay award as swiftly as possible. We will ensure the Green Book pay award is implemented in the November payroll for Grades 1 to 4. The Chief Officer and Chief Executive pay award requires Full Council approval. The next meeting is on 23 of November 2022, which is after the normal payroll deadline, however as this change only applies to a small number of Officers it is anticipated the change will be able to be implemented in time for November pay.

The recommendation to apply a £1,925 pay award to Chief officers Grades 2 and 3, which is in line with Green Book staff, is intended to ensure fairness and equity in pay awards for all staff. The financial impact of a £1,925 pay award for Chief Officer

cohort is £26,950 (excluding on costs) and falls within budget forecasts. The percentage increase varies dependant on salary with the bottom point of Chief Officer Grade 3 receiving 2% and bottom of Grade 2 receiving 1.7%.

## Recommendations

**The HR Committee agreed to recommend the Council:**

- **To approve the 2022/23 pay award for Somerset County Council Chief Officers, at Somerset Grades 2-3, of £1,925 to reflect the increase agreed nationally for Green Book staff and Chief Officers.**
- **To agree that no pay increase is awarded to the recently appointed Chief Executive.**
- **Note the nationally agreed Green Book pay award for 2022/23 and the updated Somerset salary rates for grades 17 to 4 for the financial year 2022/23.**

Items Discussed (for information)

### **3.1 Update on LGR People Workstream**

The Committee received an update on the LGR People Workstream from the Director of Customers, Digital and Workforce who provided an overview on the various sub-workstreams or programmes within the People Workstream, including:

- Behaviours & culture.
- Organisational development through development of a single learning management system.
- Organisational design with initial SLT consultations already taken place.
- Payroll & HR management with single payment system (Mendip & Sedgemoor District Councils will be included from end October), move to a single finance system in MS Dynamics, and replacement system for SAP.
- Senior Management Appointments & Recruitment.
- Staff Terms & Conditions.
- TUPE and organisational change.
- Wellbeing and Ways of Working through the Dynamic Working Strategy, Occupational Health, Employee Assistance, rapid access to physio and the Wellbeing Strategy..
- Diversity and Inclusion including overseas workers.
- Health and Safety with policies considered by trade unions.
- Single recruitment system.

### **3.2 Employment Policies**

We agreed at our last meeting, any employment policy which meets one or more of the criteria below would be brought to the HR Committee for approval

- a) Where there is a significant/notable change to existing SCC policy
- b) Something is contractual / is a term or condition
- c) Where there is a cost implication – for example redundancy compensation scheme, sick pay, annual leave entitlement determination
- d) Anything that the unions will not agree on/sign-off

It was also agreed that any significant impact to any District Council partner's existing policy is 'flagged' for the HR Committee's awareness. All other policies will be approved via delegated authority, by the Director of Customers, Digital & Workforce.

Based on the criteria above, and highlighted in blue on a summary table in the report we approved after a thorough discussion the following policies:

- Capability
- Maternity (excluding Contractual Maternity Pay)
- Paternity

In addition, and highlighted in yellow on the summary table in the report we noted the following policies where there would be a significant impact to one or more of the District Councils' existing policies. It should be noted that none of the District policies referred to are contractual. These are:

- Adoption (excluding Contractual Adoption Pay)
- Compassionate Leave
- Emergency Time off for Dependents
- Standards of Conduct

#### **4. Background papers**

Agenda and papers for the HR Committee meeting on 17 November 2022.

Somerset County Council

County Council

– 23 November 2022

## **Report of the Leader and Executive – Items for Information**

Executive Member: Cllr Bill Revans – Leader of the Council

Division and Local Member: All

Lead Officer: Scott Wooldridge – Head of Governance & Democratic Services and Monitoring Officer

Author: Mike Bryant - Service Manager – Democratic Services & Michelle Brooks – Senior Democratic Services Officer

Contact Details: [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) / 01823 357628

### **1. Summary**

- 1.1. Appendix 1 of this report covers key decisions taken by the Leader, Executive Lead Members and officers between 9 July 2022 and 11 November 2022, together with the items of business discussed at the Executive meetings on 17 August 2022, 21 September 2022 and 19 October 2022.

The Leader and Executive Lead Members may also wish to raise other issues at the County Council meeting.

- 1.2. Appendix 2 of this report details the work of the Council's Cost of Living Working Group. Council is recommended to note that following consideration of the Cost of Living Working Group report the Executive:
  1. Welcomed the considerable progress made to date and endorses the future direction of travel
  2. Supported the intention of the group to focus initially on the Period November 2022 - March 2023, with a review in early 2023 to determine whether there is ongoing need for support
  3. Supported the £200,000 contributed to the Somerset Community Foundation's Food Resilience project from the Clinically Extremely Vulnerable fund held by Public Health

## **2. Details of decisions**

- 2.1. Agenda and papers for the Executive meetings held on 17 August 2022, 21 September 2022 and 19 October 2022 are published within the Executive webpages on the Council's website. Individual Leader, Executive Lead Member and Officer key decision records and related reports are also published within the Executive webpages on the Council's website.

## Appendix 1

Decision Title	Decision Maker and date of decision	Link to further information and decision paperwork
Somerset Supplemental Substance Misuse Treatment and Recovery Grant Award	18 July 2022 by Lead Member for Public Health, Equalities and Diversity	<a href="#">Decision Details</a>
Decision regarding Connecting Devon and Somerset (CDS) contracts	21 July 2022 by Chief Executive, Lead Member for Transport and Digital	<a href="#">Decision Details</a>
Deployment of the High Needs Provision Capital Allocation (HNPCA) for financial years, 2022-23 & 2023-24	05 August 2022 by Lead Member for Children and Families	<a href="#">Decision Details</a>
Creation of a new sponsored academy in Somerset	17 August 2022 by Director of Commissioning and Lead Commissioner for Economic Community Infrastructure, Lead Member for Children and Families	<a href="#">Decision Details</a>
Covid and National Driver Shortage Impact on Waste Collection Services and Costs Implications : Settlement of related contractual relief to SUEZ	22 August 2022 by Lead Member for Environment and Climate Change	<a href="#">Decision Details</a>

Contract Award: Mechanical and Electrical Works, Wadham School, Crewkerne	31 August 2022 by Somerset Waste Partnership Managing Director / Acting Lead Director for ECI	<a href="#">Decision Details</a>
Land at Cherry Grove / Colliers court	09 September 2022 by Lead Member for Development and Assets	<a href="#">Decision Details</a>
Contract Award: Window, Heating and Roof Works at Frome College	16 September 2022 by Somerset Waste Partnership Managing Director / Acting Lead Director for ECI	<a href="#">Decision Details</a>
Acceptance of Funding for the Multiply (Adult Numeracy) Programme	26 September 2022 by Director of Finance	<a href="#">Decision Details</a>
Resettlement Pledge 2022/23	27 September 2022 by Lead Member for Public Health, Equalities and Diversity	<a href="#">Decision Details</a>
Extension to the dynamic purchasing system for homecare providers in Somerset	06 October 2022 by Lead Member for Adult Social Care	<a href="#">Decision Details</a>
Wyvern Nurseries – Decision to Award following Competitive Tender	07 October 2022 by Lead Member for Children and Families	<a href="#">Decision Details</a>



Key Decision for the extension of the grant funding agreement for the management of the SSEF between SCC and SCF	27 October 2022 by Director of Commissioning and Lead Commissioner for Economic Community Infrastructure	<a href="#">Decision Details</a>
Contract Award: Somerset Innovation Support Service	31 October 2022 by Director for Economic and Community Infrastructure Commissioning	<a href="#">Decision Details</a>
Revenue Budget Monitoring Report - month 3	17 August by Executive	<a href="#">17 August 2022 Executive Agenda</a>
LGR Implementation Board – proposed Terms of Reference / proposed submission of Consequential Parliamentary Orders	17 August by Executive	<a href="#">17 August 2022 Executive Agenda</a>
Member Equality Steering Group	17 August by Executive	<a href="#">17 August 2022 Executive Agenda</a>
Revenue Budget Monitoring Report - month 4	21 September by Executive	<a href="#">21 September 2022 Executive Agenda</a>
Crisis Support Service for Adults with a Learning Disability and/or Autism	21 September by Executive	<a href="#">21 September 2022 Executive Agenda</a>
Commercial Decision: Education lease conditions Dillington House	21 September by Executive	<a href="#">21 September 2022 Executive Agenda</a>

Revenue Budget Monitoring Report - month 5	19 October by Executive	<a href="#">19 October 2022 Executive Agenda</a>
Somerset Integrated Domestic Abuse Services (Lots 1 - 5)	19 October by Executive	<a href="#">19 October 2022 Executive Agenda</a>
Temporary Worker Procurement	19 October by Executive	<a href="#">19 October 2022 Executive Agenda</a>

## Appendix 2

### Decision Report - Non-Key Decision

Forward Plan Reference: n/a

Decision Date - 19/10/22



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#### Responding to the Cost of Living Crisis

Executive Member(s): Cllr Liz Leyshon - Deputy Leader of the Council and Lead Member on Finance and Human Resources

Local Member(s) and Division: Councillor Jo Roundell Greene

Lead Officer: Jan Gamon

Author: Jan Gamon – Director, Place and Recovery – South Somerset District Council and Alice Munro – Consultant in Public Health – Somerset County Council

Contact Details: [jan.gamon@southsomerset.gov.uk](mailto:jan.gamon@southsomerset.gov.uk)

#### 1. Summary / Background

- 1.1** In the light of the current cost of living crisis it was agreed, at the July 2022 meeting of Full Council, that a politically proportionate cross-party cost of living working group would be formed. The working group is not a decision-making body. Its role is to recommend to the Executive, and the November 2022 full Council meeting, the steps that this Council can take to alleviate the impact of the cost of living on the most vulnerable.
  
- 1.2** Central government has announced a range of initiatives to support individuals and households through the cost-of-living crisis. The role of the Somerset group is to ensure that our residents are aware of the support already available and to tailor additional initiatives locally.

## 2. Recommendations

### 2.1. Recommendations

#### **That the Executive:**

- 1. Notes the considerable progress made to date and endorses the future direction of travel**
- 2. Notes the intention of the group to focus initially on the Period November 2022 - March 2023, with a review in early 2023 to determine whether there is ongoing need for support**
- 3. Notes the £200,000 contributed to the Somerset Community Foundation's Food Resilience project from the Clinically Extremely Vulnerable fund held by Public Health**

## 3. Reasons for recommendations

### 3.1 Reducing fuel poverty

Members felt that this was largely for central government to respond to and they have announced the £400 reduction to fuel bills per household, in addition to the Winter Fuel Payment and Cold Weather Payments for those eligible. Please note that Appendix A contains information of all of the known direct grants available to individuals and households at the time of writing. This is an evolving picture and will be added to over the coming weeks.

In addition to the above, Public Health (PH) has issued a grant to the Centre for Sustainable Energy (CSE) Safe and Warm Somerset helpline to support people who are clinically vulnerable and struggling to afford their energy bills and living in a cold home. This funding will mean that in addition to delivery of their standard offer, CSE will do targeted outreach to clinically vulnerable householders in cold homes and:

- Facilitate the installation of insulation and heating measures to improve the energy efficiency of low-income and low EPC rated homes.
- Provide home energy advice and support to ensure that vulnerable households are better equipped to pay for their energy through improved income (such as benefits and debt reduction), and more confident in dealing with bills, tariffs and heating controls.
- Empower frontline health and social care workers and voluntary, community and social enterprise organisations to work together to ensure their clients live in safer and healthier homes.

**Funding provided:** £314,000 has been provided from PH' s Clinically Extremely Vulnerable grant.

### 3.2 Offering A Warm Welcome

The *Warm Welcome* initiative seeks to develop and co-ordinate a network of venues that can offer people a Warm Welcome over the course of this winter. These venues will be open to anyone who would like an inviting place to keep warm and, if they choose, take part in projects or activities, get some work or homework done, or just see a friendly face for a chat. No one will be asked questions about why they are there and the venues will all be community-led, with no personal data shared about anyone who attends.

The members' working group requested that all local councils be contacted and asked about their availability to offer a warm space. Almost fifty town and parish councils have also helped to identify potential spaces, and we expect many more to do so. Of the responses received, only one mentioned funding as a potential barrier to offering a warm space. The spaces identified by local councils will be added to those identified by village agents.

Public Health is tendering for an organisation to build the capacity of venues in the network, identify appropriate spaces where there are gaps, and co-ordinate the project moving forward. The provider will also be able to provide some quality assurance of the offer from venues and support the venues with infrastructure and training needs.

**Funding provided:** £50,000 to be funded from the Clinically Extremely Vulnerable grant

Once all of the warm spaces have been confirmed, they will be mapped across Somerset and will be widely publicised both on- and offline. Those providing warm spaces will be eligible to apply for grants of up to £1,000 from the Somerset Community Foundation 'Cost of Living Crisis Appeal, which is covered under item 3.5 below

### 3.3 Reducing food insecurity

This is felt by the Members' working group to be the highest immediate priority and reflects the recommendation to contribute £200,000 to the SCF's Food Resilience project.

The Food Resilience Steering group (FRSG) was formed in January 2022 to consider how to best build food resilience and reduce food insecurity in Somerset. It includes officer representation from across Districts, SCC and VCSE partners. The FRSG has identified a number of challenges facing food projects this winter, with priorities for relating to (1) supply and distribution of food, including to underserved communities; (2) developing cooking and budgeting skills and providing equipment; and (3) developing a basic standard offer that means all projects can contribute to reducing food insecurity.

As part of the tender discussed above, the same organisation is expected to both address these challenges and develop the warm space network, as both areas of activity involve activities to build the capacity of communities to respond to the cost of living crisis. The food strand will, in the first instance, involve convening three task and finish groups on the identified priorities for food resilience, with members invited who are in a position to identify opportunities and develop solutions.

All food banks, pantries and cupboards will be mapped across Somerset and this will be widely publicised.

### **3.4 Supporting older adults with mental health needs**

The aim of this area of work is to deliver mental health support face-to-face in people's homes. Relying on telephone support alone for this vulnerable group has been increasingly challenging due to the nature of rising mental health needs. Not being able to address this need is likely to incur wider system costs in terms of more significant mental health crises.

Open Mental Health will be funded to provide targeted home visits to approximately 500 older adults in need of mental health support, identifying those who would benefit from this more holistic face-to-face support offer via their existing telephone service. The home visit model proposed would also explore the needs of individuals more broadly and ensure that they can access wider support to all the other support over the winter, including financial, fuel and food support.

**Funding provided:** £65,715 taken from the Clinically Extremely Vulnerable grant

### 3.5 Funding community-based support

Somerset Community Foundation has established a 'Cost of Living Appeal' programme which in due course will support additional core costs for VCSE groups and projects that will help meet the needs of struggling and vulnerable households. In this first phase the Foundation has launched the Warm Somerset Spaces Fund, from which a venue can ask for up to £1,000 to stay open longer this winter to offer a warm place for people in their community. To receive the award venues are expected to extend their opening times by 5 or 6 hours a week over winter. We plan to ensure this is publicised widely as part of the communications plan.

**Funding provided:** To date, Public Health has contributed £50,000 from the Clinically Extremely Vulnerable grant. This has been matched by £150k from District Councils in Somerset.

### 3.6 Communications Plan

There is a detailed plan to develop standardised materials to be available across Somerset, both on a bespoke website and in physical form. It is likely that the website will be derived from the Somerset Saver website developed for Mendip DC and which they confirm they are willing to share more widely. It is anticipated that the website will contain information relating to sources of direct grant funding, sources of further advice and hints and tips for staying warm, safe and with sufficient access to food this winter. This work is being led by the Communications team within Public Health.

## 4. Other work currently underway

There is further work in progress which is not yet ready to be reported in its entirety and more details of this will follow.

### 4.1 Advice Services

Members are in receipt of a proposal for additional support from the Citizens' Advice Service. Members universally applaud the very important work of Citizen's Advice and the West Somerset Advice Service but have requested additional information before reaching a

decision about how best to respond to the proposal. We expect to be in a position to respond by late November

#### **4.2 Council Staff**

Staff who are residents of Somerset will have access to all of the support available elsewhere. In addition, Unison has recently published a plan of action to offer direct support to members who are struggling to meet costs and who meet eligibility criteria. Information will be updated, once the full details are known.

It is proposed to permit staff to work from council-owned offices to ensure that they also have access to a warm space. For some staff, their nearest office won't necessarily be the one that they are based in and the team is currently exploring the possibility of improving accessibility across the estate.

#### **4.3 Local Businesses**

We are aware that much of Somerset's employment relies upon a large number of SMEs. The government has recently announced a cap on the price of electricity but, for those businesses which rely on high usage of fuel, this may not be sufficient. The Economic Development team at SCC is working with local Chambers of Commerce and the Federation of Small Businesses to understand in more detail what they believe the need would be.

### **5. Other options considered**

- 5.1** Members considered providing targeted direct financial support. This was rejected due to the availability of existing mechanisms such as the Household Support Fund.

### **6. Links to County Vision, Business Plan and Medium-Term Financial Strategy**

- 6.1** It supports the County Vision through improving the lives of residents, developing community connections, improving partnership working and providing residents with the correct information and advice

### **7. Consultations and co-production**

- 7.1** Consultation took place with the member working group which was made up of cross-party councillors. Efforts were made to ensure the officer



working group was also made up of representatives from across the system, including SCC, Districts, Adults and Children's Social Care. Other organisations and relevant stakeholders were contacted directly during research into current support offers.

## **8. Financial and Risk Implications**

- 8.1** The majority of the funding identified is taken from the Clinically Extremely Vulnerable fund, held by Public Health. There are no additional funding requests as a result of the recommendations

## **9. Legal and HR Implications**

- 9.1** There are no legal or HR implications arising.

## **10. Other Implications**

### **10.1 Equalities Implications**

Some groups will be disproportionately affected by a change in their financial circumstances brought about by an increase in the cost of living, for example, those living with long-term health conditions, the disabled or elderly people who may be on a fixed income. Struggling families may also be impacted by rising food and fuel prices. The importance of ensuring adequacy of provision for these groups has been considered and will be given on-going consideration.

The Equalities Impact Assessment needs is appended to this report and referenced in this section.

### **10.2 Community Safety Implications**

Whilst it is not possible to directly link the cost of living crisis to community safety there is a strong likelihood that that crisis will impact on individuals quality of life and wellbeing. This will be considered further as work in this area progresses.

### **10.3 Sustainability Implications**

Whilst it is not possible to directly link the cost of living crisis to sustainability impacts, there are potential indirect impacts that should be considered for example a reduction in car usage due to the

associated costs and a potential corresponding increase in the use of public transport.

#### **10.4 Health and Safety Implications**

There are no health and safety considerations

#### **10.5 Health and Wellbeing Implications**

The potential health and wellbeing implications resulting from the cost of living crisis are wide and varied and will likely disproportionately affect certain groups of the population, this may include negative impacts on physical and mental health and may exacerbate inequality.

#### **10.6 Social Value**

There are no social value implications

### **11. Scrutiny comments / recommendations**

**11.1** Not directly applicable

### **12. Background**

**12.1** In the light of the current cost of living crisis it was agreed, at the July 2022 meeting of Full Council, that a politically proportionate cross-party cost of living working group would be formed. The working group is not a decision-making body. Its role is to recommend to the Executive, and the November 2022 Full Council meeting, the steps that this Council can take to alleviate the impact of the cost of living on the most vulnerable.

3.1. The membership of the group comprises 10 elected members:

Jo Roundell Greene – Liberal Democrat (Chair)

Ben Ferguson – Liberal Democrat

Tom Deakin – Liberal Democrat

Tim Kerley – Liberal Democrat

Simon Carswell – Liberal Democrat

David Fothergill – Conservative

Mandy Chilcott – Conservative

Dave Mansell - Green Party

John Hunt - Independent

Kathy Pearce - Labour

The Members' Working Group is supported by an officer working group comprising representatives from Public Health, Communications, Children's Services, HR, Economic Development and the four District Councils.

#### 4. Background Papers

##### 4.1. Appendix A – Direct Grants Available to Households/Individuals

#### **Report Sign-Off**

		Date completed
Legal Implications	Honor Clarke	n/a
Governance	Scott Wooldridge	10/10/22
Corporate Finance	Jason Vaughan	n/a
Customers, Digital and Workforce	Chris Squire	10/10/22
Property	Paula Hewitt / Oliver Woodhams	10/10/22
Procurement	Claire Griffiths	n/a
Senior Manager	Alice Munro, Public Health Consultant	10/10/22
Commissioning Development	Sunita Mills / Ryszard Rusinek	10/10/22
Executive Member	Cllr Liz Leyshon - Deputy Leader of the Council and Lead Member on Finance and Human Resources	
<b><u>Sign-off Key Decision / Consulted on Non-Key Decision</u></b>		
Local Member	Cllr. Jo Roundell Greene	10/10/22
Opposition Spokesperson	Opposition Spokesperson - Leader - Cllr David Fothergill	
Scrutiny Chair	<a href="#">Click here to select the relevant Scrutiny Chair</a>	n/a

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County Council  
– 23 November 2022

## **Annual Report of the Scrutiny for Policies, Adults and Health Committee**

Chair: Cllr Rosemary Woods

Division and Local Member: All

Lead Officer: Scott Woodridge – Monitoring Officer

Author: Jamie Jackson – Scrutiny Manager

Contact Details: [jamie.jackson@somerset.gov.uk](mailto:jamie.jackson@somerset.gov.uk)

### **1. Summary**

- 1.1** The Scrutiny for Policies, Adults and Health Committee is required by the Constitution to provide Full Council with a summary progress report and outcomes of scrutiny. This report covers meetings since May 2022.
- 1.2** The Committee has agreed their work programme would comprise of items considered directly at meetings plus other items considered or 'commissioned', using flexible arrangements outside of the formal committee structure.
- 1.3** Members of the Council are reminded that:
  - all Members have been invited to attend meetings of the three Scrutiny Committees and to contribute freely on any agenda item;
  - any Member could propose a topic for inclusion on the Scrutiny Work Programme.
  - any Member can be asked by the Committee to contribute information and evidence and to participate in specific scrutiny reviews.

The Committee has 13 elected Members.

### **2. Background**

#### **2.1 Scrutiny Work Programme**

Each of our meetings had specific agenda items to consider the work programme and allow members and officers to suggest items we should scrutinise in more depth. We also frequently review how we monitor our suggested outcomes and/or recommended actions so we can understand the impact of our work so we can learn how to better focus our scrutiny work to ensure we have made a difference.

Scrutiny Members have endeavoured through the Committee meetings to make suggestions and express opinions to Directors and Executive Members after discussion and debate. We have started to develop constructive relationships with our sister Scrutiny Committees, particularly the Scrutiny for Policies, Children and Families Committee.

## 2.2 Meeting 27 July 2022

### **Integrated Care Board and Integrated Care Service**

The Committee received a report and presentation on the recent developments of the Integrated Care System and the establishment of the Integrated Care Board for Somerset, including the ambitious aims and noted the tight timelines.

### **Primary Care Update**

The Committee considered a report on Primary Care Services in Somerset with an individual update on the Victoria Park Medical Centre in Bridgwater. There are 64 practices in Somerset. The Committee discussed negative impact this was having on a very deprived Ward and were made aware of the feelings of the local community in having to seek services in other GP surgeries. This led on to a discussion about the challenge of attracting GP's to work in Somerset while acknowledging that Somerset had a more stable workforce compared to some parts of the Country.

### **Performance Report**

The Committee considered a report that provided an update on key developments in relation to demand and performance activity across adult social care both nationally and locally. The Committee heard that the handing back of contracts was a very complex area and may lead to re-admittance to hospital or care settings.

### **Quality Report**

The Committee had a report on Care Provider Quality. The report outlined the overarching duties and arrangements the Local Authority has to ensure the care provision offered to residents is of the highest quality, to support oversight and scrutiny. The report contained a case study the typified the range of responses used to address a quality issue. The report contained some comparator information in relation to the rest of England and similar large rural Local Authorities.

## 2.3 Meeting 12 October 2022

### **Budget Update**

The Director of Adult Social Care gave a high-level presentation demonstrating the make-up of the Adult Social Care (ASC) budget and how it was allocated between statutory and non-statutory spends, income sources and how the overspend is going to be managed. The Adult Social Care Budget is over half the Council's budget.

The Committee were advised that this means the budget the Council needs for ASC is actually £160m per year. The council also receives one-off funding from the government during the year to cover additional costs i.e. winter surges in demand.

### **Hyper Acute Stroke Care**

The Committee had a report from the Programme Director of Fit for My Future and the Programme Manager for Stroke, Neurorehab and Community Hospitals. The Clinical Services Director for Neurological Services and Consultant Stoke Physician also attended the Committee. Fit for my Future is a strategy for how we

will support the health and wellbeing of the people of Somerset by changing the way we commission and deliver health and care services. The Committee noted the report.

### **Somerset Supplemental Treatment and recovery Grant and Draft Substance Misuse Strategy**

The Committee had a report from a Public Health Consultant. The report aimed to introduce scrutiny members how the relaunched Somerset Drug And Alcohol Partnership is tackling this issue, utilising additional funding awarded to Somerset under the Supplementary Substance Misuse Treatment & Recovery Grant (SSTRG). A requirement of this grant is to develop a Somerset Substance Misuse Strategy and this paper begins to articulate the approach to be taken locally, in accordance with the national 10 year plan called 'Harm To Hope.' The Committee considered the report and discussed the possibility of having a workshop to address the challenge. Whilst that was welcomed as an option due to the tight timescales for submitting the Strategy to secure the funding it would not be possible for the first iteration. As this was an evolving strategy it was agreed that here could be one in the future. The Committee were keen to discuss this in a greater depth at it was an area where there was an underlying dependency that was not always visible as people continued to function in society.

### **3. Consultations Undertaken**

The Committee invites all County councillors to attend and contribute to its meetings.

### **4. Implications**

The Committee considers carefully and often asks for further information about the implications as outlined in the reports considered at its meetings.

For further details of the reports considered by the Committee, please contact the author of this report.

### **5. Background Papers**

Further information about the Committee including dates of meetings and agendas and reports from previous meetings, are available via the Council's website:

[www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

**Note:** For sight of individual background papers please contact the report author.

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Somerset County Council  
County Council

– 23 November 2022

## **Report of the Scrutiny for Policies, Children and Families Scrutiny Committee**

Chair: Cllr Leigh Redman

Division and Local Member: All

Lead Officer: Neil Milne – Governance Specialist

Author: Fiona Abbott – Senior Democratic Services Officer

Contact Details: 01823 357337 [fiona.abbott@somerset.gov.uk](mailto:fiona.abbott@somerset.gov.uk)

### **1. Summary**

- 1.1** The Scrutiny for Policies, Children and Families Committee is required by the Constitution to provide Full Council with a summary progress report and outcomes of scrutiny. This report covers the work of the Scrutiny Committee from the start of this Municipal Year to November 2022.
- 1.2** The Committee focusses on the outcomes from the recent Ofsted Inspection of Children’s Services and the Children and Young Peoples Plan (CYPP) which has the following three priorities: keeping children and young people safe (priority 1); supporting physical and emotional health and resilience (priority 2); enabling young people to learn and thrive (priority 3). We have now arranged our work plan to cover the following broad areas –
- universal education
  - SEND and Inclusion
  - social care and commissioning
  - cross-cutting items
  - and a number of training items and workshop items.
- 1.3** Members of the Council are reminded that:
- all Members have been invited to attend meetings of the Scrutiny Committees and to contribute freely on any agenda item.
  - any Member can propose a topic for inclusion on the Scrutiny Work Programmes.
  - any Member can be asked by the Committee to contribute information and evidence and to participate in specific scrutiny reviews.
- 1.4** The Committee has 13 elected Members on it and has up to seven co-opted members appointed as follows - two church representatives (one vacancy), two School Governor representatives, one representative from the Somerset Schools Forum (vacant) and two parent governor representatives (both vacant). The co-opted members have voting rights on education matters only. We are in the process of appointing a new church representative and are seeking to fill the two parent governor vacancies.

## 2. Background

### 2.1 Scrutiny Work Programme

Each of our meetings had specific agenda items to consider the work programme and allow members and officers to suggest items we should scrutinise in more depth. This has led to items being added to the work programme and has helped to guide our future work.

At each meeting we review how we monitor how our suggested outcomes and/or recommended actions have been progressed so we can understand the impact of our work and learn how we can better focus our scrutiny work to ensure we have made a difference.

Scrutiny Members have endeavoured through the Committee meetings to make suggestions and express opinions to Directors and Executive Members after discussion and debate.

### 2.2 Meeting held 20 June 2022

Ahead of the meeting, Committee members had a training session from key lead officers covering the work of the Committee and an overview of scrutiny at the Council. This also help shape the work plan for the Committee.

The main points from the meeting were: -

**Family Safeguarding – overview** – the Committee received a PowerPoint presentation from the Council’s Strategic Commissioner, in Children’s Services Louise Palmer and the Council’s Head of Service for Assessment and Safeguarding in Children’s Social Care, Paul Shawcross who provided an implementation update on Family Safeguarding in Somerset.

The Committee noted the successes and evaluation undertaken by York Consulting which is due in the next month, the positive interim report headlines and issues for consideration - impact of the pandemic on the implementation; the ‘workbook’; increasing complexity of cases. Following the meeting information on Somerset’s statistical neighbours was circulated.

**School Place Planning** – the Committee then received a PowerPoint presentation from the Council’s Assistant Director, Education Partnerships and Skills, Amelia Walker, the Assistant Director Inclusion, Dr Rob Hart and the Strategic Manager, Phil Curd who provided an overview of school and early years places.

The Committee noted the pupil numbers, key trends, challenges and pressures on school places and the action being taken and the growth of specialist places and the significant rise in the number of children with Education, Health and Care Plans (EHCPs), the challenges and response.

From 2018 the local authority has delivered 10 significant special school and resource base projects providing 306 additional places at a cost of £49.25m. A £4.75m expansion project is underway at Sky Academy, providing another 40 places in time for September 2022. There is also a £2m capital approval available to deliver a specialist hub for up to 40 children in West Somerset and officers are working with the DfE to deliver a new special free school in South Somerset for 120 children. In addition, officers are working with mainstream secondary schools to deliver a number of 'Enhanced Learning Provisions' which will those schools to support children's needs and reduce demand for places in special schools. Another project will deliver a Therapeutic Education provision for a small number of children - the Council's High Needs Capital Allocation will underpin this.

The Committee additionally received an overview of early years provision and the key challenges and risks, immediate pressures in terms of workforce, sustainability and viability and how this is being tackled and also the issue of school transport.

The Committee had a broad discussion on the issues highlighted, covering – school capacity and pupil place planning, the take up of places in early years, special educational needs and disability numbers, the new Education White Paper which the Committee will look at in the future, clarification that there are no plans to close schools and the opportunities available for people to become school governors.

### **2.3 Meeting held on 25 July 2022**

The main points from the meeting were: -

**Education and Inclusion Services Redesign** – the Committee received a PowerPoint presentation from the Council's Assistant Director, Inclusion Dr Rob Hart, who presented the proposals for the Education and Inclusion Services redesign.

Dr Hart covered the following in the presentation – context / aims of the service redesign and the need for systemic change; outlined the current structure and issues and challenges; detailed proposals within an area-based structure, with clearer accountability structure; what kind of service will become; strengthening preventative capacity; outlined the consultation process and proposed timeline with implementation from beginning of 2023.

The Committee had a broad discussion on the proposals, covering – how will know the changes lead to the outcomes wanted (what will 'success' look like); where the proposals sit in terms of national guidance and best practice; where

and how early years 'fit' in the proposals; details on the Support Services for Education (SSE), management and commercial development.

It was agreed that I and my Vice Chair, Cllr Oliver Patrick, relevant officers and the Lead Member for Children and Families would discuss best route for the Scrutiny Committee to consider the proposals.

**Information item** – the Committee noted the following item for information:-

(a) [Somerset Children and Young People's Plan 2022 – 2024](#) approved at the Full Council meeting held on 20 July 2022

## 2.4 Meeting held on 5 September 2022

The main points from the meeting were: -

**2022 Key Stage assessment results for Somerset** – the Committee received a PowerPoint presentation from the Council's Assistant Director, Education Partnerships and Skills, Amelia Walker who provided a data and standards update, including the early indications from the 2022 Key Stage assessment results for Somerset and the areas of focus.

Testing generates vast quantities of data and therefore accurate and reliable results to pupil level will not be in the public domain until January 2023. The national data is released in October. Following the meeting Ms Walker circulated the presentation given to the informal meeting in 2021, which provided an introduction to education data and performance. The Committee had a broad discussion on the issues raised in the presentation.

**Academisation - moving towards 2030** – the Committee then received a PowerPoint presentation from the Council's Assistant Director, Education Partnerships and Skills, Amelia Walker which provided an update on academisation in Somerset, following the publication of the Government Schools White Paper 'Opportunity for All' in March 2022. This set out the intention to: -

- See all schools in 'strong trusts' by 2030
- Achieve greater clarity about the respective roles for the Department for Education, Local Authorities, Ofsted, Multi-academy trusts and the Schools Adjudicator
- Create 'Education Investment Areas' where standards are lower (following the end of Opportunity Areas)
- Replace Regional Schools Commissioner offices with Regional Teams
- Raise standards in existing trusts

Ms Walker highlighted the implications and work being undertaken in Somerset – this includes discussions with schools about the traded offer ('the Patchwork'). A group of secondary schools has put together a partnership with feeder primary schools to collaborate on school improvement ('Somerset Partnership') - neither

is a replacement for academisation. The traded offer is a new traded offer and it is intended to mirror how trusts support schools more closely, but an LA cannot be a trust. The Partnership is similar to existing groups in the county known as 'Community Learning Partnerships'.

The Committee had a broad discussion, including – the 'priority education investment area' and what it may mean for West Somerset; local authority multi academy trusts; deficit in the local authority school estate; the 'democratic deficit' and performance of schools in the reformed system. It was agreed that a progress update be given to the Committee in 6 months.

**Update on budgetary pressures in Children's Services** - the Committee received a PowerPoint presentation from the Council's Deputy Director of Children's Services, Claire Winter who provided an update on the budgetary pressures in Children's Services.

As a background to the item, the link to the revenue budget monitoring report had been shared with the Committee. This report had been considered at the Executive meeting on 17 August 2022 and concerns the 2022/23 revenue budget monitoring report – month 3 – end June 2022, and in particular the information relating to Children's Services.

The key areas of pressure are external placements for children in care and secondly education transport – home to school and SEND transport and Ms Winter outlined the key performance cost drivers and actions / activity to address pressures. It was confirmed that the education transport strategy will be considered at the Place Scrutiny Committee on 6 September 2022 and will be brought to this Committee in October 2022.

The following information was circulated following the meeting (a) 'Staying Put' policy; (b) numbers in residential care data for 21/22 and how we sit with statistical neighbours.

The Committee also congratulated the department for winning the 2022 LGC award for the fostering campaign.

It was agreed that Children's Services budget monitoring will be discussed at the next meeting. I also highlighted that at some point the Committee may consider setting up a task and finish group looking at external care placements, in conjunction with Corporate Parenting Board.

**Information items** – the Committee noted the following items for information: -

- (a) Task and Finish Group review of School Exclusions (23 September 2020)
- (b) Task Group review of Elective Home Education (June 2015) and update report to [Committee March 2021](#)

## 2.5 Meeting held on 3 October 2022

The main points from the meeting were: -

**Ofsted Inspection Result - Children's Social Care Services – update** - the Committee received a verbal update from the Council's Deputy Director Children's Services, Claire Winter on the Inspection of Somerset local authority children's services. The Inspection of the Council's Children's Social Care services in July 2022 rated the services Good across the board and the inspection report was published on 21 September 2022. The report can be found on the following link – [Inspection of Somerset local authority children's services](#)

Members of the Committee congratulated the team and all those involved on this achievement. Ms Winter highlighted the 2 recommendations in the report – namely placement sufficiency (which is also a national issue) and the take-up of return to home interviews and that this will be the main areas of focus in the action plan work. It was noted that the Committee will have the opportunity to have a more detailed discussion at its next meeting.

**Children's Services Budget Monitoring Report** - the item was introduced by the Council's Assistant Director Inclusion, Dr Rob Hart who referred to the most recent budget monitoring report and focussing on the current projected adverse variance and the major cost pressures across Home to School and Special Educational Needs and Disability (SEND) transport.

The Committee: -

- (a) Noted the proposed actions to address the budget trajectory, including the Children's Transformation Programme, which focuses effort on key areas of demand / pressures
- (b) Noted that the Executive has asked the Committee to review the 2022/23 budget monitoring position for its services and agreed that the Chair and Vice Chair will discuss further establishing a Task & Finish Group to look at the 'top spends', transport and external placements.

**Home to School Transport** – the Committee then received a PowerPoint presentation from the Council's Strategic Manager, Access & Additional Learning Needs Phil Curd and Service Manager Transporting Somerset John Perrett, who provided an overview of the Council's school transport duties, demand, growth of specialist places, transport organisation, costs, the significant challenges in the provision of home to school transport across Somerset and the development of a new School Travel Cost Management Strategy. It was noted that a presentation had also been given at the Place Scrutiny Committee at its meeting on 6 September 2022.

It was agreed: -

- (a) to note the update and current position and proposed next steps and development
- (b) to add school transport to the Committee's work plan for refreshed Council policy (to reflect statutory guidance and possible discretionary changes)
- (c) the Chair and Vice Chair to discuss further a possible Task and Finish Group for SEND transport, to include provision for pre and post school club attendance, for example.

**SEND Draft Strategy and Development** – the item was introduced by the Council's Assistant Director Inclusion Dr Rob Hart, and Strategic Manager, Commissioning, Vikki Hearn who outlined the on-going work in developing the Special Educational Needs and Disability (SEND) Strategy 2023-26.

The strategy will set the priorities for SEND improvement following on from the Written Statement of Action (WSOA) period, due to be completed by the end of December 2022. The priorities are evidence based and have been developed through extensive engagement, from the findings of the SEND JSNA, and taking into consideration the vast amount of research commissioned to better understand the needs of the SEND system. The Committee then received a PowerPoint presentation from Ruth Hobbs, highlighting the key messages from the recent Somerset's SEND Annual Survey.

The Committee:

- (a) Noted the following emerging SEND Strategy Themes which will be underpinned by a number of mission statements, outlining how these will be delivered, for consultation.
  1. Listen, Hear and Respond - Children and young people with SEND and their families will be heard and feel they have choice and control about their lives. Not for me, with me.
  2. Working Together and Coordinated - We are working together as a co-ordinated system and at the case level, around the family.
  3. Getting Help as Early as Possible - Children, young people and their families are able to access the right support at the right time.
  4. Access to the right information, support and provision - Children, young people and their families telling us: "I understand the support and provision that is available to me, and I can access it, if I need it."
  5. Preparing for the future - Children and young people have the right skills and options, according to their individual needs, to take control of their future and achieve the ambitions important to them.
- (b) Asked to see the final report from the Annual Survey when it is available.
- (c) Asked that the consultation draft of the SEND Strategy be shared with the Committee
- (d) That the SEND Strategy be brought back to the Committee after the consultation and engagement has concluded.

**Information items** – the Committee noted that the detailed response which had been sent to the Vice Chair regarding what’s in place to address the impact of COVID on pupil / staff absences and school closures, had been shared with all members of the Committee.

## **2.6 Meeting on 7 November 2022**

The following items were considered at the meeting on 7 November: -

1. Progress on Ofsted Inspection of Children's Services Action Plan
2. LA Maintained Schools - Core Offer – Overview
3. 2022 Key Stage assessment results
4. Scrutiny at Somerset Council – involvement in Task and Finish Group
5. Creation of 2 Task and Finish Groups -Sufficiency of external placements; and Home to school transport.

Fuller details about this meeting will be in my next report but I wanted to alert Council to the presentation given at the meeting on the 2022 Key Stage Assessment Results – [see supplement to agenda – pages 17 - 29](#)

We were alarmed and concerned on receiving an update on the 2022 Key Stage assessment results. We shared the shock expressed by the Lead Member about the worrying information provided by Officers that demonstrated in very stark terms that learners’ educational outcomes in Somerset appeared to be poor and were declining. This meant that achievement and results of Somerset pupils had fallen below both the South West and England averages. There was a clear ‘results gap’ in a range of subjects and for a range of pupils, that showed an alarming decline in educational outcomes.

We request the Executive, as a matter of urgency, task Officers to undertake a review to identify the underlying issues leading to this continued under performance. This review will be of critical importance as improvements must be made across Somerset Schools to help enable all pupils to achieve better outcomes. We will be closely monitoring progress and will seek reassurance from the Executive and Officers that improvements are being made.

## **3. Consultations Undertaken**

The Committee invites all County Councillors to attend and contribute to its meetings. The Committee Chair and Vice Chair invite prospective report authors to attend their pre-meetings and Lead Officers are engaged in this process.

## **4. Implications**

The Committee considers carefully and often asks for further information about the implications as outlined in the reports considered at its meetings. For further details about the reports considered by the Committee, please contact the author of this report.



## 5. Background Papers

Further information about the Committee including dates of meetings and agendas and reports from previous meetings, are available via the Council's website - [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

**Note:** For sight of individual background papers please contact the report author.

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## Report of the Scrutiny for Policies, Environment Scrutiny Committee

Chair: Cllr Martin Dimery

Division and Local Member: All

Lead Officer: Jamie Jackson – Service Manager Governance, Scrutiny

Author: Stephanie Gold – Senior Democratic Services Officer

Contact Details: 01823 357628 [stephanie.gold@somerset.gov.uk](mailto:stephanie.gold@somerset.gov.uk)

### 1. Summary

**1.1** The Scrutiny for Policies, Environment Committee is required by the Constitution to provide Full Council with a summary progress report and outcomes of scrutiny. This report covers the work of the Scrutiny Committee from the start of this Municipal Year to November 2022.

**1.2** The Committee focusses on monitoring and scrutinising the progress and outcomes/deliverables of the Somerset Climate Emergency Strategy, adopted in November 2020 following the Councils declaration of a Climate Emergency in 2019.

The 2022-2023 Scrutiny work programme looks to cover the following areas of work –

- Business, industry, and supply chains
- Waste and Resources
- Energy
- Transport
- Farming and Food
- Water
- Built Environment
- Natural Environment
- Communications

More information on the Climate Emergency workstreams can be found here:  
[Climate Emergency \(somerset.gov.uk\)](https://www.somerset.gov.uk/climate-emergency)

**1.3** Members of the Council are reminded that:

- all Members have been invited to attend meetings of the Scrutiny Committees and to contribute freely on any agenda item.
- any Member can propose a topic for inclusion on the Scrutiny Work Programmes.
- any Member can be asked by the Committee to contribute information and evidence and to participate in specific scrutiny reviews.

**1.4** The Committee has 13 elected Members, appointed in political balance.

## **2. Background**

### **2.1 Meeting held 28<sup>th</sup> September 2022**

This was the first meeting of the committee and the following items were discussed in detail:

#### **Scrutiny Environment Work programme.**

The Governance Manager, Scrutiny presented the Scrutiny for Policies, Environment work programme, alongside the Scrutiny for Policies, Place work programme and The Executive Forward Plan. He explained that, although the work programme is quite full, there is scope for members to feed in any items of business that they wish the Scrutiny for Policies, Environment committee to consider.

#### **Local aggregates assessment 2017-2019 Consultation Update.**

Colin Arnold, Service Manager Development and Planning and Ellie Maxwell Planning Policy Officer shared a brief slideshow to summarise the Local Aggregate assessment (LLA) as part of the evidence base for the forthcoming Minerals Plan. The officer explained that this LLA is late, but the team are catching up, and the 2020-2022 LLA will begin soon. Members were asked to note that this update report is part of a wider piece of work on the Somerset Local Aggregate Assessment.

The following questions and comments were from received from members.

- Request for a copy of the slides to be shared with the committee.
- Can the officer give any comment on the re-opening of Bartletts Quarry, Westdown, with regards to the report that has been presented? We understand this quarry was closed for environmental reasons. Why is it being re-opened? The Service Manager for Development and Planning explained that this proposal was still under consideration and that he was unable to comment until such times as a report goes forward to the Regulation committee.
- Has there been any work done on carbon emissions from the aggregates industry in Somerset? The Service Manager for Development and Planning agreed that this was something that team could take away to investigate further.
- Will this committee be looking at solid rock and building stone as well as aggregate? The Planning Policy Officer advised that the report on building stone will be included in the next Annual Monitoring Statement.

- Two rail heads in Somerset – on the 15-Year Plan what are we doing to either, increase rail heads or ensure that the 15-year stone supply is tied into the rail heads? The Service Manager Development and Planning advised that this would be dealt with on an individual planning application basis.
- Can we have more information on the environmental benefits of aggregates? We need to remember the importance of a balance between the environment and the economy here. The Service Manager for Development and Planning advised that any future reports on this will include an Environmental Impact report.
- Should we be seeing an Environmental Impact Assessment on every report that is taken through The Council? The Chair requested that the democratic services officer look into this.
- A request for this committee to have sight of other similar reports such as the Local Plan Review and Minerals Plan Review to consider and comment further in terms of environmental and planning implications. The Service Manager Development and Planning advised members that these reports usually go to the Regulation committee, but that they could be put forward to Scrutiny Environment committee if required.

### **Economic futures**

Paul Hickson, Strategic Manager Economy and Planning and Julie Wooler, Senior Economic Development Officer provided an overview of the report illustrated with a slideshow to highlight the key points. Members were asked to note that this is not a full report, or a strategy, but that it is a building block towards a new Economic Strategy for Somerset.

The following comments and questions were received from members.

- Energy: There are two main utility industries that have a major impact on Somerset's economic future, water, and electricity. How can we lobby these companies to do more in terms of meeting higher demand for electricity and for more sustainability in the energy sector? The Strategic Manager Economy and Planning acknowledged that the points raised are very valid and these can be incorporated into the SWOT analysis.
- Agriculture: The solution is not about just planting trees. This is about how you produce food. Ploughing through land results in high carbon output. Farming in a different way can maintain more carbon in the soil. Slow farming i.e. The Newt is tying in a lot of carbon on the land. What's written on the slides does not currently meet climate change. The Strategic Manager Economy and Planning advised that he will look to discuss with consultants and experts to incorporate this detail into the SWOT analysis.

- Agriculture: A 'Farm Carbon Toolkit' is being used at Mendip District Council, it is a good resource and may be useful here.
- Agriculture: How can we work with farmers to drive carbon neutrality across the industry? I.e., working with NFU to put more pressures on farmers unions? The Strategic Manager Economy and Planning advised that they would be looking to involve those stakeholders in all focus sessions.
- Agriculture: Could we use 'County Farms' as case studies for more sustainable farming? The Strategic Manager Economy and Planning confirmed that he would take this away for further investigation.
- Agriculture: Food supply issues due to the war in Ukraine and diversification in food supply. Can we ensure that we can grow the core produce, before diversifying into alternative produce.
- This work emphasises the importance of working in partnership with stakeholders to meet climate objectives – we can't do this on our own.
- Hinkley point: 'Anchor for clean growth' What does this mean? The Strategic Manager Economy and Planning advised that this is about the development of supply chains and maximising their local and regional strength. The supply chain strengths that come from this project can be applied to future renewable projects. i.e., offshore wind farms.
- Covid 19: Will the Economic Strategy include impacts of the Covid-19 pandemic, in terms of its social and economic impacts on the Economic Future for Somerset? The Strategic Manager Economy and Planning advised that this has been raised within the team and that in terms of economic development, Covid-19 recovery is still in its early days and very difficult to assess and plan for in the longer term.
- Non-committee member online: There are some gaps in this economic futures work in terms, how can we move forward and fill some of these gaps? How do we do more work with stakeholders to put this research into action. i.e. business networking, innovation forums, opening up new markets in Somerset to make it a great place to live and work. The Strategic Manager Economy and Planning reassured members that this is piece of work looking at the longer term to inform the Economic Strategy. Alongside that the economic development team are commissioning support services, driving innovation, and procuring a business support service to enable growth in our business communities, particularly SME's. The Strategic Manager Economy and Planning suggested that the team could bring a more detailed report on this in the future.
- Non-committee member online: Economic Growth is very unpredictable. How can we support businesses to achieve carbon neutrality in such difficult economic circumstances. i.e., more permitted developments rights for solar projects. Can we make sure this is considered in the forthcoming Local Plan for the new unitary authority. The Strategic

Manager Economy and Planning advised that elements of this would be reported back to the committee within a report on the outcomes of the Climate Business Summit next month.

- Discovery sessions: What are these, how have they been advertised, and what are the main objectives of these sessions? The Strategic Manager Economy and Planning advised that these sessions are looking to involve all wider stakeholders.
- Will this piece of work feed into the work of the Heart of the Southwest LEP and is this work being undertaken by other councils across the region? A joined-up approach is important here. The Strategic Manager Economy and Planning confirmed that this was the case and that the LEP is a part of the steering group on this work.

### **Connecting Devon and Somerset progress update**

Katriona Lovelock, Service Manager Economy, talked members through the progress update report as published.

The following questions and comments were received from members:

- It was noted by the committee that there is not a requirement for officers to read the entirety of their report. The committee agreed that there is an expectation that all members will have read the report before the meeting.
- When is fast 5G coming to Somerset? The Service Manager Economy advised that 5G networks are managed by the commercial sector.
- Non-committee member online: The Airband contract with Somerset West and Taunton District Council – what reassurance can be given that the premises under the contract will be connected? Are there issues that need to be addressed here? The Service Manager Economy advised that this was difficult to answer until a detailed design process had been done.
- Non-committee member online: Delays in roll out phasing of fibre broadband – The published timetable shows that completion is expected in Q4 2024. Are these targets realistic? The Service Manager Economy confirmed that there are delays, and this does lead to backloading in the programme, but CDS are looking to bring in extra resource to catch up and prevent further delays in completion of the programme by Q4 2024.
- Non-committee member online: Voucher scheme and looking after those customers. There have been delays and poor communication with customers who have been awarded vouchers. How is this being managed? The Service Manager Economy advised that the voucher schemes are not managed by CDS and therefore it was difficult to comment on this.

- Non-committee member online: How are we managing Openreach in terms of reaching the most isolated properties i.e., far rural areas.
- Non-committee member online: History of the CDS contracts and failure of Gigaclear which left a hiatus whilst new contracts were awarded. This has resulted in some gaps in coverage and areas not being covered. How are we managing this?

The Service Manager Economy acknowledged that the detail on the above two questions was complex and that it would be beneficial to discuss the specifics of these with the Councillor after the meeting.

## **2.2 Meeting held on 26<sup>th</sup> October 2022**

Please note, on the date of publication of this report the detailed minutes for the meeting of 26<sup>th</sup> October '22 have not yet been completed and signed off by the Committee. The following narrative is presented to members as a brief bullet point summary of the discussion that took place.

### **Climate Change and the Economy**

Laura Jensen, Economic Development provided members with a slideshow to illustrate the key points from the report including

- There are strong overlapping themes in energy, transport, and waste
- Industry/commercial sector is responsible for 25% of the overall emissions in Somerset.
- The BISC workstream activities taking place including business engagement and financial support.
- Many SME's lack knowledge and resource to achieve net zero without support. In consultation, 41% business unsure of their role in transition to net zero.
- The team are measuring the impacts of this work by undertaking surveys and research, networking, and evaluation of direct interventions.

The following comments and questions were received from members

- Businesses, particularly SME's that may be struggling in current economic climates require more practical advice. i.e., insulation and energy usage. How do we engage with them?
- Can we have more detail on the effectiveness of the Somerset Growth Accelerator Fund.
- Do we have any Case Studies to promote best practice to businesses?
- How can we ensure more businesses attend the workshops being held across the county?



- How can we use existing networks to improve engagement with businesses across the county?
- Is the work of the district councils being integrated into this piece of work?
- What is being done in terms of driving retrofitting schemes on older business premises?
- Many businesses do not own their own premises, how can we engage with landlords with regards to practical energy efficiency advice?

### **EV strategy and roll-out impacts and implications**

Mickey Green, Managing Director at Somerset Waste Partnership provided members with a slideshow to highlight key points from the update report including:

- The context of the climate emergency
- The national picture of EV infrastructure
- This work is part of the Council's wider Local Transport Plan
- Research has shown that 'Capacity to charge' has replaced 'range anxiety' as the biggest barrier for EV users.
- In benchmarking exercises Somerset is slightly behind compared to other counties in terms of EV infrastructure, this is likely due to Somerset being a rural area.
- There is a need to continue to work with private sector to identify market failings and fill in gaps in EV infrastructure, to reach all areas of the county including its most isolated rural communities.
- There are many complexities around EV infrastructure including use of cabling and gullies, streetlighting, parking.
- Big challenges for the future include Planning policy, The MTFP budget gap, impacts of LGR, rapidly evolving technology, governance and the need to provide solutions at a more localised level.

The following comments and questions were received from members:

- The importance of working with private sector electricity providers on this.
- There will need to be different solutions for different types of EV user.
- What impact is the current energy crisis having on this strategy?
- Why are cable protectors an issue for EV infrastructure?
- How are the District councils' EV infrastructure projects being incorporated into this strategy?
- How can we lobby government regarding financial support for councils and greater legislative powers regarding EV infrastructure in place planning?
- Can we manage demand on EV chargers at tourism hot spots across the county?

- More details around protocols/compliance of EV charging networks.
- Will Somerset County Council be offering its employees a salary sacrifice scheme or similar, to purchase EV vehicles?

### **Approach to Fleet decarbonisation**

Mickey Green, Managing Director at Somerset Waste Partnership presented members with a brief set of slides to highlight the key points from the report.

These key points included:

- This work is focused on SCC fleet only, of which there are currently 243 vehicles.
- Somerset Council fleet will be more than 700 vehicles.
- This work will lead to a full fleet replacement timetable.
- Carbon footprint of SCC fleet is coming down from previous years.
- Potential to reduce fleet size by making other arrangements for low-mileage users. i.e., pool cars

The following comments and questions were received from members.

- Have we looked at carbon footprint of taxis used for school contracts?
- Concerns that the pace of SCC fleet decarbonisation is being driven by financial pressures, and not environmental.
- What research has been done into use of HVO's? (Biofuel vehicles)

### **Scrutiny at Somerset Council**

Jamie Jackson, Service Manager for Governance, Scrutiny introduced the report which was essentially a request for three members of the Scrutiny, Policies Environment committee to volunteer to sit on a task and finish group looking at how the Scrutiny Function will operate in the new Somerset Council. He advised that the group would be required to meet once or twice before making recommendations to the Constitution and Governance committee at the end of January '23.

Three committee members expressed an interest in assisting with this work, and the Service Manager Scrutiny and Governance thanked those members and informed them that he would contact them again outside of the meeting.

### **3. Consultations Undertaken**

The Committee invites all County Councillors to attend and contribute to its meetings. The Committee Chair and Vice Chair invite prospective report authors to attend their pre-meetings and Lead Officers are engaged in this process.

### **4. Implications**

The Committee considers carefully and often asks for further information about the implications as outlined in the reports considered at its meetings.

For further details about the reports considered by the Committee, please contact the author of this report.

## **5. Background Papers**

Further information about the Committee including dates of meetings and agendas and reports from previous meetings, are available via the Council's website - [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

**Note:** For sight of individual background papers please contact the report author.

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Somerset County Council  
County Council  
- 23 November 2022

## **Report of the Scrutiny Committee for Policies and Place**

Executive Member: N/A

Division and Local Member: All

Lead Officer: Scott Wooldridge – Monitoring Officer, Democratic Services

Author: Jamie Jackson – Deputy Strategic Manager, Democratic Services

Contact Details: 01823 359040

### **1. Summary**

- 1.1.** The Scrutiny Committee for Policies and Place is required by the Constitution to make an annual report to the Council and also to provide each other meeting of the Council with a summary progress report and outcomes of scrutiny. This regular report covers the work of our meeting held on 12 July, 6 September, 20 September and 11 October 2022.
- 1.2.** The Committee agreed their work programme would comprise items considered directly at meetings plus other items considered or “commissioned” using flexible arrangements outside of the formal committee structure.
- 1.3.** Members of the Council are reminded that:
  - all Members have been invited to attend meetings of the Scrutiny Committee and to contribute freely on any agenda item.
  - any Member could propose a topic for inclusion on the Committee’s Work Programme.
  - any Member could be asked by the Committee to contribute information and evidence, and to participate in specific scrutiny reviews.
- 1.4.** The Committee has 13 elected Members, and we have meetings scheduled approximately for every month. Our next meeting will be held in County Hall in person at 10.00am on 6 December 2022.

### **2. Background**

#### **2.1. Scrutiny Work Programme**

At each meeting the Committee considers and updates its work programme, having regard to the Cabinet’s forward plan of proposed key decisions. The Committee also agreed to hold themed meetings and Members are looking forward to this approach, in particular the attendance of representatives and/or stakeholders from partner agencies.

## **2.2. 12 July 2022**

### **Public Questions**

The Committee received a public question for the June meeting which was subsequently cancelled relating to bus and public transport. These questions have been formally responded to by officers.

### **Revenue Budget Monitoring Report – Month 2 May 2022**

The Committee received the month 2 report. Councillors discussed possible restriction of energy use with rising costs for example street lighting; duration of increased demand for Children's Services following lockdown; rising inflation; possible joint budget scrutiny between committees; refuse reduction following the introduction of Recycle More; general improvement in general reserves; consideration that District budgets are equally stretched; budget impact of deficits at Dillington House; and whether capital projects could be postponed to save time and money.

Members noted overall forecast overspend of £14.4m (section 12) and the key risks, future issues and opportunities detailed in the report which will be closely monitored and updated throughout the year. Members also noted that Directors be tasked with developing an Action Plan to address any potential revenue and capital overspends and to report progress through this the monthly budget monitoring report. In addition, Members noted that the Council lobbies government for additional funding to address the inflationary impacts upon the council budget both directly and through the various professional networks such as the Local Government Association, County Councils Network, Association of Directors Adult Social Services and Society of County Treasurers. All members of the Scrutiny Place committee endorsed the recommendations.

### **Appointments from the committee to partnership scrutiny committees**

Two members expressed interest as SCC representatives of the South West Local Enterprise Partnership (LEP), previously Heart of the South West, a group set up to drive economic growth across the region.

## **6 September 2022**

### **Home to School Transport Policy**

At their request, members received a report on from the Service Manager for Transporting Somerset, John Perrett who presented information on the general duties of the service including statutory walking distances and an additional entitlement for low-income families; service demand and future trends; the growth of specialist places; the Transport Team's range of offers to those eligible; transport costs and ways to address rising costs; future challenges for the service; and a cost management strategy.

Current challenges for the service include significant increase in pupils attending specialist provision who require transport; driver shortages; decrease in taxi companies post-lockdown; increased fuel costs; and the Public Service Vehicle Accessibility Regulation (PSVAR). The Committee also received information about the reduction in pay seat availability due to PSVAR. The School Transport Cost Management Strategy was outlined which includes development of an in-house vehicle fleet, service interconnectivity, cost reductions and minimisation of budget variance.

The Committee discussed the impact on the service of the SEND Strategy; service cost comparison in other counties; and the use of regular bus services for home to school transport.

### **Budget Monitoring Report - Month 4 (July)**

The Committee received the month 4 report which highlighted that despite a good track record of underspending over the last four years including a £7.1m underspend in 2021/22, there is a current £23.9mn overspend to date in 2022/23. This is a trend reflected nationally. The reasons for this overspend are a combination of external factors and service overspends and includes record inflation, cost of staff pay award, and significant overspends in Adult Services and Children's Services.

Children and Adult Services combined overspend is £29.5mn of the total £23.9mn overspend indicating that the remainder of the council is significantly underspending. A significant action being taken to address these issues is the purchase of two SCC care homes in conjunction with the Shaw Trust that should assist with the overspend in the Adult Services budget. The Committee discussed budget variation in Adult and Children's Services and the lack of anticipation of these rising costs at budget-setting; the reduction in waste costs from the introduction of Recycle More; reduction in Customer and Digital spend and the pressures of LGR on the budget situation.

Members noted the forecast overspend for 2022/23 of £23.9m and the key risks, future issues and opportunities detailed in the report which will be closely monitored and updated throughout the year. Members also noted that both Adults & Health Scrutiny and Children & Families Scrutiny Committees be asked to review the 2022/23 budget monitoring position for their services.

### **Temporary Labour Contract**

The Committee considered and discussed a report regarding the provision of a temporary labour contract. The Committee supported the recommendation to the Executive.

## **20 September 2022 - Extraordinary Meeting**

### **Review of Executive Decision regarding Commercial Decision: Education Lease Conditions**

An extraordinary meeting was convened to consider the decision regarding the education lease conditions at Dillington House. There is an opportunity to evoke a break clause in the 99year lease. Despite broadening of activities at Dillington in recent years from solely adult education to include wider hospitality and construction of the Hyde Building, and Somerset Centre for Integrated Learning (SCIL) exclusive use of rooms for an annual rent, total revenue costs are just under £2m with long running financial difficulties exacerbated by withdrawal of covid support, energy costs and staff pay awards have also exacerbated the financial situation. Forecast deficit at the end of 2022/23 is expected to be £502K.

Liabilities include significant repairs identified in the 2020 Condition Survey; dilapidation costs on exit; and £1.6m loan outstanding from construction of the Hyde Building. Alternative uses have been sought but the venue is not deemed suitable and therefore return of the lease is the preferred option in November 2023 for minimal disruption to the SCIL programme and wedding bookings.

The issue of staff retention and recruitment was highlighted including a retention package for key staff, as well as upskilling and re-deployment support.

The Committee discussed the following:

- Complexity of unpicking an historical arrangement of traded service which is not core business.
- Continuing activities will put a significant strain on the Council' s future finances.
- Option to exit the lease are only available in 2023 or 2043.
- Opportunity remains to divest an asset, albeit at a significant cost, but with possible unpredictable costs due to the age of the building
- Exiting the lease will alter the cultural capital for the county.
- Preference is to extend operations to September 2023 and to exit by November 2023, but the fallback position is clearly to exit by March 2023 if the extension is not possible.

## **11 October 2022**

### **Public Questions**

The Committee received a public question from Peter Travis of the Somerset Bus Partnership regarding the Taunton-centric actions funded by the Bus Service Improvement Plan; welcoming the BUS-IT campaign; a call for review of all bus stops and shelters; and the need for an affordable bus plan to include access to accurate timetable information.

Officers responded by stating that there is a review of all public transport assets; the public are encouraged to report incorrect or missing timetable information including vandalised timetable cases; review of all bus stops is logistically



difficult; and funding opportunities are being sought for a project in relation to bus stops and timetable information.

### **Council Tax Reduction Policy Report**

The Committee received a report on proposals for new Council Tax scheme from April 2023 following work undertaken independent consultant who has experience of other unitary authority transitions. There is a need to align local discretion for equity and to avoid legal challenge and to simplify existing schemes,

It is proposed to introduce a single Council Tax Reduction Scheme based on an income grid offering up to 100% relief. 98% of claimants would continue to be supported and that there would be approximately 750 claimants who would no longer be eligible for support. An exceptional hardship fund is also proposed. A statutory consultation which was undertaken from July to September 2023 with over 1100 responses.

Councillor asked the questioned and commented on the following: a move to a banded income scheme in one of the districts has resulted in a significant improvement in debts to the Council and personal debt; a request for a costed proposal would enable more effective comparison and on-going monitoring; a request for information on claimants with reduced entitlement; a request for more information on the Exceptional Hardship Scheme and the cost of debt recovery.

A proposal was made to set up a Council Tax Task & Finish Group from April 2023. The proposal was rejected.

### **Council Tax Discounts and Premiums**

The Committee received a report on proposals for April 2023 onward for relief on second homes; relief for unoccupied/unfurnished premises including those undergoing structural repairs and long-term inoccupation; premiums for vacant properties; and support for care leavers, Foster Carers/Special Guardians.

There is close alignment in discounts and premiums in all four districts for second homes (class A) where there is no discount, and the proposal is no change. There is a small variance across districts unoccupied/unfurnished (class C) and unoccupied/unfurnished properties undergoing structural repair (class D). It is proposed to offer no discount for class C, which would be a change for all districts. No discount is proposed for class D which would be a change for all districts.

There is a small variance in empty property premiums, and it is proposed to charge 100% for 1 year of inoccupation, 200% for 5 years, and 300% for 10 years which is essential no change to the existing schemes. There is a proposed 100% reduction for care leavers and proposed 50% reduction for foster carers. Changes proposed from 2024 under Levelling Up include empty property

premium reduced to 1 year; and the introduction of a second home premium that are unoccupied/unfurnished.

Members were broadly supportive, with concern expressed by some Members in relation to the recommendations to remove the exemptions for Class C and Class D. Councillor asked the question and commented on the following: request for clarification to be made in the report for the Care Leavers exemption; objection to the removal of all support for renovated properties such as those that were undergoing decarbonisation work; request for consideration of higher premium on vacant properties to address the housing crisis (not possible within current legislation); request for consideration of the impact these proposals on the private rental market and knock-on costs to social housing; request for estimated revenue from premium on second homes; and request for an estimate of number of properties in classes C and D, and whether discounts could be used to incentivise property decarbonisation.

A proposal was made to offer 50% council tax discount for up to 12 months for properties in class D (structural repairs). The proposal was rejected.

### **Non-Domestic Rate Discretionary Relief Policy**

The Committee received a report on proposals for a unified approach to discretionary relief including 20% top up for all local charities, 75% for local non-profit organisations, 75% for local recreation clubs, 20% for local community amateur sports clubs (CASC), 75% for local rural businesses.

Councillors discussed the need for consistency across business of comparable size and type to offer similar support in terms of mandatory and top-up relief; the need for clear information on those detrimentally affected by these changes; and the rationale behind the proposed changes.

### **Somerset Local Transport Plan**

The Committee received a report and presentation highlighting the Local Transport Plan will be mandatory from Spring 2024 which should be a concise public-facing document, not overly technical, visionary and include a monitoring framework with three mandatory elements:

- Bus Service Improvement Plan (BSIP)
- Local Cycling and Walking Plan
- Electric Vehicle Charging Strategy

The LTP will include quantified carbon reduction commitment and will be the mechanism for funding.

Councillors discussed the impact on the LTP of the M5, A303, A358 upgrade and other major routes; the integration of electrical vehicles (EV) to the plan; and requested further updates.

The Committee noted the recommendation to consider the need for a greater range of carbon reduction measures due to its 2030 net zero date, which is in advance of national government's target of 2050. A more ambitious target date

will necessitate a greater range of LTP interventions, compared to local authorities who are aligned with the government's net zero pathway.

### **Bus Service Improvement Plan**

The Committee received a report as an annual review of the BSIP that included a future offer to bus users summary; public consultation leading to the current BSIP; confirmation of additional funding as an Enhanced Partner (£11.9m received of the £165m bid for) which included reduced travel costs; improved coordination of bus and other modes of travel; an easily accessible and reliable bus network; a safe and comfortable network including connecting services to encourage use; and a decarbonisation plan for Somerset Buses

Funding can only be used for new initiatives and not to support existing services or services withdrawn by commercial operators. Capital spend (£8.1m) from DfT will include Taunton bus lanes and detection at signalised junctions; Taunton Mobility Hub; Bridgwater bus priority measures; and Somerton Mobility Hub. Revenue spend (£3.6m) from DfT will include Taunton £1 bus fare on Park & Ride; Taunton evening and weekend services; and Somerton Think Travel app.

Councillors discussed that the Taunton Mobility Hub would not be in use this winter due to contractual commitments to the NHS for use as a vaccination centre; demand-responsive transport services; public dissatisfaction that funding cannot be used to maintain services and that such works will be dependent on future successful funding bids; concern over the current town-centric actions when many of the transport issues are in rural areas; the role of the Bus Advisory Board a formal partnership between the Council, bus operators and stakeholder groups, including rail operators; and the choice of Somerton was chosen as a second Mobility Hub due to changes in commercial operations.

The Committee noted the recommendation to consider the original Bus Service Improvement Plan (BSIP) submitted in October 2021 (Appendix A) and the update on the first tranche of funding in the accompanying presentation (Appendix B) and provide comment.

The Committee also noted the recommendation that no material changes are made to the overarching BSIP (Appendix A) at this stage, and any significant amendments will be considered as part of the process of agreeing a new Local Transport Plan over the next 18-24 months.

### **Budget Monitoring Report – Month 5 (August)**

The Committee received the month 5 report with the situation remaining particularly challenging due to national and local issues including record inflation, pay awards, rise in energy costs, adult and child support required following the pandemic, recruitment crisis and LGR.

Overall projection for month 5 is an overspend of £22m against net budget of £383.3m (6% of total budget). This is however a £1.9m improvement from

month 4 forecast with Adult Services reporting a £13m overspend, a £1m improvement from month 4. Projected budget overspends are Mental Health £3.8 million, Learning Disabilities £4.2m, Children's Services £16.5m. £1m improvement from May due to Recycle More. New Commissioning Group to agree requests for increases in fees and packages.

Councillors discussed the LGR budget of £16.5 for LGR costs, approximately half of LGR budget in North Yorkshire; the high costs of external placements in Children's Services and the rationale for the Homes for Children purchase programme; stabilisation of Adults Services budget; and that Social Care staffing costs are likely to rise significantly.

The Committee noted the forecast overspend for 2022/23 of £22.0m and the key risks, future issues and opportunities detailed in the report which will be closely monitored and updated throughout the year. The Committee also agreed the proposal to transfer £0.6m from the Resilience for Business-as-Usual budget to the Legal Services budget to cover overspends caused by additional demands and recruitment difficulties within the service.

### **3. Consultations undertaken**

- 3.1.** The Committee invites all County Councillors to attend and contribute to every one of its meetings.

### **4. Implications**

- 4.1.** The Committee considers carefully, and often asks for further information about the implications as outlined in, the reports considered at its meetings.
- 4.2.** For further details of the reports considered by the Committee please contact the author of this report.

### **5. Background papers**

- 5.1.** Further information about the Committee including dates of future meetings, and agendas & reports from previous meetings are available via the Council's website. [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

**Note:** For sight of individual background papers please contact the report author.

Somerset County Council

County Council

– 23 November 2022

## **Annual Report of the Somerset Armed Forces Covenant Partnership**

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Division and Local Member: All

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### **1. Introduction**

- 1.1.** This Report updates the Council on the Somerset Armed Forces Covenant (SAFC) Partnership since the last Annual Report to Full Council in November 2021. The Report is for your information.
- 1.2.** The purpose of the SAFC Partnership is to deliver the Armed Forces Covenant in Somerset. Somerset County Council (SCC) leads the Partnership.
- 1.3.** The definition of the Armed Forces Covenant is

*'The Covenant is a promise from the nation to those who serve. It says we will do all we can to ensure they are treated fairly and not disadvantaged in their day-to-day lives. This includes offering injured servicemen and women, and bereaved families, extra support where appropriate.'*

- 1.4.** The Covenant is a Government initiative designed to ensure that members of the Armed Forces community are not disadvantaged compared to members of the civilian community. Delivery of the Covenant is aimed at four groups of beneficiaries: regulars; reservists; veterans; and their immediate families.

### **2. Background**

- 2.1.** SCC pledged its support for the Covenant on 20 February 2012. SCC officer support for the SAFC Partnership is provided by Jeff Brown, Service Manager, Stronger Communities and Kirsty Conger, Stronger Communities Officer.
- 2.2.** In May 2022, following the local elections, Councillor Henry Hobhouse was appointed by the Leader as Armed Forces Champion and Chair of the SAFC Partnership. We thank the outgoing chair, Rod Williams for his guidance and support of the Partnership since 2017
- 2.3.** In March 2022, the SAFC Partnership's Executive Group approved an update of the Partnership Plan with a refresh planned following vesting of the unitary authority.

### 3. Overview

- 3.1.** This year there has been a renewed focus on Partnership activities and celebrating the armed forces community and its contribution to Somerset. The highlight has been the Armed Forces Day events that took place in Taunton and South Somerset. The Partnership conference took place this October, with support from 40 Commando which hosted the event at Norton Manor Camp. It was fantastic to return to Norton Manor Camp for the first time since the pandemic and we are grateful for the continued support. More information on the Conference is in Section 6.
- 3.2.** This year, we have continued to strengthen collaboration with our NHS partners and are pleased that the creation of two posts within the NHS will further this work. An update on this group is later in this report.
- 3.3.** The structure of this Report is:
- national developments;
  - the South West Armed Forces Covenant Partnership;
  - Somerset activities;
  - health;
  - other activities;
  - communications; and
  - background papers.

### 4. National Developments

- 4.1. Legislation - The Armed Forces Act.** The Armed Forces Act changes the status of the Covenant from being 'a promise from the nation' to having the force of law – a statutory duty. The Act requires those providing public services, including local government and the NHS, to have 'due regard' to the principles of the Covenant.
- 4.2.** The new status of the Armed Forces Covenant will have implications for the public sector in health, housing and education, and possibly social care later on. While draft statutory guidance has been produced we await final sign off through the parliamentary process, which is expected in late 2022. With this process complete the Statutory Duty will likely come into effect shortly afterwards. As the statutory duty comes into force, we will work across local government, the NHS and schools to ensure that policies and processes are updated to comply with the new legislation.
- 4.3. Veterans Question in the 2021 Census.** For the first time the 2021 census included a question giving veterans the opportunity to identify themselves as a veteran. The initial data has been released by the Office for National Statistics and can be found at:  
<https://www.ons.gov.uk/peoplepopulationandcommunity/armedforcescommunity/bulletins/ukarmedforcesveteransenglandandwales/census2021>. Further

data releases in 2023 will provide a more nuanced picture which will aid service planning and better provision of support for veterans.

## 5. The South West Armed Forces Covenant Partnership

- 5.1. The South West Partnership Board was chaired by SCC from its inaugural meeting in November 2019 until October 2021. The meeting is now chaired by Councillor Chris Williams of Wiltshire Council. The Board aims to consistently improve delivery of the covenant across the region. It does this by developing shared understanding of the data, shared best practice, aligned policy and processes (where appropriate for partner organisations) and some shared resource, where it is mutually advantageous.
- 5.2. The Partnership Board is supported by an Officers Group from partner authorities. This group works at operational level to identify where better outcomes can be achieved, to align policies and to identify funding for the continuation of the outreach project.
- 5.3. Since July 2021 the Outreach Officer has been able to increase use of the Partnership outreach vehicle. The vehicle can be booked by County and District Councils and other partners for events throughout the South West. The calendar of events can be viewed at <https://www.forcesconnectsouthwest.org.uk/mobile-outreach/outreach-calendar>
- 5.4. The Partnership has an app - 'Forces Connect South West'. Somerset is on the app, which signposts members of the Armed Forces community to the support available to them both locally and nationally. Click here to download the app through [Google Play](#) or [Apple store](#).
- 5.5. You can find out more about 'Forces Connect South West' at <https://www.forcesconnectsouthwest.org.uk/>

## 6. Somerset Activities

- 6.1. **Raising of the Armed Forces Day flag.** In a show of support for the Armed Forces, the Armed Forces Day flag was raised outside County Hall on Monday 20<sup>th</sup> June by SCC Chair Councillor Mike Best. He was joined by SCC Leader Councillor Bill Revans, SCC Deputy Council Leader Liz Leyshon and Armed Forces Champion Councillor Henry Hobhouse.
- 6.2. **Armed Forces Day events.** This year we provided small grants to support two Armed Forces Day events in Somerset to celebrate the Armed Forces Community. The first event was organised by Ark at Egwood in South Somerset. The event had a fantastic turnout and showed the excellent work that Ark does supporting the Armed Forces community. The second event

was the Somerset Armed Forces Day event at Vivary Park in Taunton with around 20,000 people attending through the day.

- 6.3. SAFC Partnership annual conference.** This year our Annual Conference was held at Norton Manor Camp on 11th October 2022, by kind permission of the Commanding Officer, Lt Col Andrew Dow. The morning focussed on local developments and organisations including Arc – Victory House Project and Somerset County Council discussing Family Hubs. The conference provided a welcome opportunity for organisations to discuss existing projects and new opportunities to work together to address any gaps. The afternoon included presentations from Somerset NHS Foundation Trust, Ark at Egwood and Forgotten Veterans UK.
- 6.4. Partnership updates.** A main effort of the SAFC Partnership is to enable communication with and between members of the Partnership. Since 2017 we have issued Quarterly Updates which have become comprehensive sources of useful information and links to further information. If you would like to be added to the mailing list, please email [communities@somerset.gov.uk](mailto:communities@somerset.gov.uk)
- 6.5. Veterans Guaranteed Interview Scheme.** SCC launched the Veterans Guaranteed Interview Scheme during Armed Forces Week 2021. The scheme means that a veteran who has left the Armed Forces in the last five years – and their partner – will be guaranteed an interview with the authority if they apply and meet the essential criteria for the job. Since the scheme was introduced SCC has received just over 150 applications through this route. While some of these are still in process over 20 people have been hired through the scheme.
- 6.6. Remembrance.** The traditional Remembrance Day services were held in parishes across Somerset including a service at the Somerset Wood, near Taunton.
- 6.7. We are working through the implications of Local Government Reorganisation** for SCC and AFC Partnership members. Somerset Council will need to sign the updated Covenant to maintain its visible commitment and to sustain the current Silver Defence Employer Recognition Scheme. The Silver award is in place until 2024, by which time we hope Somerset Council will have developed additional support mechanisms for ex-military employees to enable an application for Gold recognition. The unitary authority will address the loss of Armed Forces Champions in district councils by identifying an appropriate mechanism for representation at either geographical level or aligned with core services.



## 7. Health

- 7.1. The NHS Armed Forces Forward View and The Nine Commitments.** The NHS 'Healthcare for the Armed Forces community: a forward view' is part of the NHS Long Term Plan. The Forward View focuses on meeting the needs of regulars, reservists, veterans and their immediate families. It includes nine commitments to support the Armed Forces community. In Somerset, the co-ordination group noted below has developed a plan to ensure the Somerset Integrated Care System (ICS) will meet the Commitments. The Nine Commitments identifies practical measures to improve access to healthcare, including mental healthcare, for the Armed Forces community. You can find the full NHS Armed Forces Forward View report [here](#).
- 7.2. The Somerset Health and Social Care Armed Forces Co-ordination Group.** The SAFC Partnership worked with Somerset CCG and Somerset NHS Foundation Trust (SFT) and in 2021 the co-ordination group became a formal sub-group of the SAFC Partnership Executive Group. To further support the work of the group, two roles are being recruited within Somerset NHS. These roles will work across the system to provide capacity and leadership to the workstreams underpinning the Nine Commitments.

## 8. Other Activities

- 8.1. Covenant Fund.** The Covenant Fund is allocated £10m per year nationally by the Treasury, enabling AFC partners and voluntary organisations to bid for funding to improve services for the military community. Further information on the Covenant Fund is at <https://www.covenantfund.org.uk/>
- 8.2. The MOD's Defence Employer Recognition Scheme (DERS).** The DERS recognises employers which support Armed Forces personnel, by helping employees to serve as reservists, by employing veterans, or by through other mechanisms which support the military community. In Somerset, the DERS is managed by Wessex Reserve Forces and Cadets Association (WRFCA), based in Taunton. The scheme offers Bronze, Silver and Gold levels of recognition for levels of support. Somerset County Council holds the Silver award. More information on the scheme and how supporting the Armed Forces community can benefit the county's businesses is [available here](#).

## 9. Communications

- 9.1. SCC Communications and Press Team.** We thank SCC's Communications and Press Team for supporting our delivery of the Covenant throughout the year with press releases and links to TV, radio and print media. For more information visit <https://somersetnewsroom.com/?s=armed+forces>

## **10. Background Papers**

- 10.1.** For information on the SAFC Partnership, including the SAFC Partnership Plan and its Annex A that shows the matrix of partner organisations and the six main areas of Covenant activity, visit [www.somerset.gov.uk/forcescovenant](http://www.somerset.gov.uk/forcescovenant)
- 10.2.** For general information on the Armed Forces Covenant, visit [www.armedforcescovenant.gov.uk/](http://www.armedforcescovenant.gov.uk/)