

**You are hereby summoned to attend a meeting of the
MAIDSTONE BOROUGH COUNCIL**

Date: Wednesday 8 December 2021
Time: 7.00 p.m. or at the conclusion of the extraordinary meeting of the
Borough Council, whichever is the later
Venue: Council Chamber, Sessions House, County Hall, Maidstone

Membership:

Councillors Bartlett, Mrs Blackmore, Brice, Brindle, Bryant, Burton, Cannon,
Clark, Coates, Cooke, Cooper, Cox, Cuming, Daley, English,
Eves, Fissenden, Forecast, Fort, Garten, Mrs Gooch (Mayor),
Mrs Grigg, Harper, Harwood, Hastie, Hinder, Holmes, Joy,
Khadka, Kimmance, McKay, McKenna, Mortimer, Munford,
Naghi, Newton, Parfitt-Reid, Perry, Purle, Mrs Ring,
Mrs Robertson, D Rose, M Rose, Round, Russell, J Sams,
T Sams, Spooner, Springett, Trzebinski, R Webb, S Webb,
de Wiggondene-Sheppard, Wilby and Young

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Dispensations (if any)	
3. Disclosures by Members and Officers	
4. Disclosures of Lobbying	
5. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
6. Minutes of the Extraordinary Meeting of the Borough Council held on 29 September 2021	1 - 3
7. Minutes of the Meeting of the Borough Council held on 29 September 2021	4 - 11
8. Minutes of the Extraordinary Meeting of the Borough Council held on 6 October 2021	12 - 20
9. Mayor's Announcements	

Issued on Tuesday 30 November 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

10. Petitions
11. Question and Answer Session for Members of the Public
12. Questions from Members of the Council to the Chairmen of Committees
13. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
14. Report of the Strategic Planning and Infrastructure Committee held on 9 November 2021 adjourned to 19 November 2021 - Local Development Scheme 2021-2024 21 - 41
15. Report of the Licensing Committee held on 11 November 2021 - Gambling Act 2005 - Statement of Licensing Principles Policy 2022-2025 42 - 101
16. Report of the Democracy and General Purposes Committee held on 23 November 2021 - Local Government Boundary Review - Council Size Submission 102 - 136
17. Report of the Policy and Resources Committee held on 24 November 2021 - Council Tax Reduction Scheme 2022-23 137 - 232
18. Oral Report of the Communities, Housing and Environment Committee to be held on 30 November 2021 (if any)
19. Oral Report of the Strategic Planning and Infrastructure Committee to be held on 7 December 2021 (if any)
20. Notice of Motion - Local Plan Review Regulation 19 Consultation and Sustainability Appraisal of the Local Plan Review Regulation 19 Pre-Submission Consultation

Notice of the following motion has been given by Councillor J Sams, seconded by Councillor T Sams:

This Council agrees to extend the Local Plan Review Consultation Regulation 19 and the Sustainability Appraisal of the Local Plan Review Regulation 19 Pre-Submission Consultation from the 12th December 2021 to 4th January 2022, to allow residents and stakeholders sufficient opportunity and time to make representation.

21. Notice of Motion - Garden Waste Bin Service

Notice of the following motion has been given by Councillors Harper (the mover), M Rose and Coates:

The Garden Bin waste service is a popular one with residents, with a large number of Maidstone residents subscribing to this paid Maidstone Borough Council service. However, as a result of Covid-19 and Brexit, the service is not being delivered as contracted with customers.

Residents pay for a fortnightly collection and this is supported by a yearly payment currently of £45. The two weekly

collection is clearly stated in the terms and conditions on the Council website.

Different residents are getting different messages. Some have been individually notified by text as to the state of the service, other residents have negotiated for their contract payment to cover a period of 13 or more months, and others have had no contact from the Council as is evidenced by the level of complaints coming through.

The service is not running as it was until the middle of the year. This is not good enough, a large number of people do not have space at home to compost garden waste, which will frequently include weeds etc.

This Council therefore resolves to:

1. Make it clear to residents that the service is sporadic at the moment and the frequency will most likely be monthly.
2. Receive a full report on what actions can be done to get the service back to the fortnightly collection which the Council contracts to deliver.

22. Report of the Head of Policy, Communications and Governance - 233 - 238
Review of Allocation of Seats on Committees

MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE CHARITY KNOWN AS THE COBTREE MANOR ESTATE

23. Report of the Head of Policy, Communications and Governance - 239 - 243
Review of Allocation of Seats on the Cobtree Manor Estate Charity Committee

MAIDSTONE BOROUGH COUNCIL ACTING AS CORPORATE TRUSTEE OF THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST

24. Report of the Head of Policy, Communications and Governance - 244 - 248
Review of Allocation of Seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee

NOTE: IN ACCORDANCE WITH SECTION 17 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989, ALTERNATIVE ARRANGEMENTS FOR APPOINTMENTS TO COMMITTEES OUTSIDE THE USUAL POLITICAL BALANCE REQUIREMENTS MAY BE CONSIDERED IN RELATION TO AGENDA ITEMS 22, 23 AND 24

INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 6 December 2021). You will need to provide the full text in writing.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 6 December 2021). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

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MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE MOTE HALL, MAIDSTONE LEISURE CENTRE, MOTE PARK, MAIDSTONE ON 29 SEPTEMBER 2021

Present: Councillor Mrs Gooch (Mayor), and
Councillors Mrs Blackmore, Brice, Brindle, Bryant,
Burton, Cannon, Clark, Coates, Cooke, Cooper, Cox,
Cuming, Daley, English, Eves, Fissenden, Forecast,
Fort, Garten, Mrs Grigg, Harper, Harwood, Hastie,
Hinder, Holmes, Mrs Joy, Khadka, Kimmance, McKay,
McKenna, Mortimer, Munford, Naghi, Parfitt-Reid,
Perry, Purle, Mrs Ring, Mrs Robertson, D Rose, Round,
Russell, J Sams, T Sams, Spooner, Springett, R Webb,
S Webb, Wilby and Young

46. PRAYERS

Prayers were said by the Reverend Fiona Haskett of Headcorn and The Suttons, a Benefice serving the people of Headcorn, Chart Sutton, East Sutton and Sutton Valence.

47. RECORDING OF PROCEEDINGS

Councillor McKay reserved his right to record the proceedings.

48. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Newton, M Rose, Trzebinski and de Wiggondene-Sheppard.

49. DISPENSATIONS

There were no applications for dispensations.

50. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

51. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

52. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

53. PETITIONS

There were no petitions.

54. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

55. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

There were no questions from Members to the Chairmen of Committees.

56. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 8 SEPTEMBER 2021 - WHOLE COUNCIL ELECTIONS - DECISION STAGE

It was moved by Councillor Purle, seconded by Councillor Burton, that the recommendation of the Democracy and General Purposes Committee relating to whole Council elections be approved.

In accordance with Council Procedure Rule 23.4, five Members of the Council requested that a named vote be taken on the motion. The voting was as follows:

FOR (29)

Councillors Mrs Blackmore, Brice, Brindle, Bryant, Burton, Cannon, Cooke, Cooper, Cuming, Eves, Forecast, Fort, Garten, Mrs Gooch, Hinder, Holmes, McKenna, Munford, Parfitt-Reid, Perry, Purle, Mrs Ring, D Rose, Round, Russell, Spooner, Springett, S Webb and Young

AGAINST (21)

Councillors Clark, Coates, Cox, Daley, English, Fissenden, Mrs Grigg, Harper, Harwood, Hastie, Mrs Joy, Khadka, Kimmance, McKay, Mortimer, Naghi, Mrs Robertson, J Sams, T Sams, R Webb and Wilby

ABSTENTIONS (0)

MOTION LOST

In order to adopt a scheme of whole Council elections, the legislation requires that the Council do so with a two thirds majority of those voting. The motion was lost because it did not achieve the necessary two thirds majority of those voting. The Democracy and General Purposes Committee previously agreed that, in the event of this happening, a report be submitted to a future meeting of the Committee on further options such as a referendum.

Note: Councillors Forecast and McKenna joined the meeting during consideration of this item (6.40 p.m. and 6.49 p.m. respectively).

57. DURATION OF MEETING

6.30 p.m. to 7.08 p.m.

Agenda Item 7

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE MOTE HALL, MAIDSTONE LEISURE CENTRE, MOTE PARK, MAIDSTONE ON 29 SEPTEMBER 2021

Present: Councillor Mrs Gooch (Mayor) and Councillors Mrs Blackmore, Brice, Brindle, Bryant, Burton, Cannon, Clark, Coates, Cooke, Cooper, Cox, Cuming, Daley, English, Eves, Fissenden, Forecast, Fort, Garten, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Holmes, Joy, Khadka, Kimmance, McKay, McKenna, Mortimer, Munford, Naghi, Parfitt-Reid, Perry, Purle, Mrs Ring, Mrs Robertson, D Rose, Round, Russell, J Sams, T Sams, Spooner, Springett, R Webb, S Webb, Wilby and Young

58. RECORDING OF PROCEEDINGS

Councillor McKay reserved his right to record the proceedings.

59. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Newton, M Rose, Trzebinski and de Wiggondene-Sheppard.

60. DISPENSATIONS

There were no applications for dispensations.

61. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members.

Jayne Bolas, Principal Lawyer (Contentious and Corporate Governance) and Deputy Monitoring Officer, disclosed an interest in the report of the Head of Legal Partnership relating to her proposed appointment as the Council's Monitoring Officer. Mrs Bolas said that she would leave the room when the item was discussed.

62. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

63. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

64. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 14 JULY 2021

RESOLVED: That the Minutes of the meeting of the Borough Council held on 14 July 2021 be approved as a correct record and signed.

65. MAYOR'S ANNOUNCEMENTS

The Mayor updated Members on recent engagements and events, including a tour of the Westerham Brewery; the Ministry Licensing ceremonies for the new Vicar at St Paul's Church, Boxley and the new Team Vicar at Hollingbourne Church; the annual Battle of Britain Memorial Service at Chart Sutton; the Street Festival in Maidstone town centre; the Mela in Mote Park; the prize-giving event at Maidstone Grammar School; and the Queen's Gurkha Engineers' Regimental Birthday event at Invicta Barracks.

The Mayor said that:

- Meeting Mayors from other authorities was an interesting and useful way of sharing thoughts and challenges and it was clear from the events she had attended that Maidstone was not alone in having wonderful volunteers.
- She wished to thank Members for their support and looked forward to seeing all of them at the Civic Service at 11.00 a.m. on Friday 5 November 2021 and at Maidstone's Remembrance Sunday Parade and Service on 14 November 2021.
- She would also like to thank the Civic Officers and the Mayor's P.A for their unstinting support.

66. PETITIONS

There were no petitions.

67. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question from Mr Stuart Jeffery to the Chairman of the Strategic Planning and Infrastructure Committee

Can the Chairman of Strategic Planning and Infrastructure please outline what measures are being taken or have been considered to prevent idling by vehicles in this Borough?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Jeffery asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

Given that as I cycled here this evening I passed a series of buses on the High Street with their engines idling and your current Low Emission Strategy refers to buses idling as an area that would be tackled by the Strategy, and clearly has failed, and that the Council has yet to consider enforcing idling, which is illegal, and given that the schools are particularly suffering, when will this Council really take some material actions to prevent and to reduce the pollution and to save lives in this Borough against what is globally the biggest preventable killer on the planet?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

To listen to the answers to these questions, please follow this link:

<https://www.youtube.com/watch?v=M2a3GIWh04A&t=2500s>

68. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

Question to the Chairman of the Policy and Resources Committee from Councillor J Sams

Two years ago, I asked the then Leader of this Council how he was going to engage with young people with regard to the burning issue of climate change. Most of the people in this hall will not be around when the real effect is being felt on each and every part of people's lives. How will this Council engage NOW with young people as a matter of urgency to manage what is an increasing disaster?

The Chairman of the Policy and Resources Committee responded to the question.

Councillor J Sams asked the following supplementary question of the Chairman of the Policy and Resources Committee:

The Youth 4 Climate Conference of youngsters all over the world is taking place now and they are addressing the main urgencies and priorities of climate action by working on four themes, one of which is Climate Conscious Society. Part of this is public awareness and mobilisation and I believe that the Council must do more on this. Greta Thunberg has used the phrase "blah, blah, blah" a lot and we must not be guilty of this. How will you more proactively involve the public and make sure this Council's Climate Change Action Plan is more than "blah, blah, blah"?

The Chairman of the Policy and Resources Committee responded to the question.

Question to the Chairman of the Policy and Resources Committee from Councillor T Sams

At a recent meeting you responded to a question about the Climate Action Plan, in particular the need to revise the Plan so that it meets the needs of

the world around us. As COP26 starts in a few weeks and as scientists consider this time to be the last chance that we have of avoiding cataclysmic climate change, can I ask what steps the Council has taken to revise the Borough's Climate Action Plan since the last Council meeting and what this revised Plan will achieve in terms of reductions?

The Chairman of the Policy and Resources Committee responded to the question.

Councillor T Sams asked the following supplementary question of the Chairman of the Policy and Resources Committee:

Can you please explain how we're going to engage particularly with young people?

The Chairman of the Policy and Resources Committee responded to the question.

To listen to the answers to these questions, please follow this link:

<https://www.youtube.com/watch?v=M2a3GIWh04A&t=2500s>

69. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL, RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL MEMBERS

Councillor Burton, the Leader of the Council, submitted his report on current issues.

After the Leader of the Council had submitted his report, Councillor Cox, the Leader of the Liberal Democrat Group, Councillor Munford, the Leader of the Independent Group, and Councillor Harper, the Leader of the Labour Group, responded to the issues raised.

Several Members then asked questions of the Leader of the Council on the issues raised in his speech.

Note: Councillor Fissenden left the meeting when the Leader of the Council was submitting his report (7.30 p.m.).

70. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 27 JULY 2021 - HONORARY ALDERMAN - EXCEPTIONAL AWARD OF STATUS

It was moved by Councillor Purle, seconded by Councillor Mrs Blackmore, that the recommendation of the Democracy and General Purposes Committee proposing an exception to the Protocol for the Appointment of Honorary Aldermen as set out in Part 4.8 of the Council's Constitution be approved.

RESOLVED: That an exception to the Protocol for the Appointment of Honorary Alderman be granted in the case of former Councillor Wendy Hinder's consideration for Honorary Alderman status.

71. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 8 SEPTEMBER 2021 - REQUEST FOR AN ADDITIONAL OUTSIDE BODY

It was moved by Councillor Purle, seconded by Councillor Mrs Blackmore, that the recommendation of the Democracy and General Purposes Committee relating to a request by the Strategic Planning and Infrastructure Committee for an additional Outside Body be approved.

RESOLVED: That the Kent Downs Line Partnership be approved as an additional Outside Body within the remit of the Strategic Planning and Infrastructure Committee.

72. REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 8 SEPTEMBER 2021 - NEW EXECUTIVE MODEL

It was moved by Councillor Purle, seconded by Councillor Burton, that the recommendations of the Democracy and General Purposes Committee relating to the proposed new Executive Model of governance be approved.

RESOLVED:

1. That the Executive Model outlined at paragraph 3.3 of the report to the Democracy and General Purposes Committee, attached as Appendix 1 to the report of the Committee, be adopted at the Annual Meeting of the Council in 2022.
2. That the timetable for developing and implementing the new Executive Model set out in paragraph 2.4 and section 7 of the report to the Democracy and General Purposes Committee, attached as Appendix 1 to the report of the Committee, be approved.
3. That the use of reserves to fund the work required to review and redraft the Constitution be approved.

Voting: 33 – For 16 – Against 0 – Abstentions

73. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 21 SEPTEMBER 2021 - OTHAM NEIGHBOURHOOD PLAN

It was moved by Councillor Cooper, seconded by Councillor Cooke, that the Otham Neighbourhood Plan be made (adopted).

In seconding the motion, Councillor Cooke wished to thank all those involved in the preparation of the Plan.

RESOLVED: That the Otham Neighbourhood Plan be made (adopted).

Note: A copy of the Otham Neighbourhood Plan was attached at pages 78-128 of the Council agenda.

74. ORAL REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 28 SEPTEMBER 2021 - AUDIT, GOVERNANCE AND STANDARDS COMMITTEE - ANNUAL REPORT TO COUNCIL 2020/21

It was moved by Councillor Perry, seconded by Councillor Cox, that subject to the correction of a minor typographical error on page 4 of the document, the Audit, Governance and Standards Committee Annual Report to Council 2020/21, which demonstrates how the Committee discharged its duties during 2020/21, be noted.

In moving the motion, Councillor Perry said that:

The Committee had had to defer approving the Council's Statement of Accounts for 2020/21 as there had been a delay in the production of the External Auditor's report which, it was understood, was due to pressure of work. Other Councils were similarly affected.

He would also like to thank all Officers involved in the activities of the Committee, his colleagues on the Committee and the two previous Chairmen of the Committee (former Councillors Harvey and McLoughlin) for their work.

RESOLVED: That subject to the correction of a minor typographical error on page 4 of the document, the Audit, Governance and Standards Committee Annual Report to Council 2020/21, which demonstrates how the Committee discharged its duties during 2020/21, be noted.

Note: A copy of the Audit, Governance and Standards Committee Annual Report to Council 2020/21 was attached at pages 131-139 of the Council agenda.

75. NOTICE OF MOTION - HOUSES OF MULTIPLE OCCUPANCY - FANT WARD

Notice of the following motion had been given by Councillor Harper, seconded by Councillor Coates:

The Council will be aware of the continuing problems associated with overdevelopment in the Fant Ward. These issues are accentuated by the ability to convert single family residential homes into Houses of Multiple Occupancy (HMOs) with no more than 6 persons under permitted development without the need for planning permission or democratic oversight. This is now a major topic of concern in the Ward.

However, the Council has the ability to serve an Article 4 direction to remove this permitted development right. This will not prevent HMOs in the area being proposed, but will make all HMOs subject to the democratic processes of seeking planning permission (large scale HMOs i.e. more than 6 persons already require planning permission).

It is therefore resolved that "Maidstone Borough Council impose an Article 4 direction to remove permitted development rights to convert residential properties from C3 use to C4 use and C4 use to C3 use in the area of Fant Ward to the east of Fant Lane/Hackney Road. The uncontrolled development of HMOs under permitted development has had a negative impact in this densely populated and congested area, especially on grounds of sustainability and infrastructure, highlighted by problems associated with parking issues and the continuing inability of HMO conversions to demonstrate car parking provision in accordance with the local development plan."

When moving the motion, Councillor Harper, with the consent of the meeting and his seconder, amended the first sentence of the third paragraph to read:

It is therefore resolved that "Maidstone Borough Council impose an Article 4 direction to remove permitted development rights to convert residential properties from C3 use to C4 use and C4 use to C3 use in the area of Fant Ward to the east of Fant Lane/Hackney Road ME16 8 postcode."

In accordance with Council Procedure Rule 18.5, the amended motion, having been moved and seconded, was referred to the Strategic Planning and Infrastructure Committee.

76. APPOINTMENT OF INTERIM HEAD OF LEGAL PARTNERSHIP AND MONITORING OFFICER

Having disclosed an interest in this item, Jayne Bolas, Principal Lawyer (Contentious and Corporate Governance) and Deputy Monitoring Officer, left the meeting while it was discussed.

It was moved by Councillor Burton, seconded by Councillor Mrs Blackmore, that the recommendations relating to the appointment of an Interim Head of Legal Partnership and Monitoring Officer be approved.

In moving the recommendations, Councillor Burton said that he would like to record the Council's thanks to Patricia Narebor, Head of Legal Partnership, as she moved on to fresh challenges, and to wish her well.

RESOLVED:

1. That the appointment of Claudette Valmond as the Interim Head of Legal Partnership to exercise the Head of Legal Partnership's delegated functions and responsibilities in the Council's Constitution, save for the Monitoring Officer duties specified in paragraphs 5 and 12 of the current delegations to the Head of Legal Partnership (Section 2.3.15 of Part 2.3 of the Constitution), be noted.
2. That Jayne Bolas be appointed to undertake statutory duties and responsibilities as the Council's Monitoring Officer, as noted in the Constitution at paragraphs 5 and 12 of the delegations to the Head of Legal Partnership, with effect from 24 October 2021.

3. That appropriate amendments be made to the Council's Constitution to effect these changes.

77. REAPPOINTMENT OF COUNCILLOR PETER TITCHENER OF ULCOMBE PARISH COUNCIL AS A NON-VOTING PARISH COUNCIL REPRESENTATIVE ON THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE (NO OTHER NOMINATIONS HAVING BEEN RECEIVED)

It was moved by Councillor Perry, seconded by Councillor Round, and

RESOLVED: That Councillor Peter Titchener of Ulcombe Parish Council be re-appointed as a non-voting Parish Council representative on the Audit, Governance and Standards Committee and the Hearing Panel as required for a further period of three years with effect from the expiry of his current term of office on 12 December 2021.

Note: Councillor Titchener was thanked for his services as a non-voting Parish Council representative on the Audit, Governance and Standards Committee and for his ongoing interest and participation in the work of the Committee.

78. DURATION OF MEETING

7.10 p.m. to 8.40 p.m.

Agenda Item 8

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE MOTE HALL, MAIDSTONE LEISURE CENTRE, MOTE PARK, MAIDSTONE ON 6 OCTOBER 2021

Present: Councillor Mrs Gooch (Mayor), and
Councillors Bartlett, Mrs Blackmore, Brindle, Bryant,
Burton, Cannon, Clark, Coates, Cooke, Cooper,
Cuming, Daley, English, Fissenden, Forecast, Fort,
Garten, Mrs Grigg, Harper, Harwood, Hastie, Hinder,
Holmes, Joy, Khadka, Kimmance, McKay, McKenna,
Mortimer, Munford, Naghi, Newton, Parfitt-Reid,
Perry, Purle, Mrs Ring, Mrs Robertson, D Rose, Round,
Russell, J Sams, T Sams, Spooner, Springett,
Trzebinski, R Webb, S Webb, de Wiggondene-
Sheppard and Young

79. RECORDING OF PROCEEDINGS

Councillor McKay reserved his right to record the proceedings.

80. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Brice, Cox, Eves, M Rose and Wilby.

81. DISPENSATIONS

There were no applications for dispensations.

82. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

83. DISCLOSURES OF LOBBYING

All Members indicated that they had been lobbied on the matters to be discussed at the meeting.

84. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed except the Working Draft Statements of Common Ground with neighbouring authorities and other prescribed bodies attached as exempt Appendix 4 to the Local Plan Review report submitted to the Strategic Planning and Infrastructure Committee on 4 October 2021.

The Mayor said that as there were Part I summaries of each of the Working Draft Statements of Common Ground within the Local Plan Review report, which could be discussed during open session, she believed that Members could reference those sufficiently without the need to move into closed session.

85. MAYOR'S ANNOUNCEMENTS

There were no Mayor's Announcements on this occasion.

86. PETITIONS

There were no petitions.

87. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question from Mr Stuart Jeffery to the Chairman of the Strategic Planning and Infrastructure Committee

Over the period 2022 to 2037 the Council proposes that 17,355 homes are built. Given that the Council agrees that there is a climate emergency, can the Council tell me how much carbon will be emitted in the construction of these homes?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Jeffery asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

Given that you cannot answer that question and that the Council has declared a climate emergency, and the definition of emergency is something that is happening and needs some immediate attention, why is the Council simply paying lip service to the unfolding climate emergency rather than taking decisive action to secure a future for us all?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Question from Mr Ian McDonald to the Chairman of the Strategic Planning and Infrastructure Committee

Mr McDonald had given notice of his wish to ask a question of the Chairman of the Strategic Planning and Infrastructure Committee, but was not present at the meeting.

To listen to the answers to Mr Jeffery's questions, please follow this link:

<https://www.youtube.com/watch?v=gqf6wup46w4&t=846s>

Note: Councillor Forecast joined the meeting during the question and answer session for members of the public (6.45 p.m.).

88. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

Question from Councillor T Sams to the Chairman of the Strategic Planning and Infrastructure Committee

Given this Council's reliance on Garden Communities to form the central case for the Local Plan's success, could their removal by an independent inspector lead to the Borough Council's Local Plan being thrown out and this Council having to begin the process again?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Due to issues with the acoustics in the Mote Hall, Councillor T Sams asked the Chairman of the Strategic Planning and Infrastructure Committee to confirm his response as follows:

Can I confirm from your answer that you agree that their acceptance is essential to the Plan's viability?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Councillor T Sams did not wish to ask a supplementary question arising out of his original question or the reply.

Question from Councillor J Sams to the Chairman of the Strategic Planning and Infrastructure Committee

The Heathlands proposal in its present form, is seen by many to be unacceptable for inclusion within the consultation through its lack of substance, detail, and lack of infrastructural certainty on so many fronts. Do these matters give you any cause for concern?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Councillor J Sams asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

If you are found to be incorrect in your assumption, what will happen?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

To listen to the answers to these questions, please follow this link:

<https://www.youtube.com/watch?app=desktop&v=gqf6wup46w4&t=846s>

89. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 4 OCTOBER 2021 - MAIDSTONE LOCAL PLAN REVIEW - REGULATION 19 CONSULTATION, EVIDENCE DOCUMENTS AND SUSTAINABILITY APPRAISAL CONSULTATION

It was moved by the Mayor, seconded by Councillor Burton, and:

RESOLVED: That Council Procedure Rule 16.1 be suspended for this meeting only to enable the total time for public speakers to be extended from twelve to fifteen minutes to allow all five members of the public registered to speak to do so for a maximum of three minutes each. In addition to the fifteen minutes, the two Parish representatives will have a maximum of three minutes each in line with Council Procedure Rule 16.2.

The following members of the public addressed the Council:

Ms Kate Hammond – Save Our Heathlands
Mrs Sue Harwood – Against Lidsing Garden Development
Mrs Nichola Carr – Against Lidsing Garden Development
Mr Chris Hawkins
Ms Helen Baker – Against Lidsing Garden Development

The following Parish representatives addressed the Council:

Cllr Peter Coulling – Vice-Chairman, Maidstone KALC
Cllr Vanessa Jones – Chairman, Bredhurst Parish Council

During the speeches by members of the public, it was proposed by the Mayor and:

RESOLVED: That following complaints about sound quality, Council Procedure Rule 27.1 be suspended for this meeting only to enable Members to remain seated and closer to their microphones when speaking.

It was moved by Councillor Cooper, seconded by Councillor Burton, that the recommendations of the Strategic Planning and Infrastructure Committee of 4 October 2021 relating to the Maidstone Local Plan Review (circulated separately) be accepted in full.

The Mayor reminded the Council that any proposed amendments had to comply with Rule 20.6 (a) of the Council Procedure Rules and any under ii) - iv) of that Rule (leaving out, adding or inserting words) could not alter the draft Plan being recommended to Council for approval to the extent that it would have the effect of negating the motion.

Amendment moved by Councillor English, seconded by Councillor Harwood:

That this Council resolves to agree the recommendations of the Strategic Planning and Infrastructure Committee Meeting of 4 October subject to:

1. The deletion of LPRSP4 (Lidsing) and LPRSA312 (Beacon Park Coxheath).
2. The removal of LPRSP5 the Leeds/Langley safeguarding proposal.
3. Reduction of the numbers at LPRSA 5 (B) Invicta Park to 600-700 and the addition of 20 per cent affordable housing, and a 20 per cent biodiversity gain, with due deference paid to the historic and cultural legacy of the Park, along with a defined minimum area of parkland and semi-natural open space.
4. Removing the Country Park in LPRSA4 (A) and replacing it with a set area of woodland and wetland nature reserve and a 20 per cent biodiversity gain.
5. Reinserting the proposed Garden Village Settlement North of Marden, including the provision of a defined area of natural and semi-natural open space, a nature reserve and an overall gain of 20 per cent in biodiversity.
6. Undertaking further work to expand the evidence base for increasing tree coverage and improving watercourse quality within the Borough to mitigate the impact of climate change.

The Mayor sought clarification from the Interim Deputy Head of Legal Partnership and Monitoring Officer as to whether the proposed amendment complied with Council Procedure Rule 20.6 (a).

The Interim Deputy Head of Legal Partnership and Monitoring Officer said that Rule 20.6 (a) of the Council Procedure Rules at Part 3.1 of the Constitution gave the criteria for a valid amendment. Amongst those criteria were the insertion or addition of words, which she believed the amendment was. However, there was a proviso that that could be done as long as the effect was not to negate the motion. If the effect of the addition proposed was such that it would mean that the recommendation of the Strategic Planning and Infrastructure Committee to approve the Local Plan Review Draft for Submission document for consultation in its current format was significantly altered such that what was being put forward was a different Plan, then her advice was that the amendment would negate the motion and not meet Council Procedure Rule 20.6 (a).

The Interim Deputy Head of Legal Partnership and Monitoring Officer then deferred to the Interim Local Plan Review Director to advise as to whether the proposed amendment did amount to such a significant change to the draft Plan and to the Mayor to rule on that.

The Interim Local Plan Review Director advised the Council that the impact of the amendment on the evidence base and the Spatial Strategy within the Plan would be a fundamental change.

The Mayor informed the Council that having heard the advice from the Legal representative and from the Interim Local Plan Review Director, it was her ruling that the amendment was not valid.

The Interim Deputy Head of Legal Partnership and Monitoring Officer explained that Council Procedure Rule 9 (e) provided that the Mayor's ruling was final unless challenged by a Member who gained the support of two thirds of those Members present and voting.

Amendment moved by Councillor J Sams, seconded by Councillor T Sams:

That subject to the insertion of the word 'rural' in points 1 and 2 of Policy LPRSP9 within Appendix 1: Local Plan Review Regulation 19 'Draft for Submission' document, to read:

1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the rural character and appearance of the rural area; and
2. Agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the rural appearance and rural character of the landscape can be appropriately mitigated

Full Council be recommended to **defer consideration of the following matters until the next scheduled full Council meeting currently due to be held on December 8th 2021:**

1. Approve the Maidstone Borough Local Plan Review Draft for Submission document (Appendix 1) and associated Policies Map (Appendix 2) for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) between the 29 October 2021 and 12 December 2021;
2. Approve the Maidstone Borough Local Plan Review Draft for Submission document (Appendix 1) and associated Policies Map (Appendix 2) for Submission under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to the Secretary of State for Housing, Communities and Local Government/Secretary of State for Levelling Up, Housing and Communities for examination under Section 20 of the Planning and Compulsory Purchase Act 2004.
3. Grant delegated powers to the Strategic Planning and Infrastructure Committee to submit a schedule of proposed main Modifications (which the Committee believe to be acceptable arising from the consultation responses) in respect of the Local Plan Review Draft for Submission document and associated Policies Map, arising from the representations made under Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to the

Secretary of State for Housing, Communities and Local Government/Secretary of State for Levelling Up, Housing and Communities;

4. Provide delegated authority to the Head of Planning and Development to make factual alterations and minor amendments such as graphics, layout, spelling and grammatical changes to the Local Plan Review Draft for Submission Document and associated Policies Map;
5. Approve the Sustainability Appraisal of the Maidstone Local Plan Review: Regulation 19 Pre-Submission document (Appendix 3) for public consultation between the 29 October 2021 and 12 December 2021;
6. Note the list of documents within the evidence base provided as background documents to the report to the Strategic Planning and Infrastructure Committee and the Working Draft Statements of Common Ground (Exempt Appendix 4) that will support the Local Plan Review; and
7. Agree that a letter be written to the local Members of Parliament to request that they make every effort to engage in relation to the Council's housebuilding targets with Oliver Dowden and Michael Gove.

The Mayor sought clarification from the Interim Deputy Head of Legal Partnership and Monitoring Officer as to whether the proposed amendment was acceptable.

The Interim Deputy Head of Legal Partnership and Monitoring Officer advised the Council that the amendment was the addition of words which, in accordance with Council Procedure Rule 20.6 (a), must not negate the motion. Items 1 and 5 of the matters proposed to be deferred were date bound for consultation between 29 October 2021 and 12 December 2021. If a deferral were to take place until 8 December 2021, that would negate the motion.

The Mayor informed the Council that having heard the advice of the Interim Deputy Head of Legal Partnership and Monitoring Officer, it was her ruling that the amendment was not valid.

During the discussion, Councillor J Sams said that she had been asked by the Chairman of Lenham Parish Council to read out a statement on behalf of the Parish Council which was unable to be represented at the meeting. The Mayor said that she was not going to allow that as the debate was between Borough Council Members.

In accordance with Council Procedure Rule 23.4, five Members requested that a named vote be taken on the motion. The voting was as follows:

FOR (26)

Councillors Bartlett, Mrs Blackmore, Burton, Cannon, Cooke, Cooper, Cuming, Forecast, Fort, Garten, Mrs Gooch, Holmes, McKenna, Munford, Newton, Parfitt-Reid, Perry, Purle, D Rose, Round, Russell, Spooner, Springett, Trzebinski, S Webb and Young

AGAINST (23)

Councillors Brindle, Bryant, Clark, Coates, Daley, English, Fissenden, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Mrs Joy, Khadka, Kimmance, McKay, Mortimer, Naghi, Mrs Roberson, J Sams, T Sams, R Webb and de Wiggondene-Sheppard

ABSTENTIONS (0)

MOTION CARRIED

RESOLVED: That subject to the insertion of the word 'rural' in points 1 and 2 of Policy LPRSP9 within Appendix 1: Local Plan Review Regulation 19 'Draft for Submission' document, to read:

1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the rural character and appearance of the rural area; and
 2. Agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the rural appearance and rural character of the landscape can be appropriately mitigated,
1. The Maidstone Borough Local Plan Review Draft for Submission document (Appendix 1) and associated Policies Map (Appendix 2) be approved for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) between the 29 October 2021 and 12 December 2021.
 2. The Maidstone Borough Local Plan Review Draft for Submission document (Appendix 1) and associated Policies Map (Appendix 2) be approved for Submission under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to the Secretary of State for Housing, Communities and Local Government/Secretary of State for Levelling Up, Housing and Communities for examination under Section 20 of the Planning and Compulsory Purchase Act 2004.
 3. Delegated powers be granted to the Strategic Planning and Infrastructure Committee to submit a schedule of proposed main Modifications (which the Committee believe to be acceptable arising from the consultation responses) in respect of the Local Plan Review Draft for Submission document and associated Policies Map, arising

from the representations made under Regulation 20 of the Town and Country (Local Planning) (England) Regulations 2012 (as amended) to the Secretary of State for Housing, Communities and Local Government/Secretary of State for Levelling Up, Housing and Communities.

4. Delegated authority be provided to the Head of Planning and Development to make factual alterations and minor amendments such as graphics, layout, spelling and grammatical changes to the Local Plan Review Draft for Submission Document and associated Policies Map.
5. The Sustainability Appraisal of the Maidstone Local Plan Review: Regulation 19 Pre-Submission document (Appendix 3) be approved for public consultation between the 29 October 2021 and 12 December 2021.
6. The list of documents within the evidence base provided as background documents to the report to the Strategic Planning and Infrastructure Committee and the Working Draft Statements of Common Ground (Exempt Appendix 4) that will support the Local Plan Review be noted.
7. A letter be written to the local Members of Parliament to request that they make every effort to engage in relation to the Council's housebuilding targets with Oliver Dowden and Michael Gove.

Note: During the speeches by members of the public, the meeting was adjourned for ten minutes from 7.05 p.m. to 7.15 p.m. due to a health and safety issue.

Councillor Mrs Ring left the meeting during consideration of this item (7.05 p.m.).

90. DURATION OF MEETING

6.30 p.m. to 9.06 p.m.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

8 DECEMBER 2021

REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE MEETING HELD ON 9 NOVEMBER 2021 ADJOURNED TO THE 19 NOVEMBER 2021

LOCAL DEVELOPMENT SCHEME 2021-2024

Issue for Decision

The Council is required by the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS is to set out the timetable for the delivery of Council produced planning policy documents and to inform local people and stakeholders.

There is a need to produce two additional Development Plan Documents (DPDs) which will sit alongside the Local Plan Review. These are: - Gypsy and Traveller DPD - Design and Sustainability DPD. A new LDS is therefore required which will set out the timetable for delivery of the additional DPDs, in addition to the Local Plan Review.

Recommendation Made

That the Local Development Scheme 2021-2024, as attached at Appendix 1 to the report, be agreed.

Reasons for Recommendation

On 14 July 2021 the Local Development Scheme 2021-2023 was adopted and sets out the timetable for delivering the Local Plan Review. To date work on the Local Plan Review is on track against the timetable set out in the Local Development Scheme 2021-2023.

There is a need to produce two additional Development Plan Documents (DPDs) which will sit alongside the Local Plan Review. These are the Gypsy and Traveller DPD and the Design and Sustainability DPD. A new LDS is required which will set out the timetable for delivery of the two additional DPDs, in addition to the previously agreed timetable for the Local Plan Review, as well as the overall scope for these documents.

The new Local Development Scheme 2021-2024 can be found as Appendix 1 to this report.

Gypsy and Traveller DPD

A new Gypsy and Traveller Accommodation Assessment (GTAA) is being produced. Owing to the COVID 19 lockdowns and the subsequent public health advice, the new assessment has been delayed. In the meantime, discussions

with the consultants undertaking the assessment have indicated that there will be a significant need for new pitches in Maidstone Borough, over the plan period.

The Local Plan Review Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however, only a small number were put forward for inclusion in the plan. As a consequence, Maidstone is facing a significant need for new pitches.

On the basis that the GTAA has not been completed and there will be a likely significant need for pitches, the most appropriate course of action is to undertake a separate Gypsy, Traveller and Travelling Showpeople DPD. This will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion) and if necessary, a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately and appropriately addressed and appropriate engagement can take place.

The timetable for delivering the DPD, subject to resources, can be found below.

Stage	Date
Evidence gathering	January 2021 to January 2023
Call for Sites	February to March 2022
Scope and matters and preferred approaches consultation (Regulation 18)	February to March 2023
Draft DPD consultation (Regulation 19)	August to September 2023
Submission (Regulation 22)	February to March 2024
Examination hearing sessions (Regulation 24)	May to June 2024
Main Modification Consultation	August to September 2024
Adoption – Full Council (Regulation 26)	November to December 2024

Design and Sustainability DPD

Recent shifts in local and national agendas have placed a greater degree of focus on how the Local Plan Review can respond to the current climate and biodiversity crises. At the Strategic Planning and Infrastructure Committee on the 21st September 2021, the Council resolved to prepare a DPD reinforced by appropriate evidence to support the Local Plan Review through the strengthening of the council's design and sustainability focused policies.

The DPD is intended to provide policies associated with the following overall areas:

- Landscape principals
- Biodiversity, including biodiversity net gain
- Design Coding
- Advice on generic design-related matters, such as materials, densities and building heights and orientation, tree planting, parking standards and lighting
- Onsite open space provision and standards
- Sustainable connectivity
- Building uses

The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making.

The timetable for delivering the DPD, subject to resources, can be found below.

Stage	Date
Evidence gathering	January 2021 to January 2023
Scope and matters consultation (Regulation 18a)	April to May 2022
Preferred approaches consultation (Regulation 18b)	February to March 2023
Draft DPD consultation (Regulation 19)	August to September 2023
Submission (Regulation 22)	February to March 2024
Examination hearing sessions (Regulation 24)	May to June 2024

The LDS replaces the Local Development Scheme 2021-2023. However, the scope and timing of the Local Plan Review remains unchanged.

Alternatives Considered and Why Not Recommended

To not approve the Local Development Scheme 2021-2021 – This is not recommended as under the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must maintain an up-to-date LDS. The current LDS does not cover the Gypsy and Traveller DPD and the Design and Sustainability DPD and therefore a subsequent LDS is required. To not adopt this LDS will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended) and would mean that the Local Planning Authority would fail its legal tests for producing these DPDs.

Background Documents

None

Appendices

Appendix 1: Local Development Scheme 2021-2024.

LOCAL DEVELOPMENT SCHEME

December 2021

2021-2024

LOCAL DEVELOPMENT SCHEME 2021-2024

**This document is produced by
Maidstone Borough Council**

This Local Development Scheme came into effect on 8th December 2021

All enquiries should be addressed to:

Strategic Planning

Maidstone Borough Council

Maidstone House

King Street

Maidstone

Kent

ME15 6JQ

Telephone: 01622 602000

Email: LDF@maidstone.gov.uk

Contents

1. Introduction to the Local Development Scheme	4
What is the Local Development Scheme?	4
The Development Plan.....	4
Planning Documents	5
Maidstone Community Infrastructure Levy.....	5
2. The Local Development Scheme	7
Review of the Local Development Scheme 2021-2023	7
Local Development Scheme 2021-2024	8
Monitoring and Review.....	9
3. Document Project Plan	10
Gypsy and Traveller DPD.....	10
Design and Sustainability DPD	12
Local Plan Review.....	14
4. Appendix	16
Glossary of terms	16

1. Introduction to the Local Development Scheme

What is the Local Development Scheme?

1.1 The government requires local planning authorities to prepare a **Local Development Scheme** (LDS). The purpose of an LDS includes setting out the timetable for the delivery of Council produced planning policy documents. These are often referred to as Development Plan Documents or Local Plans.

1.2 In addition to the Local Plan Review, the Council intends to produce two further Development Plan Documents (DPDs). These are the Gypsy and Traveller DPD and the Design and Sustainability DPD. Both DPDs will affect the whole of Maidstone Borough. This LDS covers the period 2021-2024 and contains a timetable for the delivery of each DPD to inform local people and stakeholders of the key milestones of production.

1.3 This LDS replaces the Local Development Scheme 2021-2023 which was approved by Full Council on 14th July 2021.

1.4 The Local Development Scheme 2021-2024 was approved by Full Council on 8th December 2021 and came into effect on the same day.

The Development Plan

1.5 **Development Plans** are an important part of the English planning system and are needed to guide the local decision-making process for land uses and development proposals. As of 8th December 2021, the Development Plan for Maidstone borough comprises:

- Maidstone Borough Local Plan 2011-2031 and associated Proposals Map (October 2017)
- Staplehurst Neighbourhood Development Plan 2016-2031 (August 2020)
- North Loose Neighbourhood Development Plan 2015-2031 (April 2016)
- Loose Neighbourhood Development Plan 2018-2031 (September 2019)
- Marden Neighbourhood Development Plan 2017-2031 (July 2020)
- Lenham Neighbourhood Plan 2017 – 2031 (July 2021)
- Boughton Monchelsea Neighbourhood Plan (July 2021)
- Otham Neighbourhood Plan 2020 – 2035 (September 2021)
- Kent Minerals and Waste Local Plan 2013-2030 (September 2020)

1.6 Further information regarding each of these documents is provided below.

1.7 The **Maidstone Borough Local Plan** sets out the framework for development within the Borough until 2031. It includes a spatial vision, objectives and key policies. It also includes an associated 'Policies Map' that sets out the geographical extent of key designations and site specific proposals set out in the local plan. Maidstone has an on-line policies map that can be accessed through its website. The Maidstone Borough Local Plan plays a key part in delivering Maidstone Council's Strategic Plan. The Maidstone Borough Local Plan was found sound following independent examination and was adopted by Full Council on 25 October 2017. The Maidstone Borough Local Plan contains Policy LPR1 'Review of the Local Plan'. This requires a review of the local plan to ensure that the plan continues to be up to date. Policy LPR1 outlines matters which may be

addressed by the review. Key considerations are the need to maintain and enhance the natural and built environment; and improve air quality.

1.8 **Neighbourhood Development Plans** are prepared by Parish Councils or Neighbourhood Forums, and the plans are subject to consultation, independent examination and referendum. The plans must be in general conformity with the strategic policies of the adopted local plan and should have regard to any emerging Local Plan. A neighbourhood area has to be designated for a Neighbourhood Development Plan to be produced. In total, 15 Parish Councils and 1 Neighbourhood Forum have designated Neighbourhood Areas. To date, seven Neighbourhood Development Plans have been made and a number of Neighbourhood Development Plans are at various stages of preparation.

1.9 **The Kent Mineral Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan and** was produced by Kent County Council and covers the whole county. Both plans were adopted in September 2020 and describes:

- 'The overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management for all waste streams that are generated or managed in Kent, and
- The spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.'

Planning Documents

1.10 In addition to the above components of the Development Plan, there are other key planning documents that the Council produces. These include:

- **Supplementary Planning Documents** – these set out further information, interpretation or clarification regarding existing planning policies and are produced and adopted by the Council in accordance with government legislative requirements
- **Planning policy guidance** documents – these set out further information, interpretation or clarification regarding existing planning policies but have not been produced to meet government Supplementary Planning Document requirements
- **Statement of Community Involvement** – a procedural document that sets out the methods for consultation and engagement with the public and stakeholders. This includes consultation and engagement during the production of Local Plans, the production of Neighbourhood Development Plans, and the Development Management process.
- **Authority Monitoring Reports** – a procedural document, produced on an annual basis that monitors the performance of Maidstone's Local Plan and its policies.

Maidstone Community Infrastructure Levy

1.11 The **Community Infrastructure Levy (CIL)** is a charge on specific new developments towards the provision of infrastructure. The Maidstone CIL **Charging Schedule** was adopted by Full Council on 25 October 2017, following examination in June 2017. The Maidstone CIL took effect on 1 October 2018.

1.12 The Charging Schedule sets out the charging rates for development in Maidstone Borough, including the types of development that are required to pay the Levy and where the proposed rates

will apply. The CIL Charging Schedule was developed alongside the Maidstone Borough Local Plan, and the evidence base for infrastructure, planning, affordable housing requirements and development viability supported both the Maidstone CIL and Maidstone Borough Local Plan.

1.13 The infrastructure schemes and/or types of infrastructure that may be funded by Maidstone CIL are set out in an Infrastructure List contained in the Infrastructure Funding Statement, published on the website. In addition, Section 106 planning agreements, which are negotiated with developers to secure infrastructure funding, will continue to play a significant role in securing site related infrastructure.

2. The Local Development Scheme

Review of the Local Development Scheme 2021-2023

2.1 There have been changes to the work programme, with the addition of two standalone Development Plan Documents (DPDs), in addition to the Local Plan Review. The DPDs will sit alongside the Local Plan Review. The need for each of the new DPDs is explored below.

2.2 **Gypsy and Traveller DPD:** A new Gypsy and Traveller Accommodation Assessment (GTAA) is being produced and will outline the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2037. Owing to the COVID 19 lockdowns and the subsequent public health advice, the new assessment has been delayed. In the meantime, discussions with the consultants undertaking the assessment have indicated that there will be a significant need for new pitches in Maidstone Borough, over the plan period.

2.3 The Local Plan Review Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however, only a small number were put forward for inclusion in the plan. As a consequence, Maidstone is facing a significant need for new pitches.

2.4 On the basis that the GTAA has not been completed and there will be a likely significant need for pitches, the most appropriate course of action is to undertake a separate Gypsy, Traveller and Travelling Showpeople DPD. This will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion) and if necessary, a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately and appropriately addressed and appropriate engagement can take place.

2.5 **Design and Sustainability DPD:** The Local Plan Review contains a suite of policies specifically addressing matters of design and sustainability. Recent shifts in local and national agendas have placed a greater degree of focus on how the plan can respond to the current climate and biodiversity crises. At the Strategic Planning and Infrastructure Committee on the 21st September 2021, the Council resolved to prepare a DPD reinforced by appropriate evidence to support the Local Plan Review through the strengthening of the council's design and sustainability focused policies. The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making. The DPD will be informed by the preparation of suitable evidence to justify and the adoption of higher design and sustainability standards where these can be achieved.

2.6 **Local Plan Review:** There has been no change in circumstances regarding the scope and timetable for production of the Local Plan Review since the previous version of the Local Development Scheme came into effect on 14th July 2021.

2.7 A timetable for the implementation of the Gypsy and Traveller DPD and the Design and Sustainability DPD, in addition to the Local Plan Review follows.

Local Development Scheme 2021-2024

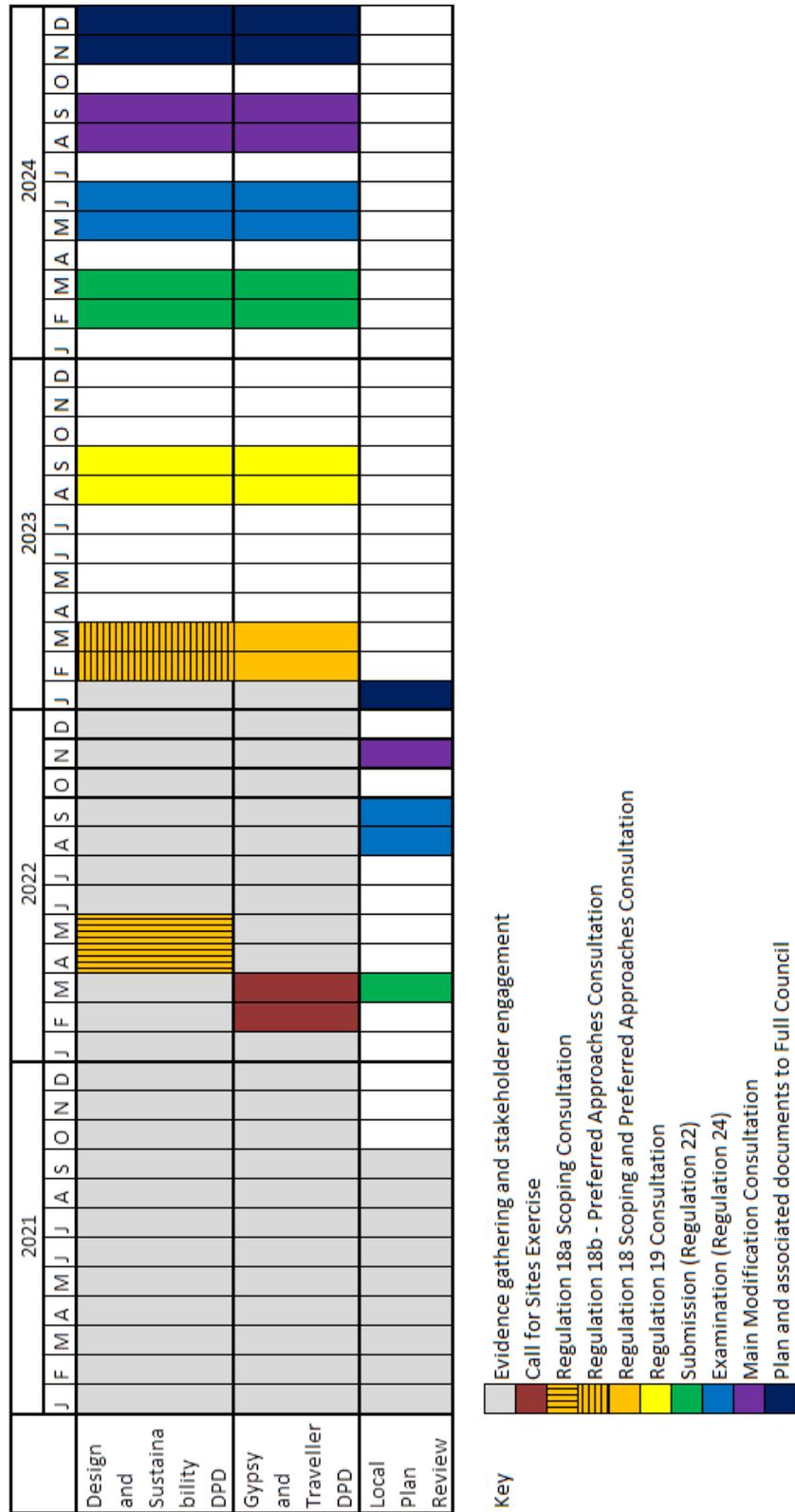


Figure 2.1 Delivery timetable

Monitoring and Review

2.8 Gypsy and Traveller DPD: The Council are creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the Gypsy and Traveller DPD. The DPD will explain how its policies will be delivered and implemented and identify performance indicators against which the success of policies will be monitored. These performance indicators will be monitored through annual Authority Monitoring Reports. The Council will monitor and review progress of delivery of this Gypsy and Traveller DPD against this LDS document.

2.9 Design and Sustainability DPD: The Council are creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the Design and Sustainability DPD. The DPD will explain how its policies will be delivered and implemented and identify performance indicators against which the success of policies will be monitored. These performance indicators will be monitored through annual Authority Monitoring Reports. The Council will monitor and review progress of delivery of this Design and Sustainability DPD against this LDS document.

2.10 Local Plan Review: The Council is creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the review of the local plan. The adopted local plan explains how its policies will be delivered and implemented, and identifies performance indicators against which the success of policies is monitored. The performance indicators will be monitored through annual Authority Monitoring Reports, and the Council will monitor and review progress against the LDS programme in this document.

3. Document Project Plan

Gypsy and Traveller DPD

Gypsy and Traveller DPD	
Subject/content	<p>The Local Plan Review contains a suite of policies specifically addressing matters of Gypsy and Traveller accommodation and future need. The GTAA recommends that allocations can be used to meet the need from those who met the planning definition. A large proportion of the need is unknown based on modelled local need and the assessment outlines that this need can be dealt with by a criteria-based policy. A standalone DPD is to be prepared.</p> <p>The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making. The DPD will be informed by the preparation of suitable evidence.</p> <p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> • New site allocations to meet the need • Update to DM policies from adopted Maidstone Borough Local Plan and Maidstone Local Plan Review including outbuildings and day rooms (only needed if emerging guidance changes) • Incorporate existing allocations • Non-planning definition Gypsies accommodation
Status	Local Plan
Coverage	Maidstone Borough
Chain of Conformity – national	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
Chain of Conformity – local	<p>Regard to the Council’s Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016) Staplehurst Neighbourhood Plan 2016 – 2031 (2020) Loose Neighbourhood Plan 2018 – 2031 (2019) Marden Neighbourhood Plan 2017 – 2031 (2020) Lenham Neighbourhood Plan 2017 – 2031 (2021) Boughton Monchelsea Neighbourhood Plan (2021) Otham Neighbourhood Plan (2021)</p>
Policies Map	A new policies map is to be created
Timetable	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the preparation of the DPD
Evidence gathering	January 2021 to January 2023
Call for Sites	February to March 2022
Scope and matters and preferred approaches consultation (Regulation 18)	February to March 2023
Draft DPD	August to September 2023

consultation (Regulation 19)	
Submission (Regulation 22)	February to March 2024
Examination hearing sessions (Regulation 24)	May to June 2024
Main Modification Consultation	August to September 2024
Adoption – Full Council (Regulation 26)	November to December 2024
Arrangements for Production	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.1 Project Plan for the Gypsy and Traveller DPD

Design and Sustainability DPD

Design and Sustainability DPD	
Subject/content	<p>The Local Plan Review contains a suite of policies specifically addressing matters of design and sustainability. At the Strategic Planning and Infrastructure Committee on the 21st September 2021, the Council resolved to prepare a DPD reinforced by appropriate evidence to support the Local Plan Review through the strengthening of the council’s design and sustainability focused policies.</p> <p>The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making. The DPD will be informed by the preparation of suitable evidence to justify and the adoption of higher design and sustainability standards where these can be achieved.</p> <p>The DPD will specifically cover matters in relation to:</p> <ul style="list-style-type: none"> • Water efficiency • Low carbon energy • Sustainable buildings • Building design • Biodiversity and landscaping • Open space provision • Sustainable connectivity • Internal space standards • Lighting
Status	Local Plan
Coverage	Maidstone Borough
Chain of Conformity – national	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
Chain of Conformity – local	<p>Regard to the Council’s Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016) Staplehurst Neighbourhood Plan 2016 – 2031 (2020) Loose Neighbourhood Plan 2018 – 2031 (2019) Marden Neighbourhood Plan 2017 – 2031 (2020) Lenham Neighbourhood Plan 2017 – 2031 (2021) Boughton Monchelsea Neighbourhood Plan (2021) Otham Neighbourhood Plan (2021)</p>
Policies Map	A new policies map is to be created
Timetable	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the preparation of the DPD
Evidence gathering	January 2021 to January 2023
Scope and matters consultation (Regulation 18a)	April to May 2022
Preferred approaches	February to March 2023

consultation (Regulation 18b)	
Draft DPD consultation (Regulation 19)	August to September 2023
Submission (Regulation 22)	February to March 2024
Examination hearing sessions (Regulation 24)	May to June 2024
Main Modification Consultation	August to September 2024
Adoption – Full Council (Regulation 26)	November to December 2024
Arrangements for Production	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.2 Project Plan for the Design and Sustainability DPD

Local Plan Review

Maidstone Local Plan Review	
Subject/content	<p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> • A review of housing of needs • The allocation of land at the Invicta Park Barracks broad location and at the Lenham broad location if the latter has not been achieved through a Lenham Neighbourhood Plan in the interim • Identification of additional housing land to maintain supply towards the end of the plan period and, if required as a result, consideration of whether the spatial strategy needs to be amended to accommodate such development • A review of employment land provision and how to accommodate any additional employment land needed as a result • Whether the case for a Leeds-Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road • Alternatives to such a relief road • The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution • Reconsideration of the approach to the Syngenta and Baltic Wharf sites if these have not been resolved in the interim • Extension of the local plan period
Status	Local Plan
Coverage	Maidstone Borough
Chain of Conformity – national	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
Chain of Conformity – local	<p>Regard to the Council's Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016) Staplehurst Neighbourhood Plan 2016 – 2031 (2020) Loose Neighbourhood Plan 2018 – 2031 (2019) Marden Neighbourhood Plan 2017 – 2031 (2020) Lenham Neighbourhood Plan 2017 – 2031 (2021) Boughton Monchelsea Neighbourhood Plan (2021) Otham Neighbourhood Plan (2021)</p>
Policies Map	To be amended to reflect the policy content of the Local Plan Review
Timetable	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the review of the Maidstone Borough Local Plan
Evidence gathering	June 2018 to September 2021
Submission (Regulation 22)	March 2022
Examination hearing sessions (Regulation 24)	August – September 2022

Main Modification Consultation	November 2022
Adoption – Full Council (Regulation 26)	January 2023
Arrangements for Production	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.3 Project Plan for the Maidstone Borough Local Plan Review

4. Appendix

Glossary of terms

Acronym	Term	Description
AMR	Authority Monitoring Report	A report which is produced annually and monitors the performance against monitoring indicators in the Maidstone Borough Local Plan.
	Development Plan	The Development Plan includes adopted local plans/Development Plan Documents and made Neighbourhood Development Plans, and sets a framework for the local decision making process.
DPD	Development Plan Documents/Local Plans	A DPD/Local Plan is a spatial planning document which sets out the plan for the future development of the local area, drawn up by a local authority in consultation with the community. Once adopted, the local plan becomes part of the Development Plan. The Local Plan does not include SPDs or local Planning Guidance, although these documents are material considerations in the decision making process.
GTAA	Gypsy and Traveller Accommodation Assessment	The assessment outlines the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2037.
KCC	Kent County Council	The county planning authority, responsible for producing the Kent Minerals and Waste Local Plans, and are the highways authority.
LDS	Local Development Scheme	The LDS is a summary business programme and timetable for the production of the local plans and Development Plan Documents.
MBC	Maidstone Borough Council	The local planning authority responsible for producing the Borough Local Plan.
NDP	Neighbourhood Development Plan	Neighbourhood Development Plans (also known as neighbourhood plans) are prepared by a parish council or neighbourhood forum for a particular neighbourhood area. Neighbourhood plans must be in conformity with the strategic policies of the Local Plan and, once made, form part of the Council's Development Plan.
	Planning Policy Guidance	Additional guidance which provides further detail to policies set out in local plans and is a material consideration in planning decisions but is not part of the local plan or the development plan. If subject to adequate stakeholder and public consultation, guidance can carry commensurate weight with SPDs in the decision making process.
	Policies Map	The Policies Map uses an on-line ordnance survey map base to show the spatial extent of all land use policies and proposals, and is updated with each new Local Plan so that it reflects the up-to-date planning strategy for the borough.

Acronym	Term	Description
SA	Sustainability Appraisal	The SA is a tool for appraising policies and proposals to ensure they reflect sustainable development objectives, including social, economic and environmental objectives. An SA must be undertaken for all local plans and incorporates a Strategic Environmental Assessment.
SCI	Statement of Community Involvement	The SCI specifies how the community and stakeholders will be involved in the process of preparing local planning documents, Neighbourhood Development Plans and the Development Management process.
SEA	Strategic Environmental Assessment	SEA is a generic term used to describe the environmental assessment of policies, plans and programmes. The European SEA Directive requires a formal environmental assessment of certain plans and programmes, including those in the field of planning and land use.
SoS	Secretary of State	Secretary of State for Housing, Communities and Local Government.
SPD	Supplementary Planning Document	An SPD provides further detail to policies set out in local plans. SPDs are a material consideration in the decision making process but are not part of the Development Plan or the Local Plan. They follow a statutory production and consultation process.

Table 4.1 Glossary of terms

Agenda Item 15

MAIDSTONE BOROUGH COUNCIL

COUNCIL

8 DECEMBER 2021

REPORT OF THE LICENSING COMMITTEE MEETING HELD ON 11 NOVEMBER 2021

GAMBLING ACT 2005 – STATEMENT OF LICENSING PRINCIPLES POLICY 2022-2025

Issue for Decision

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

The current policy was approved at Full Council on 12 December 2018 but has been revised and subject to a public consultation. If agreed, the policy will be re-published by 31 January 2022 for a further three-year period to meet the Council's statutory requirements as a Licensing Authority.

Recommendation Made

That the Gambling Act 2005 Statement of Licensing Principles Policy 2022-2025, as attached at Appendix 1 to the report, be agreed.

Reasons for Recommendation

In accordance with the above Act Licensing authorities are required to develop, consult on, and publish a Statement of Licensing Principles Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005 during that period.

A revised draft of the policy was put before the Licensing Committee on the 16 September 2021, at which they agreed to authorise officers to consult with all interested parties with the results of the consultation to be reported back to Licensing Committee on the 11 November 2021. The 4-week consultation commenced 28 September 2021 and concluded 25 October 2021 and the responses received are included in Appendix 2 to the report.

The gambling objectives are:

- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
- ii) ensuring that gambling is conducted in a fair and open way and
- iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.

The draft Policy that went out for consultation (Appendix 1) provides clarity to applicants and other parties to support the application process, to create efficiencies and manage and demonstrate expectations. There have been no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making.

Three responses were received during the consultation period and are attached as Appendix 2 and the Officer responses are attached at Appendix 3.

Alternatives Considered and Why Not Recommended

None.

Background Papers

Gambling Act 2005: [Gambling Act 2005 \(legislation.gov.uk\)](https://legislation.gov.uk)

Gambling Act 2005: [Guidance to licensing authorities - Gambling Commission](#)

Licence Conditions and Codes of Practice (LCCP): [Licence Conditions and Codes of Practice - Gambling Commission](#)

Appendices

Appendix 1: (draft) Gambling Act 2005, Statement of Licensing Principles Policy 2022-2025.

Appendix 2: Consultation Responses

Appendix 3: Gambling Act 2005 - Statement of Licensing Principles 2022-2025, Report to the Licensing Committee Meeting held on 11 November 2021

Maidstone Borough Council

'Gambling Act 2005 Statement of Licensing Principles' 2022 -2025

Sept 2021

CONTENTS

Item	Page
1. The Licensing Objectives	4
2. Introduction	5
3. Declaration	7
4. Functions	8
5. Operators	9
6. Risk Assessments	9-10
7. Local Area Profiles	11-12
8. Responsible Authorities	12
9. Interested Parties	13
10. Exchange of Information	14
11. Public Register	14
12. Compliance & Enforcement	14-16
The appendices that follow form part of this Policy Statement	
Appendix 1. Permits	17
(i) Unlicensed family entertainment centre gaming machine permits	17
(ii) (Alcohol) licensed premises gaming machine permits	18
(iii) Prize gaming permits	19
(iv) Club gaming and club machine permits	21 - 23
Appendix 2. Gambling Premises Licences	24
(i) Decision making – general	24
(ii) “Premises”	25
(iii) Location	26
(iv) Planning	26 - 27
(v) Duplication	27
(vi) Door Supervisors	27
(vii) Licensing Objectives	27
(viii) Reviews	28
(ix) Provisional Statements	28 - 29
(x) Adult Gaming Centres	29
(xi) (Licensed) Family Entertainment Centres (FEC)	29 - 30
(xii) Tracks	30
(xiii) Casinos	30
(xiv) Bingo	31
(xv) Temporary Use Notices (TUN)	31
(xvi) Occasional Use Notices (OUN)	31 - 32

(xvii) Small Society Lotteries	32
(xviii) Travelling Fairs	32
Help with gambling related problems	32
Appendix 3. Responsible Authorities	33
Appendix 4. Table of Delegations of Licensing Functions	34 - 36
Appendix 5. List of Consultees	37
Appendix 6. Summary of Gaming Machines by Premises	38 - 39
Appendix 7. Summary of Stakes & Prizes	40 - 41
Appendix 8. Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits & Prize Gaming Permits	42 - 47

1. The Licensing Objectives

The Gambling Act 2005 ('The Act') requires that in exercising most of its functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- **Ensuring that gambling is conducted in a fair and open way;**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

It should be noted that the Gambling Commission (the Commission) has stated "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

Maidstone Borough Council as "The Licensing Authority" for the Maidstone Borough will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

Principles to be applied - Section 153

In exercising its functions under this part, the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it meets one or all of the following: –

- a) the Gambling Commission's code of practice;
- b) the Guidance to local authorities;
- c) the Licensing Authority's own statement of principles;
- d) the three licensing objectives.

In determining whether to grant a Premises Licence a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application.

Any objection to an application for a Premises Licence or request for a review of an existing licence should be based on the Licensing Objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific Licensing Objective for the prevention of public nuisance. The licensing authority take the view that certain issues, incidents or events that might typically be classed as nuisance, public nuisance or antisocial behaviour might also be considered to be issues, incidents or events of disorder. The licensing authority will apply the ordinary meaning of disorder and consider each case on its own merits. The licensing authority will in all cases consider whether other relevant legislation would be more appropriate in the circumstances of any given application.

2. Introduction

The Maidstone Borough Council Area

MAIDSTONE BOROUGH COUNCIL - PARISHES



Maidstone Borough Council is a member of the Licensing Partnership, which includes Tunbridge Wells Borough Council, Sevenoaks District Council and the London Borough of Bexley. However, this policy relates to Maidstone.

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy Statement, setting out the principles that they propose to apply when exercising these functions. This Statement may be reviewed from time to time but must be republished at least every three years. This policy was approved by Full Council on ?? ??? 2021 to come into force January 2022.

In determining its policy the Licensing Authority shall have regard to Commission's Guidance and give appropriate weight to the views of those who respond to its consultation.

This draft policy has been prepared in accordance with the Gambling Commission's 5th Edition Guidance to Licensing Authorities (May 2021).and contains the minimum of

amendments and no changes to the intent or direction of the previous policy, which is that the Council seeks to ensure that premises for Gambling uphold the licensing objectives.

The Commission has introduced the following amendments to the Guidance which:

- reflect regulatory and legislative changes since the 2012 version;
- reflect recent changes to the social responsibility provisions within the Commission's Licence Conditions and Codes of Practice;
- promote local partnership working between licensing authorities, the Commission and the industry to work in partnership to address local issues and concerns; and
- provide greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as their statement of licensing policy.

The Licensing Authority will consult widely on the Gambling Policy statement before it is finalised and published.

The Act requires that the following parties be consulted by Licensing Authorities:

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

A list of those persons consulted is attached at appendix 5.

The consultation for the policy took place between ?? ??? and ?? ??? 2021 for a period of ?? weeks. The Licensing Authority has followed, as far is reasonably practicable given the time constraints, the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector .

The full list of comments made and the consideration by the Licensing Authority of those will be available upon request to: The Licensing Administration Team via email licensing@sevenoaks.gov.uk or by telephoning 01732 227 004.

The draft policy is published on Maidstone Borough Council's website <http://www.maidstone.gov.uk/> .

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3. Declaration

In producing the final licensing policy statement, this Licensing Authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, as amended, and any responses from those consulted on the policy statement.

Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as part of the Council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, the Guidance, or regulations issued under the Act.

4. Licensing Authority Functions

Function	Who deals with it
Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences	Licensing Authority
Issue Provisional Statements	Licensing Authority
Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority
Issue Club Machine Permits to Commercial Clubs	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines	Licensing Authority
Register small society lotteries below prescribed thresholds	Licensing Authority
Issue Prize Gaming Permits	Licensing Authority
Receive and endorse Temporary Use Notices	Licensing Authority
Receive Occasional Use Notices	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

Gambling Commission Functions

Function	Who deals with it
Issue and renewal of Operating Licences	Gambling Commission
Review Operating Licences	Gambling Commission
Issue Personal Licences	Gambling Commission
Issue Codes of Practice	Gambling Commission

Issue Guidance to Licensing Authorities	Gambling Commission
Licence remote gambling through Operating Licences	Gambling Commission
Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines	Gambling Commission
Deal with appeals against Commission decisions	Gambling Appeals Tribunal

The Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

5. Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a Licensing Authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in October 2020 and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the Licensing Authority's statement of principles in developing their risk assessments.

6. Risk Assessments

Gambling operators are required to undertake a risk assessment for all their existing premises as from 6th April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing Authority's Statement of Policy.

The Licensing Authority expects applicants to have a good understanding of the area in which they either operate or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this Statement of Principles and demonstrate that in operating the premises they will promote the licensing objectives.

The Gambling Commission introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the Licensing Authority in certain circumstances in May 2016.

The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- local crime statistics;
- any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- the type of gambling product or facility offered;
- the layout of the premises;
- the external presentation of the premises;
- the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- the customer profile of the premises;
- staffing levels;
- staff training, knowledge and experience;
- whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.

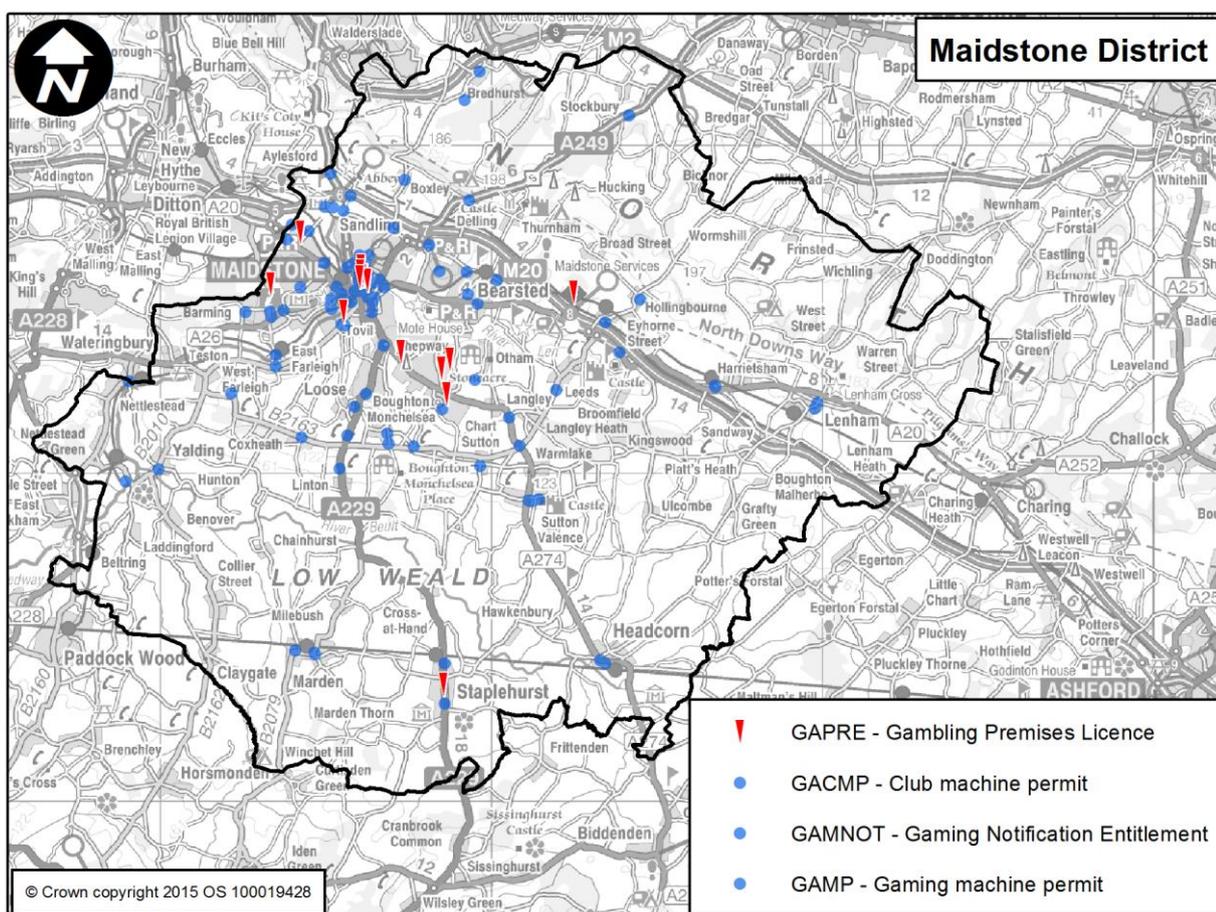
This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

7. Local Area Profile (LAP)

The Guidance indicates licensing authorities complete and map their own assessment of local risks and concerns by developing Local Area Profiles to help shape their statements (although there is no requirement to do this). In simple terms, the objective of the profile is to set out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the Licensing Authority and operators. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

Gambling Premises are mapped out within the Borough (red markers) and those premises that have gaming machine permits (Licensed Premises and Club) and gaming permits (Clubs) to indicate the location of the premises. There are 17 betting gambling premises across the Borough and there are no areas of high density of gambling premises. Gambling premises and gambling activities are concentrated in and around Maidstone, which the map demonstrates.



In assessing local area profiles, Licensing Authorities can also take into account the location of

- schools, sixth form colleges, youth centres etc., with reference to the potential risk of under-age gambling

- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (E.g., seaside resorts may typically have more arcades or FECs).

In drafting this document relevant bodies and organisations were contacted for evidence of existing problems. However, information at the time of drafting this Statement of Principles was unavailable. This Licensing Authority does not have evidence that there are specific issues at the moment to support the assertion that any part of the Borough had or is experiencing problems from gambling activities.

Complaints are only one means to consider addressing risk as they are related to an event that has happened, rather than the probability of an event happening and the likely impact of that. This position will be kept under review, and in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare a Local Area Profile (LAP). If there is a need or evidence to develop the LAP further this will be done outside the scope of this document and updated as information changes.

8. Responsible Authorities

In exercising the Licensing Authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Commission's Guidance for Local Authorities the Licensing Authority designates the following for this purpose:

Children's and Families - KCC Social Service

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3 of the policy.

9. Interested parties

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 defines interested parties as persons who, in the opinion of the Licensing Authority;

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities;
- c) represents persons who satisfy paragraph (a) or (b).

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the Commission's Guidance issued to local authorities.

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

The Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives. All objections must be based on the licensing objectives.

The Commission has recommended that the Licensing Authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations. However, this Authority will not generally view these bodies as interested parties unless they have a person who in the opinion of the Licensing Authority:-

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph a) or b).

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties.

Apart from these exceptions this Authority will require written confirmation that a person/body/advocate/relative is authorised to represent an interested party. Where they can demonstrate that they represent person in (a) or (b) above, a letter of authorisation from one of these persons, requesting the representative to speak on their behalf will be sufficient.

Councillors who are not within the definition of an "interested party" may attend meetings of the Licensing Committee's Sub-Committees but have no right to address the hearing unless appointed by an 'interested party' to assist or represent that party.

In determining whether a person lives or has business interests sufficiently close to the premises, that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- the catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

If there are any doubts then please contact the Licensing Team via email at licensing@maidstone.gov.uk or by telephone 01622 602528.

10. Exchange of Information

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority, in exercising the functions, under sections 29 and 30 of the Act, with respect to the exchange of information between it and the Gambling Commission, the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority will apply is that it will have regard to the provisions of the Gambling Act 2005 in its exchange of information, and the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will have regard to any revised Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Any protocols established as regards information exchange with other bodies will be made available.

11. Public Register

The Licensing Authority is required to keep a public register and share information contained in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

12. Compliance and Enforcement

The Licensing Authority will act in accordance with the relevant legislation and Guidance as amended from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of the Licensing Authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003.

A copy can be requested via email at licensing@sevenoaks.gov.uk or by telephoning the Licensing Administration Team 01732 227004.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes.

The Licensing Authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

Licensing authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Licensing Authority's principles are that:

It will adopt the Guidance for local authorities and it will endeavour to be:

- Proportionate
Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable
Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent
Rules and standards must be joined up and implemented fairly.
- Transparent
Enforcement should be open and regulations kept simple and user friendly.
- Targeted
Enforcement should be focused on the problems and minimise side effects.

The Licensing Authority will adopt a risk-based inspection programme.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district. The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act or working with colleagues from other Council departments or outside agencies.

The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, look at gambling

facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Appendix 1

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

1. Permits

- i. **Unlicensed Family Entertainment Centre (FEC) gaming machine permits**
(Statement of Principles on Permits - Schedule 10 para7)

Where a premises does not hold a Premises Licence but wishes to make available Cat D gaming machines it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. The Licensing Authority has considered and will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training
- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The Licensing Authority will also expect applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 8(2)). For initial applications, the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Commission's Guidance for local authorities states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities may want to give weight to child protection issues."

The Gambling Commission's Guidance also states: "An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application."

Statement of Principles: This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits. However, they may include:-

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised very young children being on the premises;
- children causing perceived problems on/around the premises; and
- Safeguarding awareness training

With regard to renewals of these permits, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

(ii) (Alcohol) Licensed Premises (Licensing Act 2003) Gaming Machine Permits – (Schedule 13 Para 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority. The Licensing Authority may make an order disapplying the automatic entitlement in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority will consider that application based upon the licensing objectives, any Guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff that will monitor that the machines are not being used by those under 18 years old. This applies to licensed family entertainment centres and bingo premises and not adult gaming centres and betting premises which are adult only premises. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice, as amended, issued by the Gambling Commission about the location and operation of the machine.

(iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. These considerations should also apply to unlicensed family entertainment centre permits.

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The Licensing Authority will also expect applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have full understanding of the maximum stakes and prizes; and
- that the gaming offered is within the law

In making its decision on an application for this permit the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Act 2005, attaches mandatory conditions to all prize gaming permits. The Licensing Authority cannot attach conditions. The mandatory conditions are as follows:

The limits on participation fees, as set out in regulations, must be complied with;

- the all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize) or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.
- Prize gaming permits are issued for 10 years and there is no annual fee.

Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D). A

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit which will enable the premises to provide gaming machines (three machines of categories B4, C or D).

The Guidance for local authorities states: "Members' Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, it must be permanent in nature, not established to make a commercial profit and must be controlled by its members equally. unless the gaming is restricted to bridge and whist but there is no need for a club to have an alcohol licence.

The Licensing Authority is aware that it may refuse an application on one or more of the following grounds:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons, or by both;
- (c) an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming activities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the police.

Fast Track Procedure (Schedule 12(10))

There is also a procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, para 10). As the Gambling

Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- is the primary activity of the club something other than gaming?
- are the club's profits retained solely for the benefit of the club's members?
- are there 25 or more members?
- are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- do members participate in the activities of the club via the internet?
- do guest arrangements link each guest to a member?
- is the 48 hour rule being applying for membership and being granted admission being adhered to?
- are there annual club accounts available for more than one year?
- how is the club advertised and listed in directories and on the internet?
- are children permitted in the club?
- does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits

Appendix 2

2. Gambling Premises Licences

(i) Decision making - general:

Premises Licences will be subject to the requirements set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Statement of Licensing Policy.

Any conditions attached to licences by the Licensing Authority will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- are reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

An applicant for a licence will need to specify what supervision is proposed for the area where machines are sited and to clarify how supervisors will be trained to recognise vulnerable adults.

The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and licence conditions and codes of practice.

The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. The Licensing Authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

(ii) "Premises":

Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities' states, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will have regard to the Commission's Guidance on the division of premises and access between premises.

The Licensing Authority takes particular note of the Guidance for Local Authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Licensing Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

(iii) Location:

The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission’s Guidance for local authorities, the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(iv) Planning:

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission’s Guidance states: “When dealing with a premises licence

application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents.

Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

(v) Duplication:

As stated above in section 12 on Compliance and Enforcement, as per the Gambling Commission’s Guidance for local authorities the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

(vi) Door Supervisors:

The Gambling Commission’s Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

The Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises are licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

(vii) Licensing objectives:

The Licensing Authority has considered the Commission’s Guidance to local authorities in respect of the licensing objectives.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

Ensuring that gambling is conducted in a fair and open way;

Protecting children and other vulnerable persons from being harmed or exploited by gambling.

(viii) Reviews:

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant Guidance issued by the Gambling Commission;
- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause the Licensing Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

(ix) Provisional Statements:

The Licensing Authority notes the Guidance from the Gambling Commission which states:

S.204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.
- (c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.
- (d) Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Gambling premises do not have to be complete

before a Premises Licence can be granted. The Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.

(x) Adult Gaming Centres (AGC):

The Licensing Authority particularly notes the Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

(xi) (Licensed) Family Entertainment Centres (FECs):

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

The Licensing Authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences.

As gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

(xii) Tracks:

The Licensing Authority is aware that the Gambling Commission may provide specific Guidance as regards tracks. The Licensing Authority shall have regard to this Guidance in the discharge of its functions.

(xiii) Casinos:

The Licensing Authority has not passed a 'no Casino' resolution under Section 166(1) of the Gambling Act 2005; therefore this would allow the authority to grant a Casino licence.

Any future decision to pass or not pass such a resolution will be made by the Council's Licensing Committee and will need to be endorsed by the Full Council, but will only be taken after a full consultation process has been undertaken within its area.

(xiv) Bingo:

The Licensing Authority will have regard to the Gambling Commission's Guidance.

The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

(xv) Temporary Use Notice (TUN):

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

(xvi) Occasional Use Notice (OUN):

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

(xvii) Small Society Lotteries:

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event as either an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact us on 01622 602028 or email licensing@maidstone.gov.uk to seek further advice

(xviii) Travelling Fairs:

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

Help with gambling related problems:

A list of organisations where people may seek help will be available on the Licensing Authority's website.

Appendix 3

Responsible Authorities:

Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:

Licensing Team

Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Tel: 01622 602028

e-mail: licensing@maidstone.gov.uk

Website: www.maidstone.gov.uk

Local Planning Authority

Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Tel: 01622 602736

e-mail:

planningsupport@midkent.gov.uk

Chief Police Officer – (West Division)

Maidstone Police Station
Palace Avenue
Maidstone
Kent
ME15 6NF

Tel: 01622 690690

e-mail:

west.division.licensing@kent.pnn.police.uk

Information can also be obtained from:

Gambling Commission

Victoria Square House
Victoria Square
Birmingham. B2 4BP

Tel: 0121 230 6666

Fax 0121 230 6720

e-mail: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

Environmental Protection/ Health and Safety

Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Tel: 01622 602202

e-mail:

enforcementoperations@maidstone.gov.uk

Kent Safeguarding Children's Board

KCC Social Services
Sessions House
County Road
Maidstone
Kent ME14 1XQ

e-mail: kscb@kent.gov.uk

social.services@kent.gov.uk

Appendix 4

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Gambling Act 2005	Functions	Delegation
	Final approval of three year licensing policy	Full Council
	Policy not to permit casinos	Full Council
	Fee Setting (when appropriate)	Full Council
Section 29	Duty to comply with requirement to provide information to Gambling Commission	Officers
Section 30	Functions relating to the exchange of information	Officers
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application for Premises Licence where no relevant representations received	Licensing Sub-Committee Officers
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Officers in consultation with the Head of Service
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application to vary Premises Licence in respect of which no representation received	Licensing Sub-Committee Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) Determination of application for transfer of Premises Licence where no representations received	Licensing Sub-Committee Officers
Section 193	Revocation of Premises Licence for failure to pay annual fee	Officers
Section 194	Determination that a Premises Licence has lapsed	Officers
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) Reinstatement of lapsed Premises Licence where no representation is received	Licensing Sub-Committee Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with Head of Service
Section 200	Initiation of review of Premises Licence	Officers
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Officers in consultation with Head of Service

Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) Determination of application for provisional statement in respect of which no representations received	Licensing Sub-Committee Officers
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Officers in consultation with Head of Service
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Officers
Section 221	Objection to Temporary Use Notice	Officers
Section 222	Issue of counter notice in response to Temporary Use Notice	Licensing Sub-Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 304	Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises	Officers
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Officers in consultation with Head of Service
Schedule 10		
Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Director of Regeneration and Communities (or in his absence the Head of Housing & Community Services) (Refusal to be exercised only in consultation with Head of Service)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with Head of Service
Schedule 11		
Paragraph 44	Registration of society for small society lottery	Officers
Paragraph 48	Refusal of application for registration of society for small society lottery	Officers in consultation with Head of Service
Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with Head of Service
Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Officers
Schedule 12		
Paragraphs 5 and 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee

	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received	Officers
Paragraph 15	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)	Licensing Sub-Committee
	Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations	Officers
Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit	Licensing Sub-Committee
Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Officers
Schedule 13		
Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit	Officers (Refusal and limitation on number of machines only in consultation with Head of Service)
Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)	Sub-Committee
Paragraph 17	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received	Officers
	Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Officers
Schedule 14		
Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit	Officers (Refusal only in consultation with Head of Service)
Paragraph 15	Determination that Prize Gaming Permit has lapsed	Officers

Appendix 5

LIST OF CONSULTEES

All Maidstone Borough Councillors

All Parish Councillors

All premises currently licensed to sell or supply alcohol

All premises currently licensed for regulated entertainment

All premises currently licensed for late night refreshments

Any other prescribed in regulations by Secretary of State

Town Centre Management

Environment Agency

British Waterways Board

GamCare

2 & 3 Baden Place

Crosby Row

London SE1 1YW

Tel: 020 7378 5200

Website: www.gamcare.org.uk

The Bingo Association

Lexham House

75 High Street (North)

Dunstable

Bedfordshire LU6 1JF

Tel: 01582 860921

Website: www.bingo_association.co.uk

British Casino Association

38 Grosvenor Gardens

London SW1W 0EB

Tel: 020 7730 1055

Website: www.britishcasinoassociation.org.uk

This list is not finite and other persons or organisations may be added.

SUMMARY OF GAMING MACHINES BY PREMISES

Appendix 6

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)							
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)							
Pre-2005 Act casino (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead							
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D							
Bingo premises	Maximum of 20% of total number of gaming machines which are available for use on the premises categories B3 or B4							
Adult gaming centre	Maximum of 20% of total number of gaming machines which are available for use on the premises categories B3 or B4							
Family entertainment centre (with premises licence)	No limit on category C or D machines							
Family entertainment centre (with permit)	No limit on category D machines							
Clubs or miners' welfare institute (with permits)	Maximum of 3 machines in categories B3A or B4 to D*							
Qualifying alcohol-licensed premises	1 or 2 machines of category C or D automatic upon notification							
Qualifying alcohol-licensed premises (with gaming machine permit)	Number of category C D machines as specified on permit							
Travelling fair	No limit on category D machines							
	A	B1	B2	B3	B3A	B4	C	D

1 Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight¹⁰⁷ category B gaming machines, or 20% of the total number of gaming machines, whichever

is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2. Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix 7

SUMMARY OF MAXIMUM STAKE AND MAXIMUM PRIZE BY CATEGORY OF GAMING MACHINE.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above

D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

* These values are subject to change

Appendix 8

STATEMENT OF PRINCIPLES FOR UNLICENSED FAMILY ENTERTAINMENT CENTRES, GAMING MACHINE PERMITS & PRIZE GAMING PERMITS GAMBLING ACT 2005

Contents

1. The Gambling Act 2005
2. Purpose of this document
3. Unlicensed Family Entertainment Centres (UFECs)
4. Prize Gaming Permits
5. Statement of Principles for UFEC gaming machine permits and prize gaming permits
6. Supporting documents
7. Child Protection Issues
8. Protection of Vulnerable Persons
9. Miscellaneous Matters

1. The Gambling Act 2005

Unless otherwise stated any references in this document to the Council is to Maidstone Borough Council as the Licensing Authority.

The Act requires the Council, as the Licensing Authority, to aim to permit the use of premises for gambling in so far as the authority thinks it:

- In accordance with a relevant code of practice,
- In accordance with any relevant Guidance issued by the Gambling Commission,
- Reasonably consistent with the licensing objectives, and
- In accordance with the Licensing Authority policy issued under the Act.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2. Purpose of this document

This document has been prepared to assist persons considering making an application for either an unlicensed family entertainment centre (UFEC) gaming machine permit or a prize gaming under the Gambling Act 2005.

Maidstone Borough Council fully endorses the licensing objectives detailed above and expects all applicants to work in partnership to promote these objectives through clear and effective management of each gambling operation whether in respect of a permit or premises licence.

In respect of UFEC gaming machine permits it has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act and in respect of prize gaming permits it has been prepared in accordance with paragraph 8 of Schedule 14 of the Act. The document should be read in conjunction with Maidstone Council Statement of Licensing Policy and Principles. – Gambling Act 2005.

The purpose of the document is to clarify measures that the Council will expect applicants to demonstrate when applying for either of these permits so the Council can determine the suitability of the applicant and the premises for a permit.

Within this process the Council will aim to grant the permit where the applicant is able to demonstrate that:

- They are a fit and proper person to hold the permit, and
- They have considered and are proposing suitable measures to promote the licensing objectives and they have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this document should be read as guidance only and the Council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

3. Unlicensed Family Entertainment Centres

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines together with various other amusements such as computer games and "penny-pushers".

The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family entertainment centre' that does require a premises licence because it contains both category C and D gaming machines.

Unlicensed family entertainment centres (UFECs) will be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. The Council will only grant a UFEC gaming machine permit where it is satisfied that the premises will be operated as a bona fide unlicensed family entertainment centre.

In line with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time. (Permits are granted for a period of ten years.)

4. Prize Gaming Permits

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where bingo is offered and the prizes are displayed.

A prize gaming permit is a permit issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.

Applicants should be aware of the conditions in the Gambling Act 2005 by which prize gaming permits holders must comply. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize) and participation in the gaming must not entitle the player to take part in any other gambling

In line with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time. Permits are granted for a period of ten years.

5. Statement of Principles for UFEC gaming machine permits and prize gaming permits

Supporting documents

The Council will require the following supporting documents to be served with all UFEC gaming machine permit and prize gaming permit applications:

- Proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over);
- Proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document;
- An enhanced criminal record certificate. (This should be no greater than one month old.) This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.)

In the case of applications for a UFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling operator who holds a valid gaming machine technical operating licence issued by the Gambling Commission together with a plan of the premises to which the permit is sought showing the following items:

- The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. Slot machines, penny falls, cranes)
- The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
- The positioning and types of any other amusement machines on the premises
- The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area the location of any ATM/cash machines or change machines the location of any fixed or temporary structures such as columns or pillars
- The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- The location of any public toilets in the building.

(Unless agreed with the Council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100)

6. Child Protection Issues

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- Maintain contact details for any local schools and or the education authority so that any truant children can be reported
- Employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- Employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- Maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- Display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
- Maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises (The register should be used to detect any trends which require attention by the management of the premises.)
- Ensure all young children are accompanied by a responsible adult
- Maintain policies to deal with any young children who enter the premises unaccompanied
- Enhanced criminal records checks for all staff who will be working closely with children

NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

7. Protection of Vulnerable Persons.

The Council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons.

The Council will assess these policies and procedures on their merits; however they may (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- Consider appropriate positioning of ATM and change machines (including the display of Gamcare stickers on any such machines)

NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

8. Miscellaneous Matters

The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance as follows:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises
- Keep the interior and exterior of the premises clean and tidy
- Ensure the external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring and adjoining premises
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths
- Restrict normal opening hours to 8.45am to midnight daily
- Not permit any person who is drunk and disorderly or under the influence of drugs, to enter or remain on the premises
- Take such steps as are reasonably practicable to eliminate the escape of noise from the premises
- Ensure, where possible the external doors to the premises remain closed, except when in use, by fitting them with a device for automatic closure or by similar means
- Ensure that the premises are under the supervision of at least one responsible, adequately trained person at all times the premises are open

NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

Applicants may obtain an enhanced Disclosure Barring Service disclosure on application to Disclosure Scotland on 0870 609 6006 or online at www.disclosurescotland.co.uk

From: Jolanda Gjoni <JolandaGjoni@Maidstone.gov.uk>
Sent: 07 September 2021 09:26
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: Report review has been completed: Review Gambling Act 2005 - Statement of Licensing Policy 2022 -2025, version 1

To: Lorraine Neale;

The following report review has been completed by Jolanda Gjoni.

Title: Review Gambling Act 2005 - Statement of Licensing Policy 2022 -2025, version 1

Reviewer's status: OK if marked changes are applied

Reviewer's comment: • Harm from gambling has become a serious and worsening public health problem in the UK and is found at the individual, social (family and friends) and community levels. This includes financial hardship, psychological distress and interpersonal conflict or relationship breakdown. The harm from gambling to wider society includes fraud, theft, loss of productivity in the workforce and the cost of treating this addiction, associated anxiety and depression, and potential harms to others from reduced usable income.

- It is recommended to make consideration of public health a licensing objective, to ensure greater consideration of public health and levels of gambling-related harm when processing licensing applications for new gambling venues.
- Effective partnership working to ensure implementation of existing laws on gambling by those who are underage.
- Use of legislation to tighten regulation of the gambling industry and the sponsorship, marketing, promotion and offers, especially online marketing which is currently reaching children and young people.

This report is due to be discussed at the following meetings:

16/09/2021 - Licensing Committee

From: Info <info@gambleaware.org>
Sent: 28 September 2021 13:39
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: RE: Maidstone Borough Council – Gambling Policy consultation

Hi

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005. Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also www.begambleaware.org. Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need

Many thanks,

BeGambleAware.org

From: Staplehurst Parish Council - Clerk <clerk@staplehurst-pc.uk>

Sent: 20 October 2021 11:39

To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>

Cc: Licensing (MBC) <Licensing@maidstone.gov.uk>

Subject: Response to consultation request on Draft Statement of Licensing Principles.

Dear Lorraine

Councillors approved the following response to be submitted for your consultation.

Starts

Having read the Draft Statement of Licensing Policy we consider the 3 Licensing Objectives are sound. However, in the main text, whilst there is reference to alcohol and drug addictions there is no reference to gambling addiction.

All risk assessments should make reference.

The Council, as the Licensing Authority should not allow gambling premises to be open 24hours. This is an obvious incentive for vulnerable people to assemble and can only encourage gambling addicts accrue larger debts and continuing mental problems. If the Council has no control over 24 hour opening then they should lobby the Gambling Commission and or Government to so enforce.

Ends

Many thanks

Kind regards

Alison

Alison Smith

Clerk to Staplehurst Parish Council

Parish Office, Village Centre, High Street, Staplehurst, Kent. TN12 0BJ

Licensing Committee**11th November 2021****Gambling Act 2005: Statement of Licensing Principles 2022-2025**

Final Decision-Maker	Full Council
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. Section 155 states that this function may not be delegated from Council and so this Committee is recommending a proposed document to Council following consultation.

The purpose of this report is to ask the Licensing Committee to consider the consultation responses and any proposed amendments to the draft Policy.

The 4 week consultation commenced 28 September 2021 and concluded 25 October 2021 and those responses are included in the report which is seeking approval for the adoption of the amended Statement of Principles at Council on 8 December 2021

Purpose of Report

Decision.

This report makes the following recommendations to this Committee:

1. That the consultation responses received be noted;
2. That full council be recommended to approve the draft Gambling Act 2005 Statement of Licensing Principles Policy 2022-2025, as attached at Appendix 1 to the report;

Timetable

Meeting	Date
Council	8 th December 2021

Gambling Act 2005:Statement of Licensing Policy 2022 - 2025

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>This Policy will help to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i> 	<i>Senior Licensing Officer</i>
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>[Senior Licensing Officer</i>
Financial	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Legal	<ul style="list-style-type: none"> <i>The Licensing Authority must formally review its adopted Statement of Principles for the Gambling Act 2005 Policy. Section 349 of the Act requires the authority to review this every three years and keep it under review from time to time. Without an up-to-date Policy in place, this could leave the authority open to legal challenge over the legitimacy of any decisions made</i> 	<i>Senior Licensing Officer</i>
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>
Equalities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>

Public Health	<i>Harm from gambling has become a serious and worsening public health problem in the UK and is found at the individual, social (family and friends) and community levels. This includes financial hardship, psychological distress and interpersonal conflict or relationship breakdown. The harm from gambling to wider society includes fraud, theft, loss of productivity in the workforce and the cost of treating this addiction, associated anxiety and depression, and potential harms to others from reduced usable income.</i>	<i>Health and Inclusion</i>
Crime and Disorder	<ul style="list-style-type: none"> • <i>The Council has a statutory duty to contribute to the reduction of crime and disorder within the Borough under S.17 of the Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime is one of the licensing objectives as defined in the Gambling Act 2005 and in the current statement of Licensing Principles.</i> • <i>Section 17, Crime and Disorder Act 1998</i> <i>17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.</i> • <i>The Statement helps to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i> 	<i>Senior Licensing Officer</i>
Procurement	<ul style="list-style-type: none"> • <i>No implications have been identified</i> 	<i>Senior Licensing Officer</i>

Biodiversity and Climate Change	<ul style="list-style-type: none"> • <i>There are no implications on biodiversity and climate change.</i> 	<i>Senior Licensing Officer</i>
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2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act).
- 2.2 In accordance with the above Act Licensing authorities are required to develop, consult on, and publish a Statement of Gambling Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005 during that period.
- 2.3 The current policy was approved at Full Council on 12 December 2018 but needs to be revised and re-published by 31 January 2022 for a further three-year period.
- 2.4 A revised draft of the policy was put before the Licensing Committee at their meeting of 16 September 2021, at which they agreed to authorise officers to consult with all interested parties and the results of the consultation be reported back to Licensing Committee and recommendation to Full Council for approval.
- 2.5 The gambling objectives are:
- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
 - ii) ensuring that gambling is conducted in a fair and open way and
 - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.6 The draft Policy that went out for consultation (Appendix 1) provides clarity to applicants and other parties to support the application process, to create efficiencies and manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts. There have been no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making
- 2.7 A consultation exercise was carried out in accordance with the Act and Statutory Guidance over a 4 week period between 28 September and 25 October 2021.
- 2.8 An extensive list of interested parties were contacted directly and invited to comment on the revised draft policy. In addition, public notices inviting comment were placed on the Council's website. The full list of consultees is included in the draft policy at appendix 5.

2.9 The draft policy was made available to view electronically online and in hard copy at the council offices.

2.9.1 Three responses were received during the consultation period and are attached as Appendix 2, they are from:

1. Maidstone Borough Councils Healthy Lifestyle Officer,
2. Gambleaware
3. Staplehurst Parish Council

2.9.2 Below are the comments and Officer response:

1.

• It is recommended to make consideration of public health a licensing objective, to ensure greater consideration of public health and levels of gambling-related harm when processing licensing applications for new gambling venues.

Currently S.157 of the Act identifies the bodies that are to be treated as responsible authorities and Public Health Authorities are not listed. This would require a change to legislation.

However, Maidstone Borough Council have not received any new applications for a Gambling premise since 2007, which was for Ladbrokes, Hermitage Lane. From 2007 to the present date we have had the same number of Gambling premises licensed:

- 1 Bingo
- 13 Betting Shops
- 3 AGC's
- 1 UFEC

• Effective partnership working to ensure implementation of existing laws on gambling by those who are underage.

All licensed gambling premises are required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice, those items alongside the Local Authorities Statement of Principles and any conditions attached to a gambling premise licence provide an effective approach to Gambling and its problems, especially underage gambling.

• Use of legislation to tighten regulation of the gambling industry and the sponsorship, marketing, promotion and offers, especially online marketing which is currently reaching children and young people.

Premises must adhere to the Advertising and marketing rules and regulations in the Gambling Commission's Social Responsibility Code of Practice.

[Licence Conditions and Codes of Practice \(LCCP\)](#)

2.

The response from Gambleaware did not suggest any amendments or changes to the Statement of principles but provided information and links to materials that could assist Local Authorities in determining whether there were high risk gambling problems in their areas, contact information for those who wish to seek advice and support for any gambling problems were also provided.

3.

Having read the Draft Statement of Licensing Policy we consider the 3 Licensing Objectives are sound. However, in the main text, whilst there is reference to alcohol and drug addictions there is no reference to gambling addiction.

All risk assessments should make reference.

The reference to alcohol and drug addiction in the Statement of Principles is made in relation to the Local Area Profile. Local Authorities should map their assessment of local risk and concern. One of the many factors to consider would be whether there were any hostels or support services for vulnerable people in a specific high risk area, especially those with drug and alcohol addiction issues and/or are homeless as they are a group at greater risk of problem gambling.

Currently there is no evidence of any existing problem and the position is kept under review, should the position change research would be undertaken to discover the extent of the problem and determine the steps to undertake to address any issues. Any risk assessment made would be a direct result of a reported gambling problem and ultimately would include addiction so would be referenced.

The Council, as the Licensing Authority should not allow gambling premises to be open 24hours. This is an obvious incentive for vulnerable people to assemble and can only encourage gambling addicts accrue larger debts and continuing mental problems. If the Council has no control over 24 hour opening then they should lobby the Gambling Commission and or Government to so enforce.

Most gambling premises licenses have conditions attached which fall into one of three categories:

Mandatory – defined nationally by Regulations – may not be removed from licence, unless further Regulations are made by the Secretary of State;

Default – defined nationally by Regulations – applicants may request that these are excluded when they make their initial application (or later, by applying to vary the Premises licence);

Locally set by the Licensing Authority – will be imposed on a case-by-case basis in response to a specific issue affecting the individual premises, possibly following the receipt of a representation.

Usually the default conditions are applied to licences and they specify the hours a premises can operate. However that is not the case in relation to Adult Gaming Centres there are no default conditions on hours and so they can apply to be 24 hour if they wish. All gambling premise applications are subject to consultation and the delegated responsible authorities notified when an application is received. The applicant is required to advertise the application, both at the premises and a local newspaper, to alert local residents and businesses. If no objections are received then the Local Authority MUST grant the licence. If objections are received then the application would be considered by Licensing Sub Committee.

Applications for Premise licences where default conditions apply but the applicant wishes to exclude them would require the application to be considered at a public hearing by Licensing Sub Committee.

The consultation process allows for the opportunity to object to a 24 hour licence and so currently there is no requirement to lobby the Gambling Commission or Government.

3. AVAILABLE OPTIONS

- 3.1 That the Draft Statement of Principles be agreed to be adopted as from 31 January 2022.
- 3.2 After considering consultation responses whether any amendments are required to be made to the Statement of Licensing Principles.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That the Draft Statement of Principles be agreed to be adopted as from 31 January 2022.

5. RISK

- 5.1 If option two is followed it risks the policy not being in place by the statutory deadline if further public consultation is required.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Included as Appendix 2
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

Once agreed by Full Council and following one month's notice in a newspaper, the approved revised policy statement which takes effect from January 2022 will be made available electronically and in hard copy form on request.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Statement of Licensing Principles 2022 -2025
 - Appendix 2: Consultation responses
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9. BACKGROUND PAPERS

[Gambling Act 2005](#)

[Gambling Act 2005 Guidance to Licensing Authorities](#)

[Licence Conditions and Codes of Practice \(LCCP\)](#)

Agenda Item 16

MAIDSTONE BOROUGH COUNCIL

FULL COUNCIL

8 DECEMBER 2021

REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE HELD ON 23 NOVEMBER 2021

LOCAL GOVERNMENT BOUNDARY REVIEW – COUNCIL SIZE SUBMISSION

Issue for Decision

To consider the recommended council size of 48 and the supporting evidence provided, and decide whether or not the Council Size Submission document should be the Council's formal submission to the Local Government Boundary Commission for England.

Recommendations Made

That Council agrees to the following motion:

"That the Council Size Submission document, as attached at Appendix A to the reference, be approved as the Council's formal submission to the Local Government Boundary Commission for England as part of the Council's Local Government Boundary Review."

Reasons for Recommendation

At its meeting on 23 November 2021, the Democracy and General Purposes Committee considered the Council Size Submission document which was produced following three Member workshops on council size. The last of the three Member workshops achieved a council size recommendation of 48, with 75% voting in favour. Individuals and groups could submit their own size recommendation to the Local Government Boundary Commission for England (LGBCE), but if the Council did not put forward their own submission there was a risk that a size would be imposed by the LGBCE that the Council did not support.

The Committee agreed that the evidence presented made a strong case for a size submission of 48.

Alternatives Considered and Why Not Recommended

The Council could decide not to make a size submission, but this would result in the Commission imposing a size on the Council or at least considering Council size with no input from the Council.

Background Documents

None

Appendices

Appendix A – Council Size Submission Document

Maidstone Borough Council

Council Size Submission to the Local Government Boundary Commission
December 2021

About this Submission

This response is made by Maidstone Borough Council as its formal council size submission to the Local Government Boundary Commission for its local government boundary review of Maidstone Borough.

Maidstone Borough Council meets the Commission's criteria for electoral inequality, with eight of the 26 wards (31%) having a variance outside 10%, and one with a variance outside 20%. Legislation requires councils to be reviewed "from time to time" and, as Maidstone Borough was last reviewed in 2000, the authority also meets this criterion.

In putting together this submission the Council has considered its future model of governance, how it expects the Borough to change over the next 10-20 years and what challenges it faces. The key objective was therefore to recommend a size that:

"Enables the Council to be proactive in its response to a changing environment, to provide effective strategic leadership for its residents and to ensure all parts of the community are fairly represented."

Local Authority Profile

The borough of Maidstone covers 40,000 hectares and is situated in the heart of Kent. With an estimated population of 171,800 residents (expected to rise to 192,700 by 2033) the borough has a population density of 4.4 persons per hectare. The Borough has an urban rural split with over two-thirds of the borough's population located in Maidstone, the County town. The town is located in the north west of the borough abutting its neighbouring authorities with one of the largest retail centres in the south east. The extents, boundaries and areas of the town are heavily influenced by the Medway running through its centre and the extensive one-way network of traffic. The town also has three main railway stations (running on two lines), Maidstone Barracks, Maidstone East and Maidstone West.

A substantial rural hinterland surrounds the urban area, which encompasses a small section of metropolitan green belt (1.3%) and 27% of the borough forms part of the Kent Downs Area of Outstanding Natural Beauty. The urban area features a more widely dispersed rural population to the north, on the north downs across several small villages, whilst to the South and East the rural areas are anchored around some larger rural service centres. The M2 and M20 run through the northern part of the borough providing good West to East connections, but less accessible North to South.

The borough's population is split 49% male, 51% female with an average age of just under 41. 61% of the borough are of working age (16-64). 94% of the population is white with 6% BAME. The majority religion is Christianity at 62% with 27% having no religion. 4.5% of the population claim disability benefits.

House prices are an issue in the borough with the average house price being eleven times the average salary and there are significant housebuilding and growth targets for the borough. A significant amount of housing growth has already taken place and this can particularly be seen in the south of the town as the urban area expands, which is evidenced in the electorate disparities underpinning the review.

With the Council itself based in the county town this geography and setting has both practical impacts for Councillors and the conduct of Council business with some Councillors within walking distance of the council chamber and others having significant journeys, and service impacts with the split between rural and urban and the effect of one large urban centre. The rural areas are parished

whereas the town is not, some areas are expansive, whilst others have higher population densities and whilst this impacts on how services are delivered to some extent it also impacts on the role of councillors from different areas.

The Borough has some affluent areas, and is not generally deprived, however there are a couple of areas of significant deprivation at a Lower Super Output Area level that present their own unique characteristics. The Borough cannot be considered to be either distinctly urban, nor distinctly rural but representative of each.

Review Context and Future Challenges

The Council's last boundary review was conducted by the Boundary Commission for England in 2000/2001. That review did not look at council size as an issue meaning that the Council's size of 55 Members has been in place since the Council was formed in 1974. There have already been significant changes to society, technology and practice over that period. Due to the significant period of time since the last review, conducted under an old regime, there is no direct comparison possible with previous outcomes.

What is known is that historically Maidstone has held elections by thirds and had both Cabinet and Committee systems. It has alternated over the last 20 years between no overall control and slim Conservative majorities. In reviewing the Council's size and its boundaries it is also crucial to consider the dichotomy of the Borough with its rural and urban split and the dual sets of challenges this raises for the Council and Councillors alike.

This submission will therefore focus on developing a Council fit for the future, facing the challenges ahead with a number of councillors and system of Governance that enables effective representation whilst being sufficiently streamlined, accountable and transparent to deliver effectively for the whole Borough.

In looking forwards it is acknowledged that the Council reorganised from an Executive (Cabinet) system in 2015 adopting the committee system, however the Council has now determined that it will be switching back to an Executive model. This model will include some elements of the committee system to involve 'backbench' Members in pre-decision scrutiny. This will be discussed in more detail later in this submission but the Council will be locked in to an executive model for a minimum of five years, though the number of committees and exact operation could be flexed within that overall model.

The Council has also retained elections-by thirds, although a majority voted for whole council elections at a recent Council meeting, and the issue will continue to be a live one as we progress through the boundary review. Council size will therefore need to be considered as a multiple of three as a planning assumption.

We have held several events with councillors to understand their views of the challenges facing them and the Council. The four main areas of challenge identified can be summarised as follows:

- Finances
- Infrastructure
- Environment – biodiversity and climate change
- Technology and the agility to embrace change

- Finances – it is anticipated that financial constraints on councils will continue, with the drive for self-sufficiency for councils continuing apace. Whilst, as a district, Maidstone does not have the challenges and linkages to central funding of social care or education to contend with, pressures will continue in all areas. Whilst broadly this will mean the Council will need to continue to look for a return on its investments where it can, it will also need to be responsive enough to grant funding and bidding to other sources as and when they become available. Covid project bidding and other recent examples from Government highlight the need for ‘shovel ready’ projects to be pulled off the shelf when funding pots are available.

The Council also feels that another key change, whilst perhaps not directly a challenge as the other elements are, is that of increased responsibilities being handed to Local Government, but coupled with more restrictions and prescription on their use. Recent changes in planning, for example with the imposition of central housing targets, are considered a key example of this. Additional responsibilities passed to the Council without the requisite funding would be considered challenges and something the Council would need to be nimble enough to respond to.

With the continued budget pressures all discretionary activity is constantly kept under review. Though some discretionary activities (such as planning enforcement) will remain priorities other services may not and the Council will need to either transform low priority services, reduce them, or look at alternative ways of funding them.

- Infrastructure – Maidstone has a strategic objective to embrace growth and this needs to be carried out in a sustainable way across all areas; but the delivery of infrastructure to support growth has been raised as a key challenge. Whilst not a consideration for Council size directly Maidstone is keen to explore the possibilities of Unitary status and devolved competencies. This is due in major part to the acute infrastructure issues faced by the town and the borough as a whole. Whilst mechanisms exist through planning, such as s106 and CIL, to fund infrastructure, timing and delivery (or lack thereof) remains a frustration. Unless key infrastructure is delivered these issues will only grow over time especially as housing continues to be a key requirement locally (see house prices versus wages) as well as via central targeting. The Council has looked at alternative means of infrastructure provision to support growth, such as through garden communities, but regardless the ability to either deliver directly or influence the delivery of infrastructure will remain a fundamental issue over the next ten to twenty years.
- Environment – Biodiversity and Climate Change – alongside the other elements here and underpinning the delivery of all services and infrastructure as well as linking to technology is the globally significant priority of addressing biodiversity and climate change. The Council declared twin biodiversity and climate change emergencies and has adopted a Biodiversity and Climate Change action plan. A key facet of that plan is embedding it into the culture across the council and factoring it in to all decisions. To do this it will be important that as decision makers all councillors are well briefed and trained in biodiversity and climate change issues, and fully engaged in the topic.
- Technology and the agility to embrace change – as the Council moves forward to address the challenges to service delivery the ability of technology to enable the Council to do more with less and to improve its interface with residents will be crucial. The use of technology will also underpin the Council’s response to climate change, for example through electrifying its own fleet.

Embracing technology is more than just flicking a switch, and this is true for other changes too. So whether its cutting edge technologies such as AI or redesigning how services are structured and delivered so that they are more effective, the Council's culture will need to be responsive to change and to use tools such as data analytics to drive its decisions. In this way it is important going forwards that a resilient and responsive council has officers and councillors who embrace that culture, are brave in decision making; understanding the risks and rewards of delivering change.

Council Size Considerations

Context, Assumptions and Evidence

Maidstone is in the process of switching back to a Cabinet and Scrutiny model of governance ('executive model') from its committee system. The new system is currently being worked up and will run until May 2022 to finalise in its entirety. However, the approach, whether through scrutiny or policy advisory committees, is to have the best elements of the committee system, with engaged 'backbench' councillors combined with a responsive executive able to provide leadership, direction and take decisions with direct member accountability.

This changing environment at the time of this council size submission provides a significant challenge in using more established methods for determining council size, particularly when the last review was twenty years ago, carried out under the previous methodology. However, it also provides a significant opportunity for the Council to shape both its structure and its size at the same time in order to achieve the objectives of this submission.

What we do know about the new model is that it is likely to require extra resourcing and support from officers to reinstate an Executive and Overview and Scrutiny functions, whilst maintaining policy advisory committees. We can also safely assume, based on experience of operating executive models in the past that the overall expectation would be that by adopting an executive a smaller number of councillors would take on more of the work – leading to a slight reduction in the overall numbers required to attend meetings and potentially increasing the numbers of councillors with relatively few attendances.

With these assumptions in mind the following evidence will be used to support the analysis for the preferred (and the rejected) Council Size.

APPENDIX 1 – CIPFA Nearest Neighbour Comparisons – this sets out the comparisons between Maidstone Borough Council and other authorities of similar size and type. It shows Maidstone's current numbers are within a number at the top end of the comparison group and that recent reviews have tended towards lower numbers and higher electorates per member than our current figure. Also included in this appendix is a comparison of electorates across Wards highlighting the range of existing electorates that Councillors currently represent and current disparities.

APPENDIX 2 – Attendance Workload including projections on the Executive Model – this sets out the attendance workload over the last eleven years. From this data (excluding 19/20 as it was impacted by meetings ceasing in March and April 2020) we can see that the average attendance workload has reduced ever so slightly from 2015/16 (committee system) onwards whilst average attendance as risen slightly from 90.3% to 91.1%.

APPENDIX 3 – Committee Workload Breakdown – this appendix sets out the split between different committees on the types and manner of work they carry out. Some of this data will be used to model the new arrangements, but its purpose here is to demonstrate and show that not all

committees have the same workloads, or types of work. There is a stark contrast with attendance at Planning Committee or Council and the Maidstone Joint Transportation Board for example. This also highlights that with the introduction of an executive the bulk of decision making aside from regulatory functions will be taken by fewer Members who form the executive.

APPENDIX 4 – Spread of Workload Across the Councillor Cohort – this sets out the average spread of attendances over anonymised ranked councillors. Please note the membership of the council has changed over that period and the purpose of the document is to show the spread of workload likely to be impacted by a switch back to executive arrangements. This is the key piece of evidence underpinning the proposed reduction in the number of Councillors.

APPENDIX 5 – Councillor Workload Survey Summary – this sets out the detailed summary of the Councillor Workload Survey conducted in September/October 2021. The survey was aimed specifically at providing evidence for this submission rather than remuneration (remuneration will be reviewed separately as part of the new executive arrangements). Key messages/themes from the survey are:

- The greatest proportion of Councillor time is spent on Council business;
- There is a spread of workloads that varies significantly across councillors;
- Planning Committee carries a significant time requirement for councillors (in both attendance and training);
- Members dealing with case work are most likely to be following closely as it is resolved, rather than handing it over to officers to see through to conclusion;
- Whilst Members find that officers across the council support them, there is Member interest in dedicated officer support to Members for managing/routing casework and queries; and
- 56% of responses regarding technology and its impacts on council work were positive (vs 28% negative).

Strategic Leadership

The final number of portfolios has yet to be determined, and in any event can be altered under executive arrangements year on year. However, the key principle established by portfolios vs committees is that more of the decision-making workload will be borne by fewer members.

Portfolio-holders will be paid special responsibility allowances and delegated decisions will be possible. However, a key principle of the new arrangements is for collective decision making at regular Executive meetings to be the preference. This may cause a reduction in individual decision making, however there is a desire to see portfolio holders fully engaged with the scrutiny process of decisions in their areas, whether through policy advisory committees or scrutiny committees.

The scheme of delegation for the new executive arrangements has yet to be confirmed with work being carried out over 2021/22. However, it is a safe assumption that the split between Members and Officers will remain broadly the same, with some tidying up of key areas the likely changes.

Major decisions, or Key Decisions, will be taken by the executive – the number of councillors in the executive will depend on the final number of portfolios that are settled upon, but it will be between 4 and 9.

A projection of the range of workload impact of the new executive model has been included in Appendix 2.

Accountability

Internal Scrutiny - The aim of the new executive arrangements is to capture the good elements of the committee system through wider member involvement. Historically Maidstone has had a highly regarded Overview and Scrutiny function with examples of best practice and is keen to ensure the new model captures that legacy. Key to that is officer support for members fully engaged in scrutiny functions. The model therefore proposes both overview and scrutiny and policy advisory committees (PACs) though the precise implementation of this is being confirmed.

The current approach is for four PACs and one Overview and Scrutiny Committee though this could change dependent on final portfolios and decisions of council. The aim is to have sufficient committees to effectively cover decision making portfolios and an overview and scrutiny committee that can carry out reviews, statutory scrutiny functions, and policy development. This could lead to the creation of task and finish panels to carry out scrutiny reviews, something that has been well utilised at Maidstone.

In considering Council size it is important that Members can be engaged in each PAC, and particularly on the Overview and Scrutiny Committee to give sufficient time to both hold the Executive to account and conduct meaningful reviews and policy development.

Statutory Function – Planning Committee - The Council has a single planning committee which has a high workload. Frequency of planning committee meetings is currently set at one every 28 days, though in reality it is 2 every 28 days due to adjournments. This is currently under review with the possibility of 1 every 21 days instead. This would reduce the overall workload on Members.

Maidstone has 96% of its decisions delegated to officers and its planning terms of reference are regularly kept under review. As more neighbourhood plans are adopted it will be important to keep the impacts of that under review on workloads. There are no significant changes planned to the scheme of delegation as it is considered to function well.

There is work underway to review the efficiency of the Planning Committee, but at this stage there are no further changes planned to how the planning committee operates.

Planning also comes with a significant training requirement.

The Council currently has a planning referrals committee (covered by its Policy and Resources Committee) that will need consideration given to it under the new arrangements. This is used in exceptional cases only and meets less than once a year.

The implications of council size and the planning committee size are included in considerations of size below.

Statutory Function - Licensing Committee – the Licensing Committee carries out its policing setting in conjunction with a service committee, and this will need to be factored into the new executive portfolios when the new model comes into place. The regulatory functions of the committee are carried out through Licensing Sub-Committee meetings called when required. There are 9-12 such hearings held a year. The sub-committee membership of three is drawn from the overall Licensing Committee membership of 13 which has a relatively light workload with a need for training at the start of the year. No changes to this are planned and the system works well providing a suitably sized pool of Members to draw from.

Statutory Function – Audit Governance and Standards Committee

The Audit Governance and Standards Committee (AGS) has a split of work types as shown in Appendix 3 which relies heavily on ‘noting’. However, it should be noted that in the context of AGS ‘noting’ is ensuring that the key documents are assured, scrutinised and presented transparently for Members and the public. There are no changes planned to the AGS function under the new model proposed and the workload is not considered onerous.

External partnerships

Mid Kent Services – Mid Kent Services has a significant role at Maidstone. Of Maidstone’s 477.3FTE, 148FTE are employed in shared services. This makes direct comparisons on impacts on Maidstone’s staffing sizes difficult as Maidstone’s staffing has increased over the last 10 years even whilst budgets have reduced. This increased reliance on shared services with its primary partners Swale Borough Council and Tunbridge Wells Borough Council is in response to the increased financial pressures the Council faces. Shared Services also exist with Ashford Borough Council and Sevenoaks District Council. The management of this significant proportion of staff (as well as those shared service staff who do work for Maidstone but are employed by other partners) is carried out through a single Mid Kent Services Directorate overseen by the Mid Kent Services Board – where input and direction is provided by the Leaders of the respective councils. This is not considered to be an onerous governance arrangement and has been running well for over 15 years. However, it is something to be mindful of in terms of the awareness and understanding of Members as to how services are run and will be particularly important for portfolio-holders where it crosses into their area of responsibility.

Outside Bodies

Year	Number of Outside Bodies	Number of Positions
2016/17	42	62
2017/18	41	66
2018/19	35	56
2019/20	33	58
2020/21	33	57
2021/22	34	59

The numbers of Outside body places have varied little over the last 6 years. However, the Council introduced a review mechanism for vacant positions in 2020, which will help to manage this workload. Although there are occasionally requests for additional places on boards or groups, the over trend is expected to continue slightly down.

Community Leadership

It is strongly felt that whilst the role of the councillor has not fundamentally changed, the way in which it is carried out certainly has.

The Council is split between rural and urban areas, which is mapped fairly well onto the parished and unparished areas of the borough. There is therefore a mix of councillors who work closely with and attend their local parish meetings, in the case of some councillors this involves multiple parishes for one ward, and urban councillors without parishes but the variety of residents bodies that operate in

the urban area. These networks were brought to the fore during the covid pandemic and those strong relationships are a priority to be built on.

Some areas have residents' associations, with one such association, the North Loose Residents' Association also being a recognised neighbourhood forum with an adopted neighbourhood plan. However, the Council itself does not run area forums. A new series of eight 'Ward Cluster' meetings focussing on community safety are currently being established, there is no evidence provided from these yet as to their effectiveness.

Councillors are not given a prescribed means of working with constituents and each councillor takes their own approach. With a mixture of single, two and three Member wards some councillors split responsibilities in their areas between them, whilst in others, such as where councillors might be from different groups, matters are handled more individually.

The Council does have a key link to parishes through the Kent Association of Local Councils (which all parishes are currently members of) with regular meetings held between KALC and the Council's senior leadership to identify key issues.

The key changes for how councillors carry their role has come from technology and communication in the modern world. This is explored more below.

Casework - Maidstone is the county town of Kent and is a borough council in a three tier area. There is therefore a key function for councillors to perform in signposting residents to the right body for help, particularly in routing queries through to the county council (see Appendix 5 – Councillor Workload Survey Summary). Casework relating to the borough is handled in one of two main ways, either with the particular case passed over to officers to deal with and routed through the usual contact channels, or by councillors continuing to see a case through to completion alongside officers. Different queries require different approaches – for example implementing a policy change in response to residents' issues may see oversight and campaigning from beginning to end. The majority of queries relating to council issues can be routed through existing channels with officers providing updates. However, Appendix 5 shows that the largest response for how councillors handle issues is to keep a close involvement from beginning to end. This is something to be considered alongside how support is provided to Councillors in the future to enable a more effective means of working.

Currently, Members are supported directly through services and also via democratic services. The Mayor and the Leader have a personal assistant resource dedicated to helping them in their roles, this is something that will need to be reviewed with regard to the executive once arrangements have changed. Democratic services also holds the member training budget which is primarily spent on planning and licensing training but can be targeted at particular areas. For example, specific scrutiny training for Members will be provided to support the switch back to the executive model. This is key for ensuring trained and effective Members in the new model.

Consideration of Size Options and Recommended Size

Scope for Change

Maidstone's council size has never been properly reviewed. At the last boundary review in 2000/01 the process followed was significantly different from the current one and as no-one expressed an interest in reviewing it the size was left alone. This leaves significant scope for change on size considering the myriad changes to local government and technology since 1974.

Direction of Travel

Evidence from the CIPFA comparisons shows Maidstone Borough Council to be on the upper end of council sizes, it also shows that recent directions of travel from reviews have been to reduce council sizes. The average electorate of those councils is also higher than Maidstone's. This points to a reduction in councillors being appropriate. Increasing the size of the Council would be inappropriate based on this initial analysis.

Quantum of Change

The significant changes going on at Maidstone, with new executive arrangements coming into place provide both a challenge and an opportunity to shape the size and arrangements of the Council in tandem. This will ensure sufficient councillors to effectively carry out the requirements of Strategic Leadership, Scrutiny and Regulatory functions whilst meeting the needs of the community.

Analysis of the distribution of meetings from year to year, including projections of ranges for the new model combined with the distribution of variable workloads across councillors and different committees shows the following:

- The distribution of work on committees under current models is uneven, and year on year comparisons show this is not a one-off, with some councillors attending a significant number of meetings, whilst up to a fifth (20%) of councillors attend one meeting or less a month.
- There is a significant burden of work arising for planning committee members – the analysis of agenda item types distinctly shows the decision-making burden on that regulatory committee. Combined with the training requirements highlighted in the Councillor Workload Survey it can be seen that whatever size is put forward that need will have to be met and well resourced. Planning Committee currently has 13 Members. There is a balance to be struck between ensuring a breadth of views on the committee with the burden it puts on councillors, including training, and for substitutes. It is also important to consider the efficiency and effectiveness of the committee in getting through its business. The planning committee adjourns on a regular basis and its cycle of meetings is being kept under review. There are arguments both for and against having a smaller committee with a well-trained engaged group of members with less of a training burden overall, supported by an effective scheme of delegation, and opportunities for member and public engagement at the committee itself.
- The shift to an executive model will have multiple impacts:
 - Workloads will shift further to fewer Members who take on portfolios increasing the skewed workload distribution;
 - The Overview and Scrutiny Committee, whilst not as involved in pre-decision making due to the policy advisory committees, will have a critical role in holding the executive to account as well as carrying out reviews and policy development, and the importance of properly resourcing that committee must not be underestimated;
 - Fewer Members overall will be involved in taking decisions, though the policy advisory committees will create a requirement for members to be involved in pre-decision scrutiny;

Councillor Workload Survey (including casework analysis) - The analysis of the Councillor workload survey demonstrates that the greatest proportion of Members time is spent on Council work and that of their casework 60% relates directly to Maidstone Borough Council matters.

The overall view of the impact of technology is positive.

The view of officer support is positive with further scope in both appetite and area (how casework is handled) to increase officer support for casework.

Recommended Size – 48 Councillors

Maidstone Borough Council does not have a direct comparator from a previous Local Government Boundary Commission for England review of council size as one has not previously been carried out. The Council has also had both executive and committee systems in place in the past, and regularly changes administrations, leading to changes in how matters are conducted. This makes quantified analysis on direct meeting volume comparisons difficult and in any event subject to change. Therefore the recommended size is put forward using the workload distribution across the Council cohort as its primary evidence for a reduction in size.

The modelling of the executive arrangements as currently proposed shows the overall number of meetings is likely to increase slightly, with a minimal impact of meetings per month per councillor overall. However, the switch to an executive model means that the type of work will skew decision making workload towards fewer councillors (those on the Executive and on Planning Committee).

The councillor workload analysis of existing workloads shows that across the Councillor cohort it is already significantly skewed with 20% of councillors attending 1 meeting or less per month on average over the last 3 years (though worth noting that one of those Members will be the Mayor who plays an active ceremonial role and reduced committee role). This demonstrates that a reduction of up to 10 members could be considered, but there are concerns about this impact on case work, community representation and burden on Councillors at the other end of the spread with significant workloads already.

Consideration of the Councillor workload survey shows the split between council work and case work with the greater emphasis being on council work. The survey demonstrates an appetite for increased case work support and identifies that 60% of casework relates to MBC business. It is therefore under our control to minimise the impact on that work to councillors through increasing member support (to direct case work queries to the correct place effectively) and considering technological improvements – such as member portals where cases can be routed effectively to the correct officers first time. This could also help with KCC queries (around 30%) too. These changes will help manage the impact of the reduction in numbers for case work per councillor, but not in its entirety. By keeping case work manageable this would help to free councillors to engage strategically too.

48 councillors is the preferred size (a reduction of 7 councillors) and the opportunity will be taken to review committee workloads through both frequency of meetings and the membership size of committees. In particular the size of Planning Committee, the most work intensive of all the committees for meetings and training, will be reviewed.

A sense check of a size of 48 against our evidence and benchmarking shows the following:

- An electorate per councillor of 2,656 – at the upper end of the benchmark group
- A size of 48 puts Maidstone just into the lower quartile of size
- Creates an extra 0.6 meetings per month per councillor, using high end projections of workload for our new model

This meets the Council's overarching objective as it will provide the strategic leadership for the borough and be better able to respond to the identified challenges of the future, whilst having effective scrutiny and regulatory functions, and meeting the needs of its communities.

Why Not Decrease Further?

Consideration was given to a spread of sizes and their impacts on workloads and community leadership. A decrease to lower than 48 would risk overburdening councillors from certain areas whilst also risking our ability to meet the needs of the new model. The benchmarking of this figure against our CIPFA nearest neighbours would support the proposed size and not a further reduction.

Why Not Increase or Stay the Same?

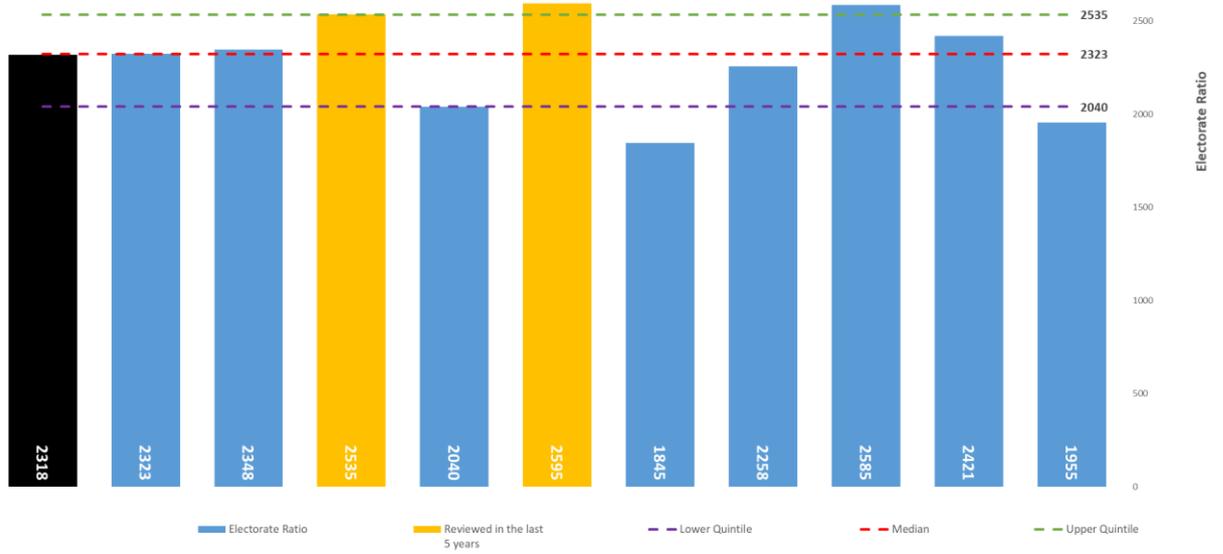
The Council has not had its size reviewed previously, and analysis shows that there is a significant proportion of councillors not fully engaged in council work. With the impending move to an executive model that will accentuate this further, retaining the current number, or increasing further is considered to only exacerbate this situation.

Conclusion

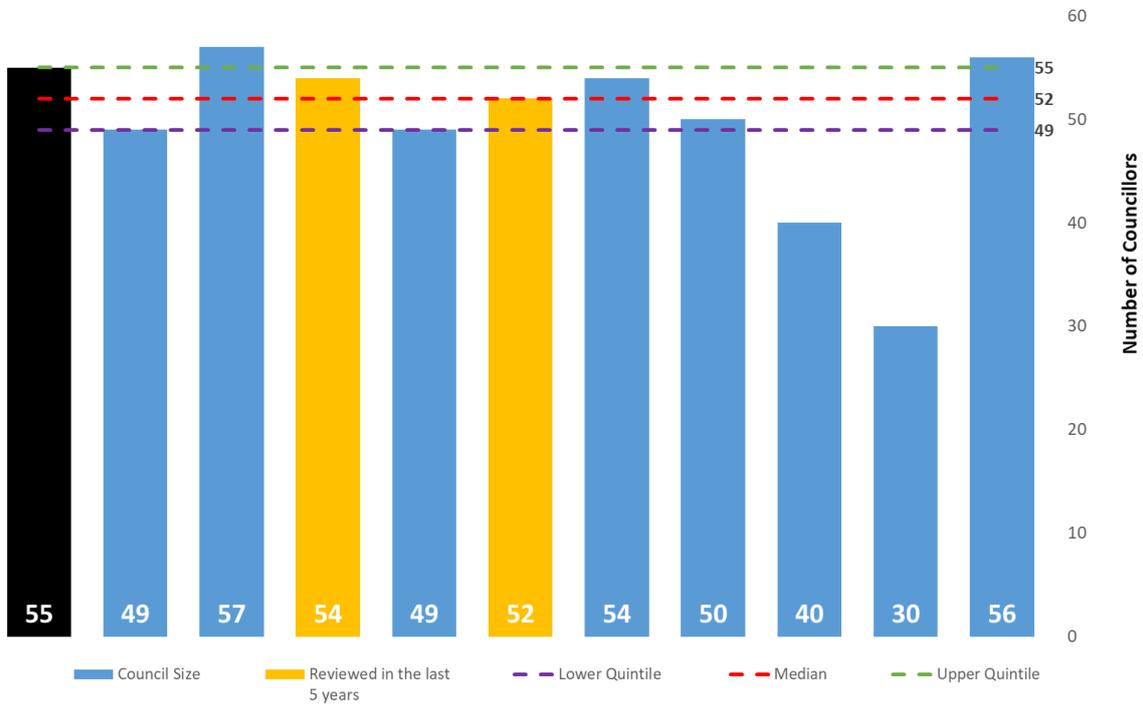
The Council is recommending a size of 48 to streamline in response to the evidence that not all Councillors are fully engaged under a committee system and this is likely to be skewed further with a switch to executive arrangements. This change will be taken as opportunity to review how councillors are supported on their casework by officers and technology, and to review the operation of the Council's committees in order to ensure both the Council's needs and that of its communities can be met.

Appendix 1 - CIPFA Nearest Neighbour Comparisons

2021 CIPFA Group and Electorate Ratio



2021 CIPFA Group and Councillor Counts



Appendix 1 - CIPFA Nearest Neighbour Comparisons

Ward Name	Electors Per Councillor
Allington	2032
Barming & Teston	1987
Bearsted	2236
Boughton Monchelsea & Chart Sutton	2105
Boxley	2237
Bridge	2502
Coxheath & Hunton	2078
Detling & Thurnham	2485
Downswood & Otham	2281
East	2189
Fant	2417
Harrietsham & Lenham	2686
Headcorn	2200
Heath	2502
High Street	2641
Leeds	1942
Loose	2112
Marden & Yalding	2272
North	2128
North Downs	2064
Park Wood	2921
Shepway North	2199
Shepway South	2194
South	2489
Staplehurst	2453
Sutton Valence and Langley	2371

116

Key	
	Less than 2400 Uplift
	2400-2600 Neutral
	Greater than 2600 Reduction

Based on 2019 electoral register (as used by LGBCE)

Meetings Per Year and Attendance Rates (2012/13 – 2020/21)

Year	Number of Meetings	Attendance rate	Meetings Per Cllr (Average)
22/23 (projected – PACs to review key decisions only ¹)	101 +16% average increase ³ : 117	N/A	19.5 +16%: 22.6
22/23 (projected – PACs to review all decisions ²)	121 +16% average increase ³ : 140	N/A	22.8 +16%: 26.4
20/21	100	91.6%	24.0
19/20	80	90.2%	19.0
18/19	106	91.3%	25.1
17/18	104	88.3%	24.3
16/17	102	94.3%	24.1
15/16	106	90.1%	25.4
14/15	138	90.2%	27.3
13/14	129	93.0%	26.5
12/13	121	89.6%	25.3
11/12	116	89.7%	23.6
10/11	114	89.2%	25.3

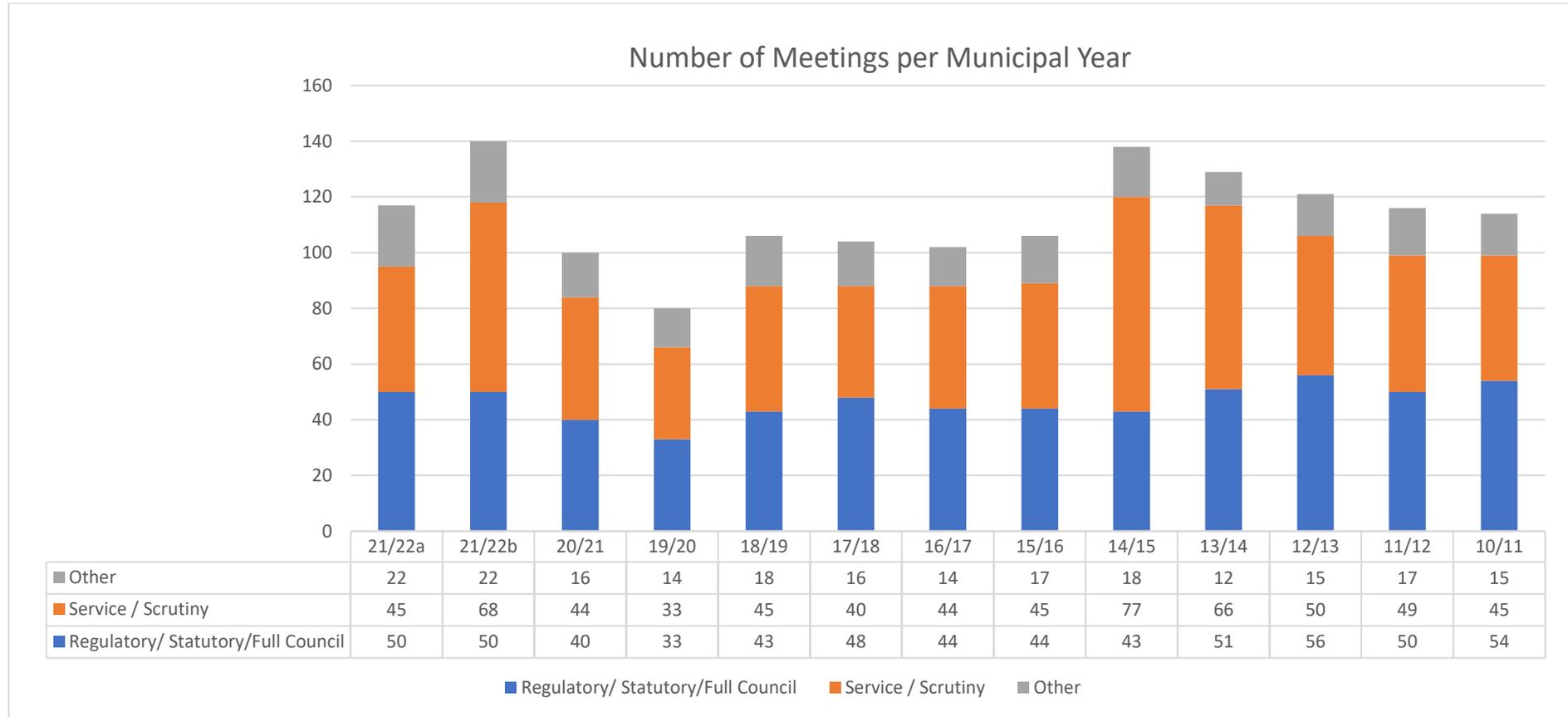
¹ Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing key decisions only would equate to each PAC meeting 5 times per annum.

² Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing all decisions would equate to each PAC meeting 10 times per annum.

³ 16% is the average difference between the meetings scheduled within the agreed calendar of meetings, and the actual number of meetings that occur, for example adjourned meetings and extraordinary meetings. The average is calculated from the last 6 full years, excluding 2019/20 figures.

Number of Meetings Per Municipal Year (2010/11 – 2020-21 and projected 2021/22)

118

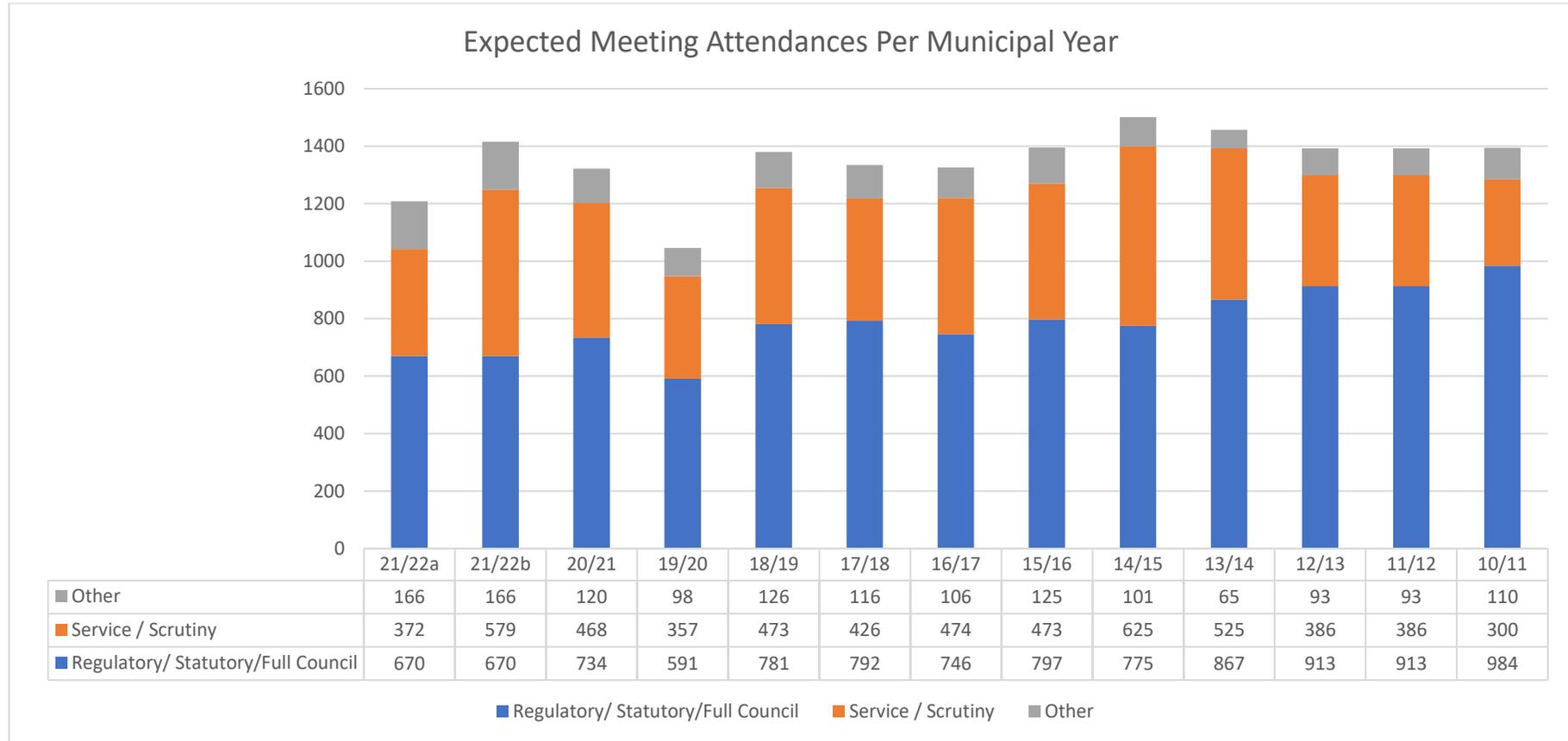


21/22a - Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing key decisions only would equate to each PAC meeting 5 times per annum. This also includes the 16% average increase in meetings throughout the year.

21/22b - Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing all decisions would equate to each PAC meeting 10 times per annum. This also includes the 16% average increase in meetings throughout the year.

Expected Meeting Attendances Per Municipal Year, (2010/11 – 2020-21 and projected 2021/22)

119



21/22a - Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing key decisions only would equate to each PAC meeting 5 times per annum. This also includes the 16% average increase in meetings throughout the year.

21/22b - Projections have been made using the Executive Arrangements diagram proposed by the working group. This includes 4 PACs, each with 9 Members. It has been projected that reviewing all decisions would equate to each PAC meeting 10 times per annum. This also includes the 16% average increase in meetings throughout the year.

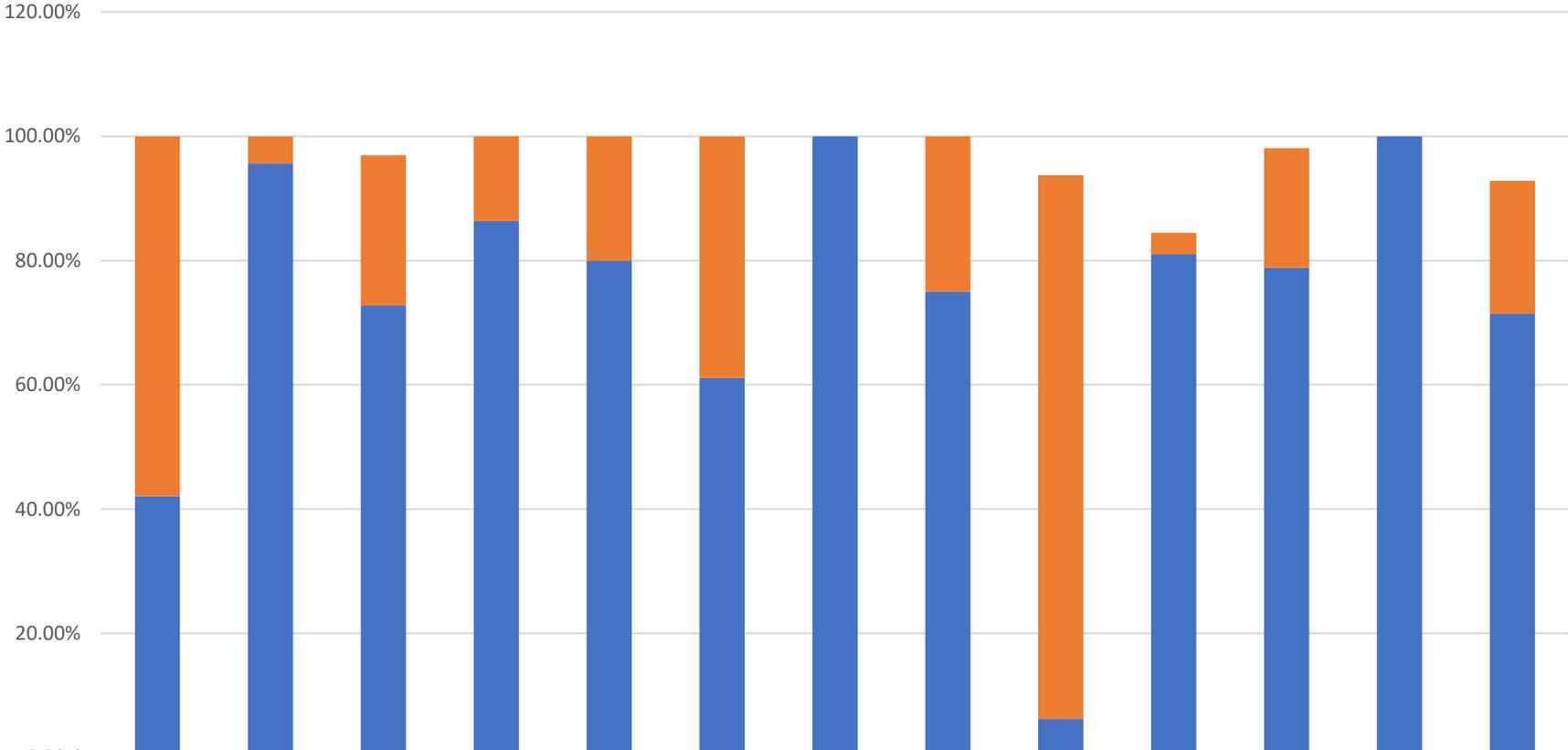
Council Size Impact on Meetings Per Councillor (Average)

Council Size	Number of meetings per Member (based on average of last 5 years)		Number of meetings per Member (based on lower projection, adjusted*)		Number of meetings per Member (based on higher projection, adjusted*)	
	Per Annum	Per Month	Per Annum <i>(change from current average)</i>	Per Month <i>(change from current average)</i>	Per Annum <i>(change from current average)</i>	Per Month <i>(change from current average)</i>
55 (current)	22.6	2.1	22.6 <i>(0)</i>	2.1 <i>(0)</i>	26.4 <i>(+3.8)</i>	2.4 <i>(+0.3)</i>
54			23.0 <i>(+0.4)</i>	2.1 <i>(0)</i>	26.9 <i>(+4.3)</i>	2.4 <i>(+0.3)</i>
51			24.4 <i>(+1.8)</i>	2.2 <i>(+0.1)</i>	28.5 <i>(+5.9)</i>	2.6 <i>(+0.5)</i>
48			25.9 <i>(+3.3)</i>	2.4 <i>(+0.3)</i>	30.2 <i>(+7.6)</i>	2.7 <i>(+0.6)</i>
45			27.6 <i>(+5.3)</i>	2.5 <i>(+0.4)</i>	32.2 <i>(+9.6)</i>	2.9 <i>(+0.8)</i>
42			29.6 <i>(+7.0)</i>	2.7 <i>(+0.6)</i>	34.1 <i>(+11.5)</i>	3.1 <i>(+1.0)</i>
39			31.9 <i>(+9.3)</i>	2.9 <i>(+0.8)</i>	37.2 <i>(+14.6)</i>	3.4 <i>(+1.3)</i>
36			34.6 <i>(+12.0)</i>	3.1 <i>(+1.0)</i>	40.3 <i>(+17.7)</i>	3.7 <i>(+1.6)</i>

*Adjusted to include average increase in meetings (+16%)

Committee Workload Breakdown 2019/20

2019-2020

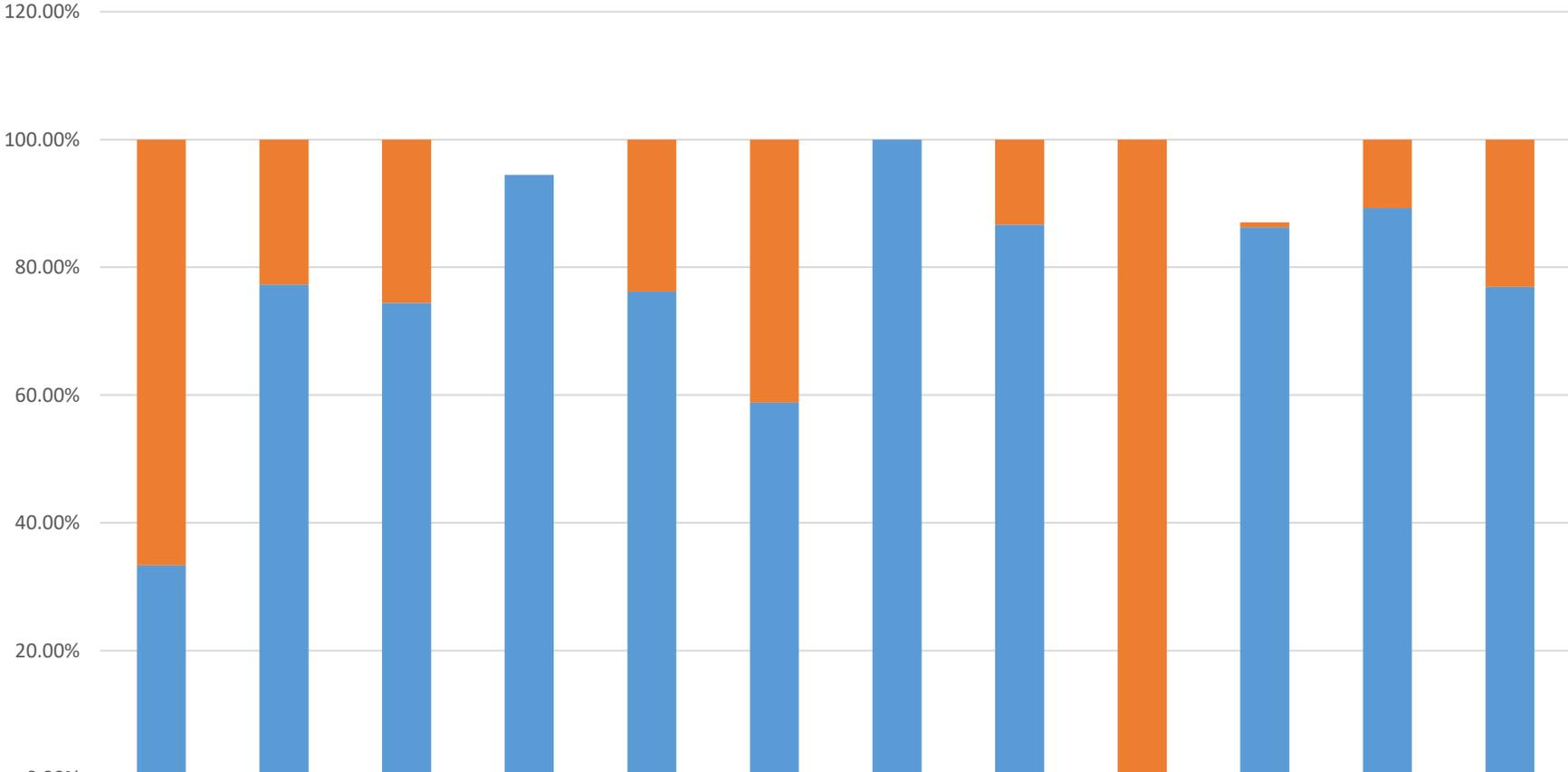


Category 5 N	57.89%	4.35%	24.24%	13.64%	20.00%	38.89%	0.00%	25.00%	87.50%	3.45%	19.23%	0.00%	21.43%
(All Decisions)	42.11%	95.65%	72.73%	86.36%	80.00%	61.11%	100.00%	75.00%	6.25%	81.03%	78.85%	100.00%	71.43%

■ (All Decisions) ■ Category 5 N

Committee Workload Breakdown 2020/21

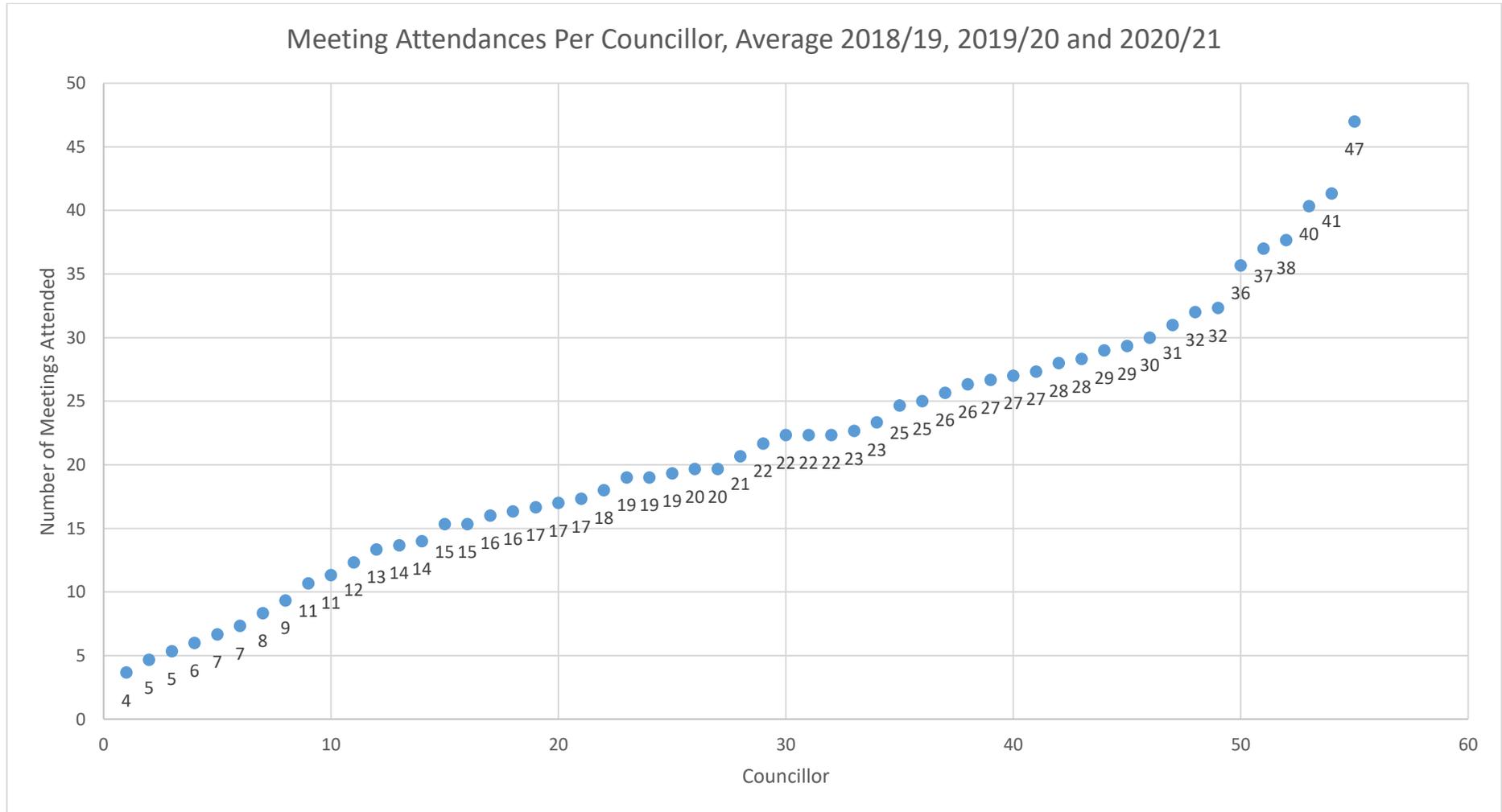
2020-2021



	AGS	Cobtree	CHE	Council	D&GP	ERL	LSC	Licensing	MJTB	Planning	P&R	SPI
Noting	66.67%	22.73%	25.58%	0.00%	23.81%	41.18%	0.00%	13.33%	100.00%	0.76%	10.71%	23.08%
(All Decisions)	33.33%	77.27%	74.42%	94.44%	76.19%	58.82%	100.00%	86.67%	0.00%	86.26%	89.29%	76.92%

(All Decisions) Noting

Average Meeting Attendances Per Councillor

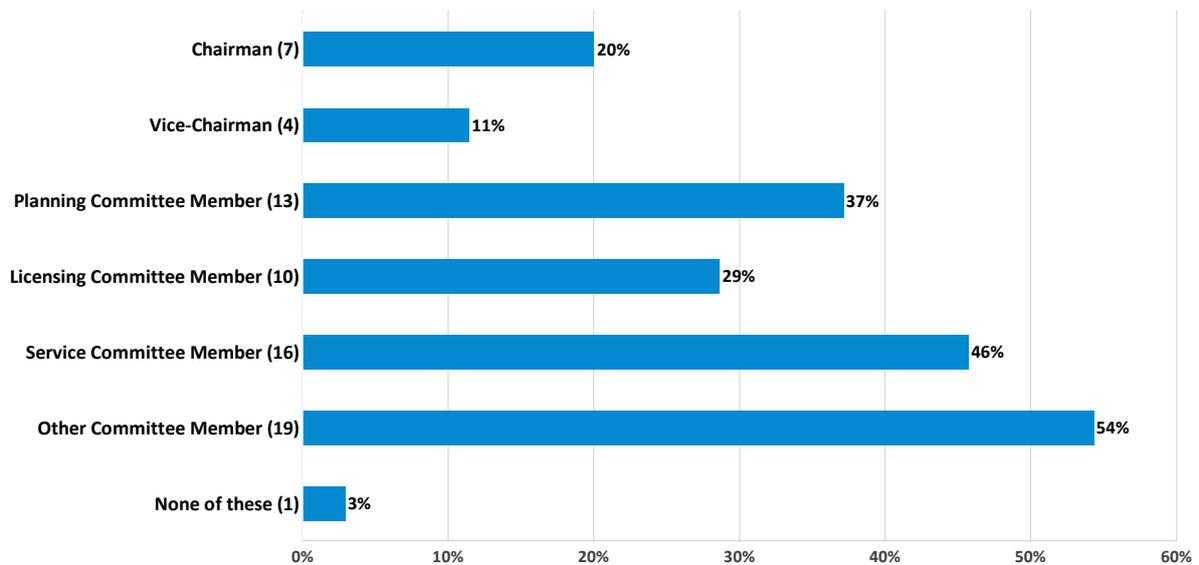


Member Workload Survey 2021

Which of these roles do you hold?

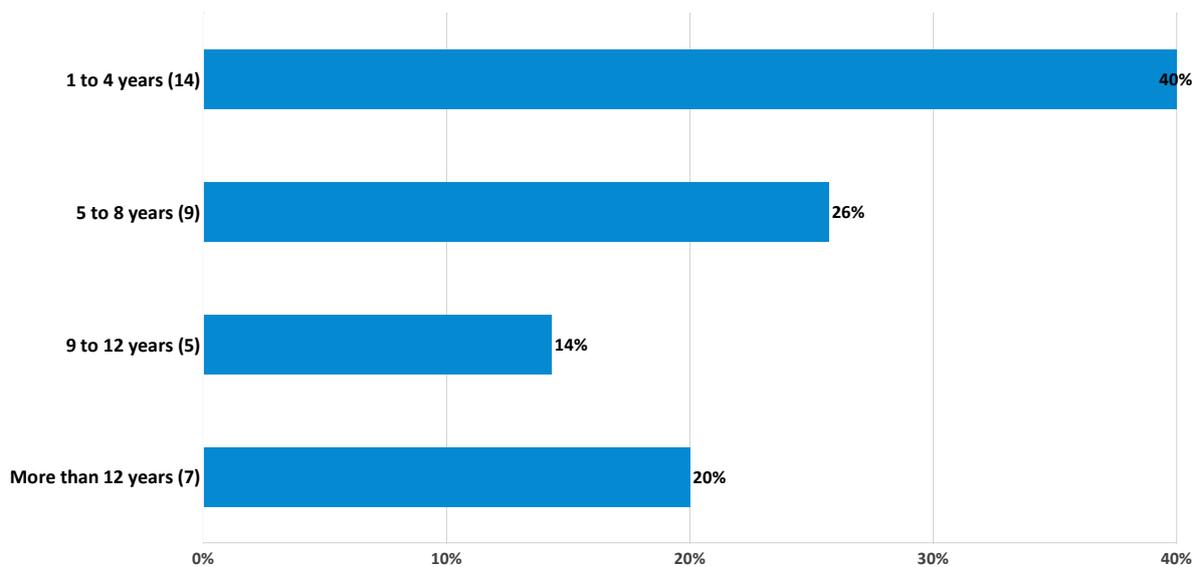
The response given to this question determined which of the other questions in the survey were relevant so that they could be posed to Members in those roles. Respondents could select more than one response.

Total responses: 35



How long have you been an MBC councillor?

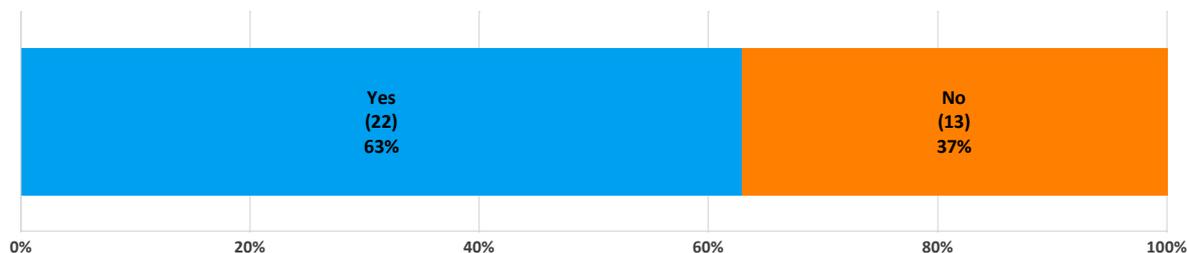
Total responses: 35



Member Workload Survey 2021

Do you represent a parished area?

Total responses: 35



Time Spent – overall work (Monthly)

Total Responses	Minimum	Maximum	Mode	Mean	Median
Time spent per month on Council Work					
32	12	174	30	45	31.5
Time spent per month on case work					
30	4	70	10	22.6	20
Time spent per month on parish work					
17	0	50	20	14.4	15
Time spent per month working with other local community groups in your area					
25	0	120	10	17.4	10

Time Spent – specific duties (Monthly)

Total Responses	Minimum	Maximum	Mode	Mean	Median
Planning Committee					
12	2	40	6	15.7	10
Licensing Committee					
6	0	10	3	3.8	3
Services Committees					
15	3	25	6	8.9	6
Other Committees/Nominated groups					
15	1	50	2	9.8	4
Chairing					
8	1	30	10	11.3	7

Briefings

Total Responses	Minimum	Maximum	Mode	Mean	Median
31	1	30	2	11.1	8

Member Workload Survey 2021

Training (Annually)

Total Responses	Minimum	Maximum	Mode	Mean	Median
Planning Committee Training					
10	9	60	10	19.9	17
Licensing Committee Training					
6	3	16	5	7.2	5.5
Chairing Training					
7	0	4	0	0.6	0

Other time spent (monthly)

Total Responses	Minimum	Maximum	Mode	Mean	Median
On outside bodies, including external boards and partnership meetings					
28	0	40	0	7.1	3
Liaising with officers (outside of the role of chair or vice-chair)?					
28	0	40	4	7.6	4
Travelling on council business (meetings, briefings, training etc.)?					
28	0	30	2	7.3	4.5

Comments about impact of technology on Council Work

Total comments received 25, these are shown in full below.

From these comments it was identified that:

- 14 comments were broadly positive about the impact on technology on Council work. Seven mentioned less travelling saving time and money.
- Five said digital was easier with information available at their fingertips and four mentioned improvements in their work/life balance. Several also mentioned increased attendance at meetings within their comments.
- Seven Comments were broadly negative. Here concerns about increased workloads, increased expectations for responding to queries and feeling disconnected were raised.
- Four comments were classified as being neutral, these commenters suggested that technology has had a negligible impact. There were mentions of needing to 'catch up' after the pandemic and one said they prefer a 'hands on approach' based on their experience with their constituents.

Q9: Use the box below to tell us about how technology has impacted your COUNCIL work

The use of skype/ Teams has made meetings easier especially the Cllrs briefings. it has reduced travel time and made it generally easier

More meetings re online which for me results in being increasingly disconnected and informal discussions are very limited.

Skype/Teams meetings have been very successful and will probably continue for training and briefings sessions thus reducing travelling times.

It has massively increased the workload and reduced the time people are willing to wait for a reply. The idea that technology lightens the workload is to coin a phrase naive.

Member Workload Survey 2021

Q9: Use the box below to tell us about how technology has impacted your COUNCIL work
Ability to access emails on the go so better communication. During the pandemic attending virtual meetings. All my equipment is my own
email makes it easier to contact officers, fellow councillors, and members of the public but of course there is then pressure to answer them quickly. If I want to speak at a committee as a visiting member it is more convenient to do it virtually than in person. It is essential to maintain a good work life balance and turn the computer off regularly when at home. When I was first elected in 1982 the only way of contacting council officers and residents was by telephone or letter !!
We do a lot more meetings and briefings online in addition to attending committees in person
Made things easier using Zoom for training and briefings.
Has helped as I can do council related work while travelling to and from work and during lunch break.
Hate not having meetings back at Town Hall
Some parts are an improvement, others can be a problem as I prefer to take a "hands on" approach to issues within my Wards meeting with many who prefer a personal contact particularly the elderly and young people who prefer to talk to me about issues they may have rather than make contact via email.
Access to technology was far greater in the past when I had a working laptop and printer I now have neither and only patchy access to email on other devices.
Easy access to information and documents on the Internet. Satnav in carrying out site visits
It has meant that a lot of meetings, training and briefings can be virtual which saves me travelling and means that I am more able to attend them around work.
It has saved me approx. one whole day per week in travel to and from meetings. (typical allowance for journey 40 mins each way - say one meeting per day - allowing for the niceties of incarnate meeting, coffee etc)
email kills me
Remote meetings saves so much time and encourages me to attend more meetings. As the council has no telephone directory the Skype system to contact officers is invaluable (changed the way I am able to work).
It's reduced some meetings, but currently it feels like we're trying to catch up and with so many different aspects to the Council I still can spend 4 hrs in the car to and from Maidstone, and ERL issue in the morning and then a Planning or "corporate interest" later in the evening. It's hard to say and quantify, so much has changed...again! Changes in Council, changes post Covid, changes in roles, extra demands like Local Plan etc have meant more meetings, some online. When it was pretty well all online, it cut down LOTS of travel and site visits!
Use of virtual technology during COVID has saved a lot of travelling time and I suspect has increased attendance at working groups.
Negligible impact
It has saved travelling time; enabled me to attend more meetings / case work; enabled me to do other things at the same time during a meeting
Virtual meetings has been very useful and allows better attendance to briefings and training sessions
My email inbox has increased at a considerable rate since Covid-19. So replying and dealing with emails has increased tenfold.
Has helped to some degree having some digital. But did make starting as a Cllr hard and feel we still need to catch up on some elements.

Member Workload Survey 2021

Q9: Use the box below to tell us about how technology has impacted your COUNCIL work

Virtual meetings, training and briefing sessions enabled greater flexibility and save travelling time.

Approach – Proportion of approach used

Total Responses	Minimum	Maximum	Mode	Mean	Median
Route case work through to the relevant council department and let them respond					
29	0%	99%	0%	15.3%	10%
Route case work through to the relevant council department and keep a watching brief					
29	0%	98%	10%	19.3%	15%
Personally handle case work with direct liaison with relevant department throughout					
29	1%	100%	90%	65.4%	75%

Casework – Proportion by organisation

Total Responses	Minimum	Maximum	Mode	Mean	Median
MBC					
30	30%	99%	70%	59.9%	60%
KCC					
30	0%	60%	0%	21.4%	17.5%
Parish					
30	0%	40%	0%	11.7%	7.5%
Other organisations (i.e housing body, health, police)					
30	0%	20%	0%	7.1%	5%

What support do you get from the council to help with case work? What works well? (i.e. direct contact with officers, website)

Total comments received 27, these are shown in full in the table below.

The following was identified:

- Twelve said that direct contact with officers works well.
- Four comments had positive mentions of support from Officers.
- Four mentioned occasional difficulties in identifying who is the relevant person to contact.
- Five mentioned the website, three of which mentioned using the website as a resource or directing constituents to it, one said the website was too generalised and another mentioned being unable to report issues on a constituent's behalf.

Q12: What support do you get from the council to help with case work? What works well? (i.e. direct contact with officers, website)

Very little, I try to identify the relevant team leader,

Helpful when I find who is responsible. I do find that feedback from officers is lacking in a lot of cases.

Excellent help from officers and the direct contact with them is the best approach.

Member Workload Survey 2021

Q12: What support do you get from the council to help with case work? What works well? (i.e. direct contact with officers, website)
No actual support is provided. direct liaison with officers works best. The website and customer service telephones are not effective solutions in most cases. as it takes more time involves more staff and generally delays an outcome. In may cases it is actually impossible for a Councillor to report via websites as for e.g. with Environmental health you have to give your address. Not terribly helpful if you are complaining on behalf of a third party living nowhere near where you live.
Timely answers to questions and advice
Direct contact with officers as with experience I know which ones to contact and which ones are particularly helpful e.g. planning. the website is useful for queries on waste collection for instance.
Direct contact with officers
Not enough experience yet to comment
All my experience of officers has been good.
Officers always helpful direct contact is best
Technical support on Planning issues with the relevant Officers. Good support from Officers concerning Licensing issues in the Borough. Good working relationship with Officers in the Communities, Housing and Environment Departments who provide good support in the waste collection and waste management services. Good technology exists which is useful in this area and easy to use.
Some teams and individuals are very good others less so.
Excellent and prompt advice and information from officers. Works well as it is.
As soon as I find the right officer / I've found them very helpful
The easy to report websites for fly tipping etc work well. Direct contact with officers works well too.
Officers are usually very helpful, but I am always conscious of their direct workload.
emails are usually responded no later than by the second reminder
Direct contact with officers, the skype system is invaluable for this. Website for research. As a member working doing case work being asked to do online reporting hinders me.
I make enquiries, I get answers, or I tell residents to use the website, to report things.
Direct contact
Generally direct contact works very well. Dealing with KCC is more difficult
Support if needed from MBC, very limited from KCC
Direct contact with officer is better. However sometimes I find it difficult to locate the right person to talk to.
direct contact with officers works better than relying the web site which is too generalized
Direct contact with Officers
I get good support from officers at all levels mostly by email exchanges. I only call if something is urgent or better by phone. Website is good and the majority of things are there, but many residents contact their local councillor before using the web site.
Occasional support from officers when residents have problems with day-to-day concerns i.e. waste collections/planning/enforcement. All officers respond quickly to assist with answers to and/or resolutions which can be relayed back to residents

Is there further support the council could provide? (i.e. dedicated webpage, dedicated officer to assist with case management)

Total comments received 24, these are shown in full in the table below.

Member Workload Survey 2021

From these comments the following was identified:

- Ten mentioned they would like a dedicated officer or group of officers that they can go to for support and another said that if this role existed the officer would need to be very knowledgeable.
- Four requested improved staffing lists so they can easily identify the most appropriate officer to contact.
- Four said they were happy with the current support provided.
- Two made negative comments about having to use the same channels as residents/are treated the same as residents.
- One suggested having a dedicated webpage for support.

Q13: Is there further support the council could provide? (i.e. dedicated webpage, dedicated officer to assist with case management)
If the Council could send out a list of all team leaders, it would avoid going to the service heads
Who to contact would be very helpful.
None at present
Councillor enquires should never have to go via the general website or call centre. The insistence in some cases that they should impeded representing the public.
Dedicated staff offering support in clusters
dedicated webpage could be useful
Not enough experience yet to comment
Greater clarity of who, and what authority, is responsible for each issue.
May be good
I have been a Member for over 10 years and have a reasonable knowledge of who, what and when to seek assistance from Officers most who have been employed for many years and are very experienced and have extensive knowledge.
The officer / Elected Member relationship has changed over the years (as the powers of Councillors have reduced) and the former parity of esteem is largely lost.
Nothing further needed. Easy and quick access to info
Dedicated online chat or call centre
A dedicated officer would be nice! Sometimes we don't know how to deal with cases but they have probably come up before so maybe a dedicated officer in each area or a main email box to use that can be filtered the right way as sometimes we are asking the wrong department.
Dedicated officer to assist with case management please.
Just support and not to be treated the same as a member of the public when I am pursuing information/action
I have a problem with people who don't use the internet. AND People DONT look at websites! They moan. Some issues are quite detailed and need specific grasp and reply: Planning Applications, specific streets of missed bins, General Flooding matters etc. An Officer would have to be VERY broadly knowledgeable AND specifically knowing to deal with or re-refer.
I am reasonably happy with the current situation.
Officer liaison meetings would be helpful.
As above a clearer intranet to find the correct officer to deal with
dedicated officer / point of contact would be helpful
I sometimes think a dedicated officer would be good for councillors but the work load can be so varied it would be best to pilot this first before creating a particular post.

Member Workload Survey 2021

Q13: Is there further support the council could provide? (i.e. dedicated webpage, dedicated officer to assist with case management)
--

Dedicated officer would be great. Repeat reminders of who is who (directory of officers) actually repeat the email say twice a month and add new people etc.
--

If number of Ward members are reduced access to a dedicated officer to assist with case management would be welcomed
--

Comments about impact of technology on Case Work

Total comments received 24, these are shown in full in the table below.

From these comments it was identified that:

- Seven mentioned accessibility, either in relation to being more accessible to constituents or being able to access information.
- Five said technology has had little impact on their case work.
- Two said technology had improved the management case work
- Two suggested that casework has increased as a result of technology.
- There were also several comments about members specific approaches/situation.

Q14: Use the box below to tell us about how technology has impacted your CASE work

No impact

I find that I am contacted mainly by phone land line or mobile 60% of the time and then the rest by email

Not really

It helps produce surveys and responses to local issues, but produces a high demand for time ie dealing with Social Media and thousands of emails. It makes it easier for residents to report problems, which is good but again this increases workload
--

It makes me more accessible to my constituents
--

It is good for keeping residents informed of the action I am taking on a particular issue and for getting information from officers.
--

Deal with most issues by email contact with officers
--

Not enough experience yet to comment

Helped

Only when I send to officers

Quick access to information relating to case work and subsequent access to Officers who are able to provide assistance.

Access to technology has diminished over the last ten years to a very low level.
--

Easy and quick access to information.

It has meant that I can easily search the planning portal for looking at planning permissions and comments.

Beyond saying that email makes us very easily accessible nothing to add. There is an expectation that emails should receive immediate response.

preference of email over phone

Skype system to contact officers additionally skype allows remote contact with officers viewing documents at the same time (share screen facility). Website for research. Online reporting hinders case work
--

Member Workload Survey 2021

Q14: Use the box below to tell us about how technology has impacted your CASE work
I get very good Officer responses, because I know the key officers and their roles and know them personally. So, an email to them gets the detail I need. NEW Members would struggle. Currently the new Members don't know enough, so they call more established Members. Any directory would need to be quite large! They wont use it, so personal relationships are best, NOT MORE ICT based systems. Social Media has increased the "tittle tattle", rumour and innuendo. When a "major issue" happens (Ward or Borough) then that increases work in just email activity. Handling any response or ignoring can be a PR blunder.... advice is often needed.
A case work application / tool would be useful. MPs have something where cases can be logged tracked and all correspondence kept
To be fair not that much. My older residents prefer more traditional methods. If I am dealing with the Parish technology can be very useful.
none
Slow internet at home.
not a huge amount because most issues are better dealt with face to face or over the phone. Not everyone has a computer or likes Zoom.
My emails have increased dramatically over recent years, and this was happening pre covid. I would not be able to do a good job without a smart phone and cloud technology.

Comments about how the balance work has changed during respondents' time as a Councillor

Total comments received 27, these are shown in full in the table below.

From these comments it was identified that:

- 11 said that their workloads have increased during their time as a Councillor.
- Five said they do not have enough experience to comment, being new to the role.
- Four said that technology has had little or no impact on balancing their caseload.
- Two said that technology has improved the balancing of their case work.
- One mentioned that workloads fluctuate during the year.
- There were also several comments about members specific approaches/situation.

Q15: Use the box below to tell us about how you think the balance work has changed during your time as a Councillor
I have seen a continuing increase in the amount of work and time needed as the Councils role in the community rightfully extends, this has seen a step change since the Covid-19 pandemic
Clearly more online Skype and Team plus a bit of Zoom less meeting officers in person.
Not been a Councillor for long enough to judge
Case work has increased. Briefings and training have increased. The amount of time spent on training has increased. there are more meetings overall. when I started I in 1994 I was doing 50 to 60 hours a month now it can be as high as 280.-
I haven't been here long enough to comment
New technology has assisted greatly but in turn has increased the workload
I am more efficient at dealing with issues as I have gained experience
Not enough experience yet to comment

Member Workload Survey 2021

Q15: Use the box below to tell us about how you think the balance work has changed during your time as a Councillor
It has increased from a few years ago - it is heavier when you start as a Cllr and it takes time to who is best to contact and learn about the legalities and policy around different areas. However, we are getting increasing amounts of representations as areas are cut and infrastructure is harder to come by. I also find I am reacting to issues, rather than being proactively communicated to by the council about decisions. There are also a lot more briefings than there were when I started as a Cllr.
It's change as has the world
Having been a Councillor who is known for what I do within the Community, my residents feel that they can call on my advice and support at any time if they have issues. I have made it my role to get to know young people in my Ward who feel confident to talk about issues that concern them. The same applies to the elderly who frequently ask for advice or assistance. Getting to know people and listening to them gives them confidence at all ages. I enjoy working within my Community.
When Councillors exerted far more influence and attracted more respect it was a joy to dedicate as many hours as possible to effective advocacy for ward and Borough. The diminution of influence has tempered this enthusiasm. However, direct interventions such as patrolling local green spaces and clearing litter and fly tipping are time consuming.
Little change in balance of work.
Difficult the say as I'm a new councillor
I haven't been a councillor very long but I think that people are getting more aware of how to contact their councillor and to email and ask for help so my case work has increased.
Workload has increased in proportion to the roles I have undertaken
little change, except that most briefings are now held remotely
Badly worded question!!!! I don't do any "balance work" I leave that to tightrope walkers and jugglers etc. Not a clue of what is needed here!
Use of technology has INCREASED work in visibility and level of "attack". Emails PER DAY can be onerous. Then they need dealing with or setting the diary!
It has increased. I think this is partially due to becoming better known
My Borough work has increased a lot. I was initially a cabinet Member, so my workload was already quite high. But under the Committee system I have been Vice- Chair of Policy and Resources as well as charring planning. Case work has stayed at the same level but as Borough Councillors we do more direct work with our residents than our County Members.
My first year. So, I had no prior knowledge
It is a about the same. However, during lockdown, the community support increased.
as my knowledge and networking has increased, so has my ability to deal with residents' issues I am ore able to resolve / attend to issues more myself (on my own) than handing over to officers
I am definitely in front of a computer more than ever or on my mobile and expect this will increase in future. Once we get back to the habit of meeting people directly, I expect the emails will continue along with other online work and the days will get longer.
It has not
Work fluxes during the year. Would like improved spacing (Sept /Oct for instance is intense).

Comments about how technology has impacted on balancing work? And if this change has been positive or negative.

Total comments received 25, these are shown in full in the table below.

Member Workload Survey 2021

From these comments it was identified that:

- Nine were broadly positive with mentions of increased efficiency, being able to spread workload out and improved communication.
- Five made comments suggesting there has been no change or no improvement in balancing work due to technology.
- Three specifically mentioned time saved due to less travelling.
- Three highlighted increased expectations on responses/answer to queries or issues raised by their constituents.
- Four were pragmatic, highlighting both advantages and disadvantages balancing work due to increased due of technology.
- One raised concerns about technology 'overload'.

Q16: Use the box below to tell us about how technology has impacted on balancing work? And if this change has been positive or negative.
Overall positive, the use of virtual meetings has enabled briefings and routines with senior officers to continue without the need for any of the parties to have to physically move around to attend.
Less meeting officers in person is to a negative.
Ditto
Technology has helped in some ways i.e., better communication reducing the time it takes to produce ward newsletters or letters to residents. It has increased expectations from the public and massively increased case work and communication requests. answering my emails can take 4 hours a day.
Technology doesn't only bring benefits - it also presents challenges, so overall I would say that technology impact is neutral
there is now more pressure to answer emails quickly, so I have to make sure I set aside breaks from doing my council work at home. Overall, the change has been positive.
I am spending more hours in meetings online
Not enough experience yet to comment
Negative less contact with fellow members and some officers
Technology has helped in balancing my workload as information can be provided within my Community when required very quickly. Not all residents have computers and many elderly residents do not want them. The most important thing for me is to personally keep in touch with residents in order that if assistance is required I can and do provide assistance to them. The negative impact of technology can be residents not wanting to tell you about matters that are troubling them for fear of looking stupid. I use technology all the time in my professional role so it would be difficult to make a judgement on whether technology is positive or negative. I have to use it!
Access to technology has reduced, capability of technology when accessed and absence of basic tools like a printer are debilitating to work as a Councillor.
Faster access to information and documents.
Positive
It has been helpful to be able to fully use the calendar options to make sure that I am planning and scheduling my work effectively.
On-line meetings, as already described, has been massively beneficial.
briefings are now held remotely, cuts on travel time, save of around 1 hour per briefing
Increase in remote meetings both committee and individual contact with officers, positive While pursuing casework being told to use online reporting systems, Negative Poor website layout hinders research. Negative

Member Workload Survey 2021

Q16: Use the box below to tell us about how technology has impacted on balancing work? And if this change has been positive or negative.
I love technology, but personally it's getting to "overload" in all its aspects. But then I want to cut my travel it's a two-sided coin. But the health concerns now affect me, "white blinded" vision, back ache, tremulous hands etc.
Technology has made a big different to Group/ Workshop/ Briefing type meetings as these can all be done virtually. One can even attend as a Visiting Member virtually to Committee meetings, although personally I prefer face to face.
None
Technology has helped and there is not the need to attend every briefing in person which cuts down on travel/time.
positive impact, I'm able to deal with more issues as the workload has increased over the years
I feel technology has made me more productive and efficient. Technology has created a better balance in terms of spreading the load. So essentially emails can be written at night as opposed to making phone calls or going to see people?
It has not
Positive to some degree. The mix is important of physical and digital. There is a negative of the amazonisation of life. I have a full-time job and council is not a full-time occupation. Therefore, the rising pressure for quicker responses from the public is harder. Technology facilitates this but could perhaps help with it as well.

Comments about what respondents think are going to be the biggest changes to how council work and case work are conducted over the next 5-10 years

Total comments received 25, these are shown in full in the table below.

From these comments it was identified that:

- Seven said they expected workloads and expectations of them to increase.
- Five mentioned reforms of Local Government (Including the Boundary Review and becoming a unitary authority).
- Five said they were unsure, with one of these stating they are new to the role.
- Three said they expected face2face interaction to reduce.
- One said they would be requiring new skills to deal with the increasing amount of communication platforms.

Q14: Use the box below to tell us what you think will be the biggest changes to how you conduct council work and case work over the next 5-10 years?
The continuing housing crisis, and deteriorating environment caused by increasing congestion and over development
Increasingly we are seeing the Council does not wish to meet residents in person or speak on the phone the preference is to report it online, email or leave a message. The assumption that everyone has access to the internet, online banking, social media is not correct. This results particularly with older residents saying what's the point no one listens no one cares.
Not sure
I will need to continue to up my ability to conduct and the time spent on research and policy development and to devote more time to developing even more Social Media skills on yet more platforms.

Member Workload Survey 2021

Q14: Use the box below to tell us what you think will be the biggest changes to how you conduct council work and case work over the next 5-10 years?
Meeting expectations and handling an increasing workload
I really don't know. Will Local Government continue to exist in its present form?
Not enough experience yet to comment
The biggest help would be having one authority rather than MBC and KCC. Every borough council could have the responsibility of KCC and therefore divide responsibility.
Council work un-known I feel know change will happen people will still need help
In my Wards the numbers of houses that have already been built, have placed a strain on facilities within the area. I believe that technology will greatly assist how I maintain the personal approach to residents that I started in 2011 when first elected. There are many issues with the expansive developments in all areas in the South East of England, resulting in the requirement for medical facilities, schools, highways a reduction in pollution and the need to protect green areas not keep building on them. There needs to be greater control of development within planning and affordable homes provided for purchase by young residents of The Borough of Maidstone!
Continued loss of influence and powers, continued loss of esteem in role and financial cost of being a Councillor (in terms of impact upon employment prospects and equipment / materials).
Increasing and improving technology.
Not sure
The change to executive arrangements may have some change on the committees and the work that I do. Case work will increase as more residents move into the newly built houses in my ward.
It might not happen, but I would like to see the role becoming more strategic and less social worker. This does not mean a reduction in community liaison and involvement. It would mean less time dealing with, for example, housing cases and not being able to magic up a new house but more time working on policy and strategy to deliver housing
electoral reform and / or boundary review
Increase in remote meetings both committee and individual contact with officers.
I doubt I will WANT to serve that long! The prospect of more emails every day and some of the vitriol with them, despite my desire to work for a better community means I really had to think about any next election. My health, my sanity, Versus an easier life, more free hours and less stress? AS A VOLUNTEER!
Continued use of technology. However, I do not see any likelihood of the workload decreasing, if anything it will increase. Councillors cannot just deal with strategic issues; they must always serve those who elected them.
LGBR
With the increase in household in MBC area the workload will increase.
the impact of the boundary review financial / budgetary pressures devolution / partnership working residents' expectations
Technology will improve but create even more channels of communication. A I will encompass all our lives and change work patterns. Personal contact with residents and the council has been lost over recent years and I would not want this to reduce any further.
None
Further demands for quicker responses from Cllrs who are effectively part time. So, this needs to be supported. Hybrid meetings will probably increase.

MAIDSTONE BOROUGH COUNCIL

COUNCIL

8 DECEMBER 2021

REPORT OF THE POLICY AND RESOURCES COMMITTEE MEETING HELD ON 24 NOVEMBER 2021

COUNCIL TAX REDUCTION SCHEME 2022-23

Issue for Decision

Each year Full Council has to approve the Council Tax Reduction Scheme for the following year. This report makes a recommendation on the scheme to be implemented for 2022-23.

Recommendation Made

That no changes be made to the Council Tax Reduction Scheme, as attached at Appendix 1 to the report, for the year 2022-23.

Reasons for Recommendation

The Council Tax Reduction Scheme (CTRS) was introduced in April 2013 as a replacement for Council Tax Benefit (CTB), a national scheme administered on behalf of the Department for Works and Pensions (DWP).

Since its introduction in April 2013, our local scheme has been 'refreshed' annually for general changes in applicable amounts (primarily in relation to disability premiums) and taking into account the introduction of Universal Credit.

Council Tax Reduction provides financial assistance in the form of a rebate on the Council Tax bill and this generally reduced over recent years before the COVID pandemic.

2016/2017 £10,679,971

2017/2018 £10,264,000

2018/2019 £ 9,058,176

2019/2020 £ 8,652,758

2020/2021 £ 9,499,392

2021/2022 £ 9,945,451 (estimated)

From April 2021, a new income banded scheme was introduced which has an in-built, simplified claiming process with wide income ranges. The new banded scheme means that frequent liability changes have been avoided, and revised bills are only being issued where income crosses into another earnings band.

This has made it less cumbersome for customers and has allowed us to convey a relatively simple eligibility message to residents.

Feedback from the Customer Services team and Citizens Advice has been positive with fewer enquiries being made about eligibility and understanding of the income banded scheme.

Table 1 shows the income banded scheme for households with no children, 1-2 children and 3 plus children:

Table 1

Band	Household size and earnings threshold			Maximum Award
	No children	1-2 children	3+ children	
Band 1	Passported/ max UC	Passported/ max UC	Passported/ max UC	80%
Band 2	Less than £316	Less than £387	Less than £441	65%
Band 3	£316-£631.99	£387-£774.99	£441-£882.99	50%
Band 4	£632-£947.99	£775-£1,162.99	£883-£1,324.99	25%
Band 5	£948-£1,263.99	£1,163-£1,550.99	£1,325-£1,766.99	10%

Passported in the table refers to legacy benefits (job seekers allowance, Income support, employment support allowance) for customers who have not migrated to Universal Credit.

Alternatives Considered and Why Not Recommended

Revise the current scheme - Any revisions to the scheme would at this stage be limited, difficult to identify and implement at this early stage of not having completed a full year of the new income banded scheme.

Background Documents

Maidstone Council Tax Reduction Scheme 2021-22: [Maidstone S13A Scheme 202122 v6.](#)

Appendices

Appendix 1: Council Tax Reduction Scheme 2022-2023.

Council Tax Reduction Scheme

S13A and Schedule 1a of the Local Government Finance Act 1992

1.0	Introduction to the Council Tax Reduction Scheme	5
2.0	Interpretation – an explanation of the terms used within this scheme.....	11
3.0	Definition of non-dependant	19
4.0	Requirement to provide a National Insurance Number.....	20
5.0	Persons who have attained the qualifying age for state pension credit.....	20
6.0	Remunerative work.....	20
7.0	Persons treated as not being in Great Britain and Persons Subject to Immigration Control	21
8.0	Temporary Absence (period of absence)	24
9.0	Membership of a family	28
10.0	Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.	28
11.0	Circumstances in which a child or young person is to be treated as being or not being a member of the household	29
12.0	Calculation of income and capital of members of applicant’s family and of a polygamous marriage.....	31
13.0	Circumstances in which capital and income of non-dependant is to be treated as applicant's	31
14.0	Calculation of income on a weekly basis.....	31
15.0	Treatment of child care charges	31
16.0	Average weekly earnings of employed earners	35
17.0	Average weekly earnings of self-employed earners.....	36
18.0	Earnings of employed earners	36
19.0	Calculation of net earnings of employed earners	37
20.0	Earnings of self-employed earners.....	38
21.0	Calculation of net profit of self-employed earners	39
22.0	Deduction of tax and contributions of self-employed earners	40
23.0	Capital limit.....	42
24.0	Calculation of capital.....	42
25.0	Disregard of capital of child and young person	42
26.0	Calculation of capital in the United Kingdom	42
27.0	Calculation of capital outside the United Kingdom	42
28.0	Capital jointly held	42
29.0	Student related definitions	44
30.0	Treatment of students	47
31.0	Students who are excluded from entitlement to council tax reduction	47
32.0	Maximum council tax reduction	50
33.0	Non-dependant deductions	50

34.0	Date on which entitlement is to begin	53
35.0	Date on which change of circumstances is to take effect	53
36.0	Making an application	55
37.0	Procedure by which a person may apply for a reduction under the authority's scheme.....	56
39.0	Submission of evidence electronically	58
40.0	Use of telephone provided evidence	58
41.0	Information and evidence	59
42.0	Amendment and withdrawal of application.....	60
43.0	Duty to notify changes of circumstances	60
44.0	Decisions by the authority.....	63
45.0	Notification of decision	63
46.0	Time and manner of granting council tax reduction	64
47.0	Persons to whom reduction is to be paid	64
48.0	Shortfall in reduction	65
49.0	Payment on the death of the person entitled	65
50.0	Offsetting	65
51.0	Payment where there is joint and several liability	65
52.0	Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC).....	67
53.0	Collection of information	67
54.0	Recording and holding information	67
55.0	Forwarding of information	67
56.0	Persons affected by Decisions	69
57.0	Revisions of Decisions	69
58.0	Written Statements	69
59.0	Terminations	69
60.0	Procedure by which a person may make an appeal against certain decisions of the authority	71
61.0	Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act	73
62.0	Applications for Exceptional Hardship	75
63.0	Interpretation	77
64.0	Conditions for the use of electronic communication	77
65.0	Use of intermediaries	77
66.0	Effect of delivering information by means of electronic communication	77
67.0	Proof of identity of sender or recipient of information.....	78
68.0	Proof of delivery of information	78
69.0	Proof of content of information	78
70.0	Counter Fraud and compliance	80
	Schedule 1	81

Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme	81
Schedule 2	84
Capital to be disregarded	84

1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2022 until 31st March 2023.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2022 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 (Prescribed Requirements) (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 2019;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021; and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The Council has **no** discretion in relation to the calculation of Council Tax Reduction in respect of the pension age scheme.

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;
- (c) in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (d) 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;
- (e) 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;
- (f) not have capital savings above £16,000; and
- (g) 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;
- (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 Local Government Finance Act 1992 and excluded from the authority's scheme;
- (e) 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;
- (f) in respect of whom amount A exceeds amount B where;
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount;
- (g) not have capital savings above £16,000; and
- (h) who has made an application for a reduction under the authority's scheme.

Class C: alternative maximum Council Tax Reduction (Second Adult 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 as amended) 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;
- (h) an Armed Forces Compensation Payment.

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 claimants is an income test which compares earnings in an income banded scheme. 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. 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 £10,000;
- h. not have earnings 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 *earnings* is within a range specified within Schedule 1; and
- j. has made a valid application for reduction

Maximum Council Tax Reduction stated above is defined within this scheme

Council Tax Reduction Scheme

Details of reduction to be given for **working age applicants** for the financial year 2022/23

Definitions and interpretation

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

2.1 In this scheme-

'the Act' means the Social Security Contributions and Benefits Act 1992;

'the Administration Act' means the Social Security Administration Act 1992;

'the 1973 Act' means the Employment and Training Act 1973;

'the 1992 Act' means the Local Government Finance Act 1992;

'the 2000 Act' means the Electronic Communications Act 2000;

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

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

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

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

'application' means an application for a reduction under this scheme:

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

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

'attendance allowance' means-

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

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

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

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

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

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

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

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

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

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

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

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

'the Caxton Foundation' means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other

persons eligible for payment in accordance with its provisions;

'child' means a person under the age of 16;

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

'the Children Order' means the Children (Northern Ireland) Order 1995;

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

'claim' means a claim for council tax reduction;

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

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

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

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

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

'council tax benefit' means council tax benefit under Part 7 of the SSCBA;

'council tax reduction scheme' has the same meaning as **'council tax reduction or reduction'**

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

'couple' means;

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

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

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

'designated authority' means any of the following;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'housing benefit' means housing benefit under Part 7 of the Act; **'the Housing Benefit Regulations'** means the Housing Benefit Regulations 2006;

'Immigration and Asylum Act' means the Immigration and Asylum Act 1999;

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

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

'Income Support Regulations' means the Income Support (General) Regulations 1987;

'independent hospital'–

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

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

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

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

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

'Jobseekers Act' means the Jobseekers Act 1995; 'Jobseeker's Allowance Regulations' means the Jobseeker's Allowance Regulations 1996 and Jobseeker's Allowance Regulations 2013 as appropriate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'the New Deal options' means the employment programmes specified in regulation 75(1)(a)(ii) of the

Jobseeker's Allowance Regulations 1996 and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

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

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

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

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

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

(i) arising out of an exceptional event or exceptional circumstances, or

(ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and–

(i) 'local authority' has the meaning given by section 270(1) of the Local Government Act 1972;

and

(ii) 'qualifying individuals' means individuals who have been, or without the assistance might otherwise be:

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life; and 'local authority' means a local authority in England within the meaning of the Local Government Act 1972;

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

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

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

'partner' in relation to a person, means

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

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

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

'payment' includes part of a payment;

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

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

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

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

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

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

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

'personal pension scheme' means–

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

(b) an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f)

of Schedule 36 of the Finance Act 2004¹;

- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;
- (d) a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- (e) Back to Work scheme;

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

'polygamous marriage' means a marriage to which section 133(1) of the Act refers namely;

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

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

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

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

'qualifying contributory benefit' means;

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

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

'qualifying income-related benefit' means

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

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

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

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

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

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

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

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

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

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

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

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

- (a) an employment zone programme;
- (b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in

¹ As amended by the Finance Act 2014

relation to training for employment, etc.); or
(c) the Employment, Skills and Enterprise Scheme;

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

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

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

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

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

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

'the SSCBA' means the Social Security Contributions and Benefits Act 1992

'State Pension Credit Act' means the State Pension Credit Act 2002;

'student' has the meaning prescribed in section 43;

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

'support or reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

'the Tax Credits Act' means the Tax Credits Act 2002;

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

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

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

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

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

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

'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;

'Working Tax Credit Regulations' means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended²; and

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

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 2.5 For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and

² The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- 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.

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

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

3.0 Definition of non-dependant

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

3.2 This paragraph applies to;

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

3.3 Excepting persons to whom paragraph 3.2 (a) to (c) and (f) refer, a person to whom any of the following subparagraphs applies shall be a non-dependant-

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

4.0 Requirement to provide a National Insurance Number³

- 4.1 No person shall be entitled to reduction unless the criteria below in 4.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming reduction.
- 4.2 This subsection is satisfied in relation to a person if-
- (a) the claim for reduction is accompanied by;
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
 - (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.
- 4.3 Paragraph 4.2 shall not apply-
- (a) in the case of a child or young person in respect of whom council tax reduction is claimed;
 - (b) to a person who;
 - (i) is a person in respect of whom a claim for council tax reduction is made;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
 - (iii) is a person from abroad for the purposes of this scheme; and
 - (iv) has not previously been allocated a national insurance number.

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

- 5.1 This scheme applies to a person if:
- (a) he has 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;
 - (i) a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or
 - (ii) a person with an award of universal credit.

6.0 Remunerative work

- 6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work for the purposes of this scheme disregards, if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- 6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;
- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does not work, those periods but disregarding any other absences);
 - (b) in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,

³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- (a) a sports award has been made, or is to be made, to him; and
 - (b) no other payment is made or is expected to be made to him.

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

Persons treated as not being in Great Britain

- 7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations;
 - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the

Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

- 7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of–
- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- 7.4B Paragraph (4A)(b) does not apply to a person who–
- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
 - (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)
- 7.5 A person falls within this paragraph if the person is–
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a);
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
 - (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
 - (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971⁴ where that leave is–
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.

⁴ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

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

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

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

7.8 In this regulation–
 “claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
 “Crown servant” means a person holding an office or employment under the Crown;
 “EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
 “EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;
 “family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
 “relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and
 “Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

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

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

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

7A.0 Transitional provision

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

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

- 7A.2 The events are–
- (a) the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or
 - (b) the person ceases to be entitled to an income-based jobseeker's allowance.

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

8.0 Temporary Absence (period of absence)

- 8.1 Where a person is absent from the dwelling throughout any day then no reduction shall be payable
- 8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.
- 8.3 In paragraph 8.2, a 'period of temporary absence' means–
- (a) a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as:
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
 - (b) 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 within Great Britain not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.
- 8.4 A person who is temporarily absent from a dwelling he occupies as his home and is absent outside Great Britain shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain, provided that–
- (a) the person intends to return to occupy the dwelling as his home;
 - (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
 - (c) the period of absence is unlikely to exceed 4 weeks.
- 8.5 A person who is temporarily absent from a dwelling he occupies as his home and is absent outside of Great Britain as a member of the armed forces away on operations, a mariner or a continental shelf worker shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 26 weeks beginning with the first day of that absence from Great Britain, provided that–

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence is unlikely to exceed 26 weeks.

8.6 This paragraph applies where–

- (a) a person is temporarily absent from Great Britain;
- (b) the temporary absence from Great Britain is in connection with the death of the–
 - (i) person's partner or a child or young person for whom he or his partner is responsible;
 - (ii) person's close relative;
 - (iii) close relative of the person's partner; or
- (d) close relative of a child or young person for whom the person or their partner is responsible;
 - (i) the person intends to return to occupy the dwelling as his home; and
 - (ii) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let.

8.7 person to whom paragraph (8.6) applies shall be treated as occupying a dwelling he is absent from as his home whilst he is temporarily absent for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain.

8.8 The period of absence in paragraph (8.7) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks

8.9 This paragraph applies to a person who is;

- (a) detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - (i) in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, 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 Great Britain or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) following, in Great Britain or elsewhere, a training course;
- (e) undertaking medically approved care of a person residing in Great Britain 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 Great Britain, receiving medically approved care provided in accommodation other than residential accommodation;
- (h) a student;
- (i) receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.10 This paragraph applies to a person who is:

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the

- Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

- 8.11 Where paragraph 8.10 applies to a person, then, for any day when he is on temporary release-
- (a) if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
- (c) If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

8.12 In this section;

- 'medically approved' means certified by a medical practitioner;
- 'continental shelf worker' means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998
- 'designated area' means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

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

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage
- '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;
 - prescribed area" means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998
 - '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.

The family for Council Tax Reduction purposes

9.0 Membership of a family

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

For the purposes of the scheme a child is further defined as a 'child or young person'

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

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

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

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

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

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

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

- (a) the person who is receiving child benefit in respect of him; or
- (b) if there is no such person;

- (i) where only one claim for child benefit has been made in respect of him, the person who made that claim; or
- (ii) in any other case the person who has the primary responsibility for him.

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

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

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

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

- (a) placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- (b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002⁵ or the Adoption Agencies (Scotland) Regulations 2009.

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

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

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

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

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

⁵ The Adoption and Children Act 2002 (Commencement No. 12) Order 2014

Definition and the treatment of income for Council Tax Reduction purposes

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

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

is to be calculated in accordance with the following provisions.

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

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

- 13.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax reduction scheme and the non-dependant has more capital and income than the applicant, that authority shall, except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the applicant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the applicant does possess.
- 13.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under paragraph 13.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to 'the applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

14.0 Calculation of income on a weekly basis

- 14.1 For the purposes of this scheme, only earnings will be calculated as the income of an applicant and this shall be calculated on a weekly basis;
- (a) by estimating the amount which is likely to be his average weekly income; and
 - (b) by then deducting any relevant child care charges
- 14.2 The maximum deduction to which paragraph 14.1 b) above refers shall be;
- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
 - (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

15.0 Treatment of child care charges

- 15.1 This section applies where an applicant is incurring relevant child-care charges and;
- (a) is a lone parent and is engaged in remunerative work;
 - (b) is a member of a couple both of whom are engaged in remunerative work; or
 - (c) is a member of a couple where one member is engaged in remunerative work and the other;

- (i) is incapacitated;
- (ii) is an in-patient in hospital; or
- (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

- 15.2 For the purposes of paragraph 15.1 and subject to paragraph 15.4, a person to whom paragraph 15.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- (a) is paid statutory sick pay;
 - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
 - (c) is paid an employment and support allowance;
 - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
 - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 15.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - (b) the first day of the period in respect of which earnings are credited, as the case may be.
- 15.4 In a case to which paragraph 15.2 (d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 15.5 Relevant child care charges are those charges for care to which paragraphs 15.6 and 15.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 15.10.
- 15.6 The charges are paid by the applicant for care, which is provided
- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 15.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- (a) in respect of the child's compulsory education;
 - (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 15.8 The care to which paragraph 15.7 refers may be provided;
- (a) out of school hours, by a school, on school premises or by a local authority;
 - (i) for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday;
 - or
 - (ii) for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday;

birthday; or

- (b) by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
- (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
- (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
- (e) by;
 - (i) persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - (ii) local authorities registered under section 8(1) of that Act, where the care provided is child minding or day care within the meaning of that Act; or
- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
- (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
- (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- (k) by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- (l) by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- (m) by a person who is not a relative of the child wholly or mainly in the child's home.

15.9 In paragraphs 15.6 and 15.8 (a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

15.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

15.11 For the purposes of paragraph 15.1 (c) the other member of a couple is incapacitated where

- (a) **but for the implementation of this scheme**, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work
- (b) **but for the implementation of this scheme**, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- (c) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or 2013 as appropriate;
- (d) the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and

regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

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

15.12 For the purposes of paragraph 15.11 once paragraph 15.11(d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

15.12A For the purposes of paragraph 15.11, once paragraph 15.11(e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

15.13 For the purposes of paragraphs 15.6 and 15.8 (a), a person is disabled if he is a person-

- (a) in respect of whom disability living allowance or personal independence payment is payable, or has

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

15.14 For the purposes of paragraph 15.1 a person on maternity leave, paternity leave or adoption leave shall be treated as if they are engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that-

- (a) in the week before the period of maternity leave, paternity leave, shared parental leave (effective from 5/4/2015) or adoption leave began, they were in remunerative work;
- (b) the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
- (c) the person is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

15.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on-

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

whichever shall occur first.

15.16 In paragraphs 15.14 and 15.15

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

15.17 In this section 'applicant' does not include an applicant;

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

16.0 Average weekly earnings of employed earners

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

- (a) over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - (i) 5 weeks, if he is paid weekly; or
 - (ii) 2 months, if he is paid monthly; or
- (b) whether or not sub-paragraph 16.1a (i) or (ii) applies, where an applicant's earnings fluctuate, over such

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

- 16.2 Where the applicant has been in his employment for less than the period specified in paragraph 16.1(a)(i) or (ii)
- (a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
 - (b) in any other case, the authority shall require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.
- 16.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.
- 16.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26

17.0 Average weekly earnings of self-employed earners

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

18.0 Earnings of employed earners

- 18.1 Subject to paragraph 18.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes-
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
 - (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of-
 - (g) (i) travelling expenses incurred by the applicant between his home and his place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
 - (h) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
 - (i) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
 - (j) any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security)

purposes);

- (k) any statutory sick pay, statutory maternity pay, statutory paternity pay, shared parental pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- (l) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave, shared parental pay or adoption leave or is absent from work because he is ill;
- (m) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended ;
- (n) dividends from a registered limited company where the applicant or partner is a director or shareholder of that company; and
- (o) monies drawn from a company or monies owed in a director's loan account where the applicant or partner is a director or shareholder of that company.

18.2 Earnings shall not include–

- (a) subject to paragraph 18.3, any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- (c) any occupational pension
- (d) any payment in respect of expenses arising out of an applicant participating as a service user

18.3 Paragraph 18.2 (a) shall not apply in respect of any non-cash voucher 18.1(m)

19.0 Calculation of net earnings of employed earners

19.1 For the purposes of section 17 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 19.2, be his net earnings.

19.2 There shall be no further disregards other than specified in this scheme.

19.3 For the purposes of paragraph 19.1 net earnings shall, except where paragraph 19.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- (a) any amount deducted from those earnings by way of
 - (i) income tax;
 - (ii) primary Class 1 contributions under the Act;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with paragraph 19.5 in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

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

19.5 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.

19.6 Where the earnings of an applicant are estimated his net earnings shall be calculated by taking into account those earnings over the assessment period, less-

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

20.0 Earnings of self-employed earners

20.1 Subject to paragraph 20.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

20.2 '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.

20.3 This paragraph applies to-

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

20.4 Where the applicant's earnings consist of any items to which paragraph 20.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the earnings by the amount of council tax reduction which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from the payment under the sums to be disregarded in the calculation of earnings, as appropriate in the applicant's case.

21.0 Calculation of net profit of self-employed earners

- 21.1 For the purposes of the average weekly earnings of self-employed earners, the earnings of an applicant to be taken into account shall be the net profit derived from that employment;
- 21.2 There shall be no further disregards other than specified in this scheme.
- 21.3 For the purposes of paragraph 21.1 the net profit of the employment must, except where paragraph 21.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less
- (a) subject to paragraphs 21.5 to 21.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 22 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated in accordance with paragraph (21.11) in respect of any qualifying premium.
- 21.4 The net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 21.5 to 21.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 21.5 Subject to paragraph 21.6 no deduction shall be made under paragraph 21.3 (a) or 21.4, 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.
- 21.6 A deduction shall be made under paragraph 21.3 (a) or 21.4 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.
- 21.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 21.3 (a) or 21.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 21.8 For the avoidance of doubt-
- (a) deduction shall not be made under paragraph 21.3 (a) or 21.4 in respect of any sum unless it has been expended for the purposes of the business;
 - (b) a deduction shall be made thereunder in respect of-
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the 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

- 21.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- (a) income tax; and
 - (b) national insurance contributions payable under the Act, calculated in accordance with section 22 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated of any qualifying contribution.
- 21.10 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.
- 21.11 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.
- 21.12 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.

22.0 Deduction of tax and contributions of self-employed earners

- 22.1 The amount to be deducted in respect of income tax 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 of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.
- 22.2 The amount to be deducted in respect of national insurance contributions shall be the total of-
- (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
 - (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.
- 22.3 In this section 'chargeable income' means-
- (a) except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (21.3) (a) or, as the case may be, (21.4) of section 21;
 - (b) in the case of employment as a child minder, one-third of the earnings of that employment.

Definition and the treatment of capital for Council Tax Reduction purposes

23.0 Capital limit

23.1 For the purposes of this scheme, the prescribed amount is £10,000 and no reduction shall be granted when the applicant has an amount greater than this level.

24.0 Calculation of capital

24.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (24.2), be the whole of his capital calculated in accordance with this scheme.

24.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (24.1), any capital, where applicable, specified in Schedule 2.

25.0 Disregard of capital of child and young person

25.1 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.

26.0 Calculation of capital in the United Kingdom

26.1 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;

27.0 Calculation of capital outside the United Kingdom

27.1 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.

28.0 Capital jointly held

28.1 Except where an applicant possesses capital which is disregarded, 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

Definition and the treatment of students for Council Tax Reduction purposes

29.0 Student related definitions

29.1 In this scheme the following definitions apply;

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

'access funds' means;

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

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

'contribution' means;

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

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

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

'education authority' means a government department, a local 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
- (b) 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;

- (c) 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
- (d) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves–
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

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

'grant income' means

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

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

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

'period of study' means–

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

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

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

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

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

'standard maintenance grant' means–

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

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

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

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

29.2 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.

29.3 For the purposes of sub-paragraph (a) of paragraph 29.2, 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.

30.0 Treatment of students

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

31.0 Students who are excluded from entitlement to council tax reduction

31.1 Students (except those specified in paragraph 31.3) are not able to claim Council Tax Reduction under the Council's reduction scheme.

31.2 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 abroad).

31.3 Paragraph 31.2 shall not apply to a student

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

(b) who is a lone parent;

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

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

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

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

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

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

(i) who is;

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

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

(j) in respect of whom

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

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

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

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

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

on account of his disability by reason of deafness.

- 31.4 For the purposes of paragraph 31.3(h) he student must have begun or been enrolled or accepted onto the course before attaining the age of 19. For the purposes of paragraph 31.3, once paragraph 31.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- 31.5 In paragraph 31.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- 31.6 A full-time student to whom sub-paragraph (i) of paragraph 31.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- 31.7 Paragraph 31.2 shall not apply to a full-time student for the period specified in paragraph 31.8 if;
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan.
- 31.8 The period specified for the purposes of paragraph 31.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

The calculation and amount of Council Tax Reduction

32.0 Maximum council tax reduction

- 32.1 Subject to paragraphs 32.2 to 32.4, 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 80 per cent, of the amount A divided by B where;
- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
 - (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).

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

- 32.2 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.
- 32.3 Subject to paragraph 32.4, 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, in determining the maximum council tax reduction in his case in accordance with paragraph 32.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.
- 32.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 32.3 shall not apply in his case

33.0 Non-dependant deductions

- 33.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 37 (maximum council tax reduction) shall be:
- (a) in respect of a non-dependant aged 18 or over in remunerative work, £10.00 x 1/7;
 - (b) in respect of a non-dependant aged 18 or over not in remunerative work, £5.00 x 1/7.
- 33.2 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.
- 33.3 Where in respect of a day-
- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

- 33.4 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is-
- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - (b) receiving in respect of himself:
 - attendance allowance, or would be receiving that allowance but for:
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (ii) an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (ii) an abatement as a result of hospitalisation; or
 - (c) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (d) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

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

34.0 Date on which entitlement is to begin

34.1 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.

35.0 Date on which change of circumstances is to take effect

35.1 The amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the date on which the change actually occurs.

Claiming and the treatment of claims for Council Tax Reduction purposes

36.0 Making an application⁶

- 36.1 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 one of them as the authority determines.
- 36.2 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.
- 36.3 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.
- 36.4 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).
- 36.5 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 week's 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).
- 36.6 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.
- 36.7 The authority must;
- (a) inform any person making an application of the duty imposed on them to notify any change;
 - (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.

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

37.0 Procedure by which a person may apply for a reduction under the authority's scheme⁷

- 37.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.
- 37.2. An application may be made;
- (a) in writing,
 - (b) by means of an electronic communication in accordance with this scheme, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 37.3
- (a) An application which is made in writing must be made to the designated office on a properly completed form.
 - (b) The form must be provided free of charge by the authority for the purpose.
- 37.4
- (1) Where an application made in writing is defective because–
 - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
 - (2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 37.5.
- (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
 - (2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
- 37.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
- 37.7
- (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
 - (2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.
- 37.8 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered. For the purposes of this scheme a Local Authority Information Document (LAID) or Local Authority Customer Information document (LACI) issued by the Department for Work and Pensions shall be treated as a valid claim.

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

- 37.9 Where an applicant ('C')-
- (a) makes a claim which includes (or which C subsequently requests should include) a period before the claim is made; and
 - (b) from a day, in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period),
the claim is to be treated as made on the date determined in accordance with paragraph 37.10

37.10 The date is the latest of-

- (a) the first day from which C had continuous good cause;
- (b) the day 1 month before the date the claim was made;
- (c) the day 1 month before the date when C requested that the claim should include a past period.

38.0 Date on which an application is made

38.1 Subject to sub-paragraph (7), the date on which an application is made is;

- (a) in a case where;
 - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,
the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
- (b) in a case where;
 - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application is received at the designated office within one month of the date of the change, the date on which the change takes place;
- (c) in a case where;
 - (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation, the date of the death or separation;
- (d) except where paragraph c) 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;
- (e) in any other case, the date on which an application is received at the designated office.

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

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the

Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.

- 38.3 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.
- 38.4 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.
- 38.5 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.
- 38.6 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.
- 38.7 In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance, employment and support allowance or Universal Credit.

39.0 Submission of evidence electronically

- 39.1 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

40.0 Use of telephone provided evidence

- 40.1 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

41.0 Information and evidence⁸

- 41.1 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.
- 41.2 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.
- 41.3 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.
- 41.4 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.
- 41.5 Where the authority makes a request under sub-paragraph (4), it must;
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 41.6 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 58.9.
- 41.7 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any

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

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.

42.0 Amendment and withdrawal of application⁹

- 42.1 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.
- 42.2 Where the application was made by telephone the amendment may also be made by telephone.
- 42.3 Any application amended is to be treated as if it had been amended in the first instance.
- 42.4 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.
- 42.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 42.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 42.7 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.

43.0 Duty to notify changes of circumstances¹⁰

- 43.1 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.
- 43.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
 - (a) in writing; or
 - (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

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

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

- 43.3 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.
- 43.4 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.
- 43.5 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.
- 43.6 The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within alternative maximum council tax reduction, giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.
- 43.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within 21 days 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

Decisions, decision notices and awards of Council Tax Reduction

44.0 Decisions by the authority¹¹

44.1 The authority must make a decision on an application under its scheme within 14 days, or as soon as reasonably practicable thereafter.

45.0 Notification of decision¹²

45.1 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.

45.2 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 this scheme;
(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.

45.3 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.

45.4 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.

45.5 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.

45.6 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.

45.7 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).

45.8 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 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.

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

¹² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

46.0 Time and manner of granting council tax reduction¹³

- 46.1 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.
- 46.2 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).
- 46.3 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.
- 46.4 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).

47.0 Persons to whom reduction is to be paid¹⁴

- 47.1 Any payment of the amount of a reduction must be made to the applicant where liable for council tax
- 47.2 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.

¹³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

48.0 Shortfall in reduction¹⁵

- 48.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;
- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
 - (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

49.0 Payment on the death of the person entitled¹⁶

- 49.1 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.

50.0 Offsetting

- 50.1 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.

51.0 Payment where there is joint and several liability¹⁷

- 51.1 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.
- 51.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.
- 51.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

¹⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁷ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

Collection, holding and forwarding of information for Council Tax Reduction purposes

52.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

- 52.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013
- 52.2 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 requirements¹⁸.

53.0 Collection of information

- 53.1 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
- 53.2 The authority may verify relevant information supplied to, or obtained.

54.0 Recording and holding information

- 54.1 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.

55.0 Forwarding of information

- 55.1 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.

¹⁸ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

Revisions, Written Statements, Termination of Council Tax Reduction

56.0 Persons affected by Decisions

- 56.1 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;

57.0 Revisions of Decisions

- 57.1 Subject to the provisions in this scheme, a relevant decision ('the original decision) may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;
- (i) one month of the date of notification of the original decision; or
 - (ii) such extended time as the authority may allow.
- 57.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;
- i) one month of the date of notification of the additional information; or
 - (ii) such extended time as the authority may allow

58.0 Written Statements

- 58.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Reduction. The request must be received within one month of the date of the notification being issued by the authority.

59.0 Terminations

- 59.1 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.
- 59.2 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

Appeals against the authority's decisions

60.0 Procedure by which a person may make an appeal against certain decisions of the authority¹⁹

- 60.1 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.
- 60.2 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.
- 60.3 Where, following notification the person is still aggrieved, or if the authority fails to notify the person aggrieved within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Procedure for applying for a discretionary reduction

61.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act²⁰

- 61.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;
- (a) in writing,
 - (b) by means of an electronic communication in accordance with this scheme, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 61.2 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).

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012

Applications for Exceptional Hardship

62.0 Applications for Exceptional Hardship

- 62.1 An application to the authority for an Exceptional Hardship payment under this scheme (Section13A(1)(a)) may be made;
- (a) in writing,
 - (b) by means of an electronic communication in accordance with this scheme, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone

Electronic Communication

63.0 Interpretation

- 63.1 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.

64.0 Conditions for the use of electronic communication

- 64.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
- 64.2 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.
- 64.3 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.
- 64.4 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.
- 64.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 64.6 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.
- 64.7 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.
- 64.8 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.

65.0 Use of intermediaries

- 65.1 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.

66.0 Effect of delivering information by means of electronic communication

- 66.1 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.

66.2 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).

66.3 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.

67.0 Proof of identity of sender or recipient of information

67.1 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.

68.0 Proof of delivery of information

68.1 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.

68.2 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.

68.3 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.

69.0 Proof of content of information

69.1 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.

Counter Fraud and Compliance

70.0 Counter Fraud and compliance

- 70.1 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
- 70.2 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.
- 70.3 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

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 2022//23 shall be calculated on the basis of the following Banded Discount Scheme. It should be noted that **only** earnings calculated in line with this scheme are used in the calculation of the discount.
2. Where an applicant or partner (determined in accordance with this scheme) would, **but for the implementation of this scheme**, be entitled to a disability premium or a disabled child premium, an additional discount would be applied as indicated by the + sign.

Discount Level		No Dependants (<i>weekly net earnings level</i>)	1 – 2 dependants (<i>weekly net earnings level</i>)	3 or more dependants (<i>weekly net earnings level</i>)
Band 1	80%	Passported Benefit or in receipt of Maximum Universal Credit	Passported Benefit or in receipt of Maximum Universal Credit	Passported Benefit or in receipt of Maximum Universal Credit
Band 2	65%	Less than £72.92	Less than £89.31	Less than £101.77
Band 2 +	70%			
Band 3	50%	£72.93 -£145.84	£89.32 - £178.84	£101.78 - £203.77
Band 3+	55%			
Band 4	25%	£145.85 - £218.77	£178.85 - £268.38	£203.78 - £305.77
Band 4+	30%			
Band 5	10%	£218.78 -£291.69	£268.39 - £357.92	£305.78 - £407.77
Band 5+	15%			

- 3 The amount of discount to be granted is to be based on the following factors:
 - a. The maximum Council Tax Reduction as defined within this scheme;
 - b. The Council Tax household as defined within this scheme;
 - c. The earnings of the applicant as defined within this scheme;
 - d. The capital of the applicant as defined within this scheme.
- 4 Discount bands vary depending on both earnings and the household (family as defined within this scheme).
- 5 Any applicant who capital is greater than £10,000 shall not be entitled to any Council Tax Reduction whatsoever.

6. The authority may increase the level of earnings within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation measured by the Consumer Price Index (CPI) at 1st October preceding the effective financial year.
7. Where an applicant or partner is in receipt of a relevant benefit namely Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, or maximum Universal Credit, discount will be award at 80%

Schedule 2
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, 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.
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.
8. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where-
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self- employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated

as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

- (2) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
 - (3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
- 9.** (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) an income-related benefit under Part 7 of the Act;
 - (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 support allowance
 - (f) Universal Credit

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

- (2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is
 - (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
 - (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax reduction, for the remainder of that award if that is a longer period.

- (3) For the purposes of sub-paragraph (2), 'the award of council tax reduction' means-
 - (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
 - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

- 10.** Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period

as is reasonable in the circumstances to effect the repairs, replacement or improvement.

- 11.** Any sum-
 - (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The surrender value of any policy of life insurance.
- 17.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 18.** 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).
- 19.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their

care) to a person ('A') which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A;

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

- 20.** Any social fund payment made pursuant to Part 8 of the Act.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of-
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of-
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where-
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;

- (i) to that person's parent or step-parent; or
- (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

- 30.** The value of the right to receive an occupational or personal pension.
- 31.** The value of any funds held under a personal pension scheme
- 32.** 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.
- 33.** 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).
- 34.** 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.
- 35.** 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.
- 36.** 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.
- 37.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
- 38.** (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.
- 39.** 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.
- 40.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).

- 41.** 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.
- 42.** 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.
- 43.** 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.
- 44.** (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
- 45.** (1) Any sum of capital to which sub-paragraph (2) applies and
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
(b) which can only be disposed of by order or direction of any such court; or
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
(2) This sub-paragraph applies to a sum of capital which is derived from;
(a) an award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 46.** 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.
- 47.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 48.** 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.
- 49.** (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.

- 50.** (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).
- 51.** 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.
- 52.** 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.
- 53.** 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.
- 54.** (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.

- 55.** 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.
- 56.** (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.
- 57.** 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).
- 58.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 59.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 60.** Any payments to an applicant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

COUNCIL MEETING

8 December 2021

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the recent changes in the composition of the Council, a review has been undertaken of the allocation of seats on Committees. The Council is asked to agree that the allocation of seats on Committees be as set out in Appendix 1 to this report and that the wishes of the Group Leaders regarding the membership of Committees be accepted.

Purpose of Report

Decision

This report makes the following recommendations to Council:

1. That the allocation of seats on Committees be as set out in Appendix 1 to this report.
2. That the wishes of the Group Leaders regarding the membership of Committees be accepted.

Timetable

Meeting	Date
Council Meeting	8 December 2021

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.	Democratic Services Officer
Cross-Cutting Objectives	There are no direct impacts on cross-cutting objectives arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's cross-cutting objectives.	Democratic Services Officer
Risk Management	See section 5 below.	Democratic Services Officer
Financial	The Committees appointed having regard to the political balance requirements form part of the plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications.	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – Section 15 of the Local Government and Housing Act 1989. It is possible to have Committees that are not politically balanced provided that when alternative arrangements are put to the vote, no Member of the Council votes against them. The appointments to the	Interim Deputy Head of Legal Partnership and Monitoring Officer

	Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	
Privacy and Data Protection	No specific issues arise.	Corporate Insight, Communities and Governance Team
Equalities	The review will ensure an equitable political representation in the membership of Committees.	Equalities and Communities Officer
Public Health	No specific issues arise.	Democratic Services Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer
Biodiversity and Climate Change	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the establishment of The Maidstone Group and the decision of Councillor McKay to resign from the Labour Group and to sit as an unaligned Independent Member, the composition of the Council is as follows:

Conservative	29
Liberal Democrat	12
Independent	5
The Maidstone Group	5
Labour	3
Cllr McKay (Unaligned Independent Member)	1
Total	55

2.2 A review has been undertaken of the allocation of seats on Committees taking into account the change in the composition of the Council and having

regard to the basic principles of seat allocation prescribed by Section 15 of the Local Government and Housing Act 1989.

3. AVAILABLE OPTIONS

- 3.1 The allocation of seats on individual Committees which achieves overall political balance is set out in Appendix 1.
 - 3.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

- 4.1 Following consultation with Group Leaders, it is proposed that the allocation of seats on individual Committees, which achieves overall political balance, be as set out in Appendix 1.
-

5. RISK

- 5.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in the membership of Committees. The prompt and correct allocation of seats on Committees is vital to maintaining an effective and transparent governance framework.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been consulted on the allocation of seats on Committees and the adjustments required.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups.
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8. REPORT APPENDICES

Appendix 1: Review of Allocation of Seats on Committees

9. BACKGROUND PAPERS

None

APPENDIX 1

ALLOCATION OF SEATS ON COMMITTEES – DECEMBER 2021

238

	Service Committees										
	Policy and Resources Committee	Strategic Planning and Infrastructure Committee	Communities, Housing and Environment	Economic Regeneration and Leisure Committee	Planning Committee	Licensing Committee	Audit, Governance and Standards Committee	Joint Transportation Board	Democracy and General Purposes Committee	Total of entitlement on individual Committees	Overall entitlement
Seats to be Allocated	15	9	9	9	13	13	9	9	9	95	95
Conservative	8	5	5	5	7	7	5	5	5	52	52
Liberal Democrat	4	1	1	2	3	3	2	2	2	20	20
Independent	1	1	1	1	1	1	1	1	0	8	8
The Maidstone Group	1	1	1	0	1	1	1	1	1	8	8
Labour	1	0	1	1	1	1	0	0	0	5	5
Cllr McKay (Unaligned Independent Member)	0	1	0	0	0	0	0	0	1	2	2
Total Allocated	15	9	9	9	13	13	9	9	9	95	95

**MAIDSTONE BOROUGH COUNCIL ACTING
AS CORPORATE TRUSTEE OF THE CHARITY
KNOWN AS THE COBTREE MANOR ESTATE**

8 December 2021

REVIEW OF ALLOCATION OF SEATS ON THE COBTREE MANOR ESTATE CHARITY COMMITTEE

Final Decision-Maker	Maidstone Borough Council acting as Corporate Trustee of the Charity Known as the Cobtree Manor Estate
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the recent changes in the composition of the Council, a review has been undertaken of the allocation of seats on the Cobtree Manor Estate Charity Committee. The Council, acting as Corporate Trustee, is asked to agree the allocation of seats on the Committee and to accept the wishes of Group Leaders regarding the membership of the Committee.

Purpose of Report

Decision

This report makes the following recommendations to Council Acting as Corporate Trustee of the Charity Known as the Cobtree Manor Estate:

1. That the allocation of seats on the Cobtree Manor Estate Charity Committee as set out below be approved:

Conservative	3
Liberal Democrat	1
Independent	0
The Maidstone Group	1
Labour	0
Cllr McKay (Unaligned Independent Member)	0

2. That the wishes of the Group Leaders regarding the membership of the Committee be accepted.

Meeting	Date
Maidstone Borough Council Acting as Corporate Trustee of the Charity Known as the Cobtree Manor Estate	8 December 2021

REVIEW OF ALLOCATION OF SEATS ON THE COBTREE MANOR ESTATE CHARITY COMMITTEE

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	N/A	Democratic Services Officer
Cross Cutting Objectives	N/A	Democratic Services Officer
Risk Management	See section 5 below	Democratic Services Officer
Financial	The Committee forms part of the original plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – Section 15 of the Local Government and Housing Act 1989. It is possible to have Committees that are not politically balanced provided that when alternative arrangements are put to the vote, no Member of the Council votes against them. The appointments to the Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	Interim Deputy Head of Legal Partnership and Monitoring Officer
Privacy and Data Protection	No specific issues arise.	Corporate Insight, Communities and

		Governance Team
Equalities	The review will ensure an equitable political representation in the membership of Committees.	Equalities and Communities Officer
Public Health	No specific issues arise.	Democratic Services Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer
Biodiversity and Climate Change	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the establishment of The Maidstone Group and the decision of Councillor McKay to resign from the Labour Group and to sit as an unaligned Independent Member, the composition of the Council has changed, and this necessitates a review of the allocation of seats on Committees, including the Cobtree Manor Estate Charity Committee which comprises five Members.

3. AVAILABLE OPTIONS

3.1 To achieve political balance, the allocation of seats on the Cobtree Manor Estate Charity Committee would be as follows:

Conservative	3
Liberal Democrat	1
Independent	0
The Maidstone Group	1
Labour	0
Cllr McKay (Unaligned Independent Member)	0

3.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

- 4.1 It is proposed, following consultation with Group Leaders, that the allocation of seats on the Cobtree Manor Estate Charity Committee be as set out in paragraph 3.1 above.
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5. RISK

- 5.1 The review of the allocation of seats on the Committee will ensure an appropriate political balance in the membership of the Committee. The prompt and correct allocation of seats on Committees is vital to maintaining an effective and transparent governance framework.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been consulted on the proposed allocation of seats on the Cobtree Manor Estate Charity Committee.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups. The Cobtree Manor Estate Charity Committee has indicated previously that it wishes to retain, as far as possible, the same membership for continuity purposes.
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8. BACKGROUND PAPERS

None

**MAIDSTONE BOROUGH COUNCIL ACTING
AS CORPORATE TRUSTEE OF THE CHARITY
KNOWN AS THE QUEEN'S OWN ROYAL
WEST KENT REGIMENT MUSEUM TRUST**

8 December 2021

REVIEW OF ALLOCATION OF SEATS ON THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

Final Decision-Maker	Maidstone Borough Council acting as Corporate Trustee of the Charity Known as the Queen's Own Royal West Kent Regiment Museum Trust
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the recent changes in the composition of the Council, a review has been undertaken of the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee. The Council, acting as Corporate Trustee, is asked to agree the allocation of seats on the Committee and to accept the wishes of the Group Leaders regarding the membership of the Committee.

Purpose of Report

Decision

This report makes the following recommendations to Council Acting as Corporate Trustee of the Charity Known as the Queen's Own Royal West Kent Regiment Museum Trust:

1. That the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee as set out below be approved:

Conservative	3
Liberal Democrat	1
Independent	1
The Maidstone Group	0
Labour	0
Cllr McKay (Unaligned Independent Member)	0

2. That the wishes of the Group Leaders regarding the membership of the Committee be accepted.

Timetable	
<i>Meeting</i>	<i>Date</i>
Maidstone Borough Council Acting as Corporate Trustee of the Charity Known as the Queen's Own Royal West Kent Regiment Museum Trust	8 December 2021

REVIEW OF ALLOCATION OF SEATS ON THE QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	N/A	Democratic Services Officer
Cross Cutting Objectives	N/A	Democratic Services Officer
Risk Management	See section 5 below	Democratic Services Officer
Financial	The Committee forms part of the original plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications	Democratic Services Officer
Legal	The Council must allocate seats on Committees to the different political groups to reflect the size of each political group – Section 15 of the Local Government and Housing Act 1989. It is possible to have Committees that are not politically balanced provided that when alternative arrangements are put to the vote, no Member of the Council votes against them. The appointments to the Committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	Interim Deputy Head of Legal Partnership and Monitoring Officer
Privacy and Data Protection	No specific issues arise.	Corporate Insight, Communities and

		Governance Team.
Equalities	The review will ensure an equitable political representation in the membership of Committees.	Equalities and Communities Officer
Public Health	No specific issues arise.	Democratic Services Officer
Crime and Disorder	No specific issues arise.	Democratic Services Officer
Procurement	No specific issues arise.	Democratic Services Officer
Biodiversity and Climate Change	No specific issues arise.	Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the establishment of The Maidstone Group and the decision of Councillor McKay to resign from the Labour Group and to sit as an unaligned Independent Member, the composition of the Council has changed, and this necessitates a review of the allocation of seats on Committees, including the Queen's Own Royal West Kent Regiment Museum Trust Committee which comprises five Members.

3. AVAILABLE OPTIONS

3.1 To achieve political balance, the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee would be as follows:

Conservative	3
Liberal Democrat	1
Independent	1
The Maidstone Group	0
Labour	0
Cllr McKay (Unaligned Independent Member)	0

3.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. Essentially, the Council can amend the political balance of a Committee provided that notice of the intention to give such consideration has been given to all Members of the Council and that when the alternative arrangements are put to the vote at the Council meeting, no Member of the Council votes against them.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATION

- 4.1 It is proposed, following consultation with Group Leaders, that the allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee be as set out in paragraph 3.1 above.
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5. RISK

- 5.1 The review of the allocation of seats on the Committee will ensure an appropriate political balance in the membership of the Committee. The prompt and correct allocation of seats on Committees is vital to maintaining an effective and transparent governance framework.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Group Leaders have been consulted on the proposed allocation of seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups.
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8. BACKGROUND PAPERS

None