

You are hereby summoned to attend a meeting of the

MAIDSTONE BOROUGH COUNCIL

Date: Wednesday 9 December 2020

Time: 6.30 p.m.

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

Councillors Adkinson, Bartlett, Mrs Blackmore, Brice, Brindle, D Burton, M Burton, Chappell-Tay, Clark, Cox, Cuming, Daley, English, Eves, Fermor, Fissenden, Fort, Garland, Garten, Mrs Gooch, Mrs Grigg, Harper, Harvey, Harwood, Hastie, Hinder, Joy, Khadka, Kimmance, Lewins, McKay, Mortimer, Munford, Naghi, Newton, Parfitt-Reid, Perry, Powell, Purle, Mrs Ring (Mayor), Mrs Robertson, D Rose, M Rose, Round, J Sams, T Sams, Spooner, Springett, Vizzard, Webb, de Wiggondene-Sheppard, Wilby and Young

AGENDA

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1. Prayers
2. Apologies for Absence
3. Dispensations (if any)
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the meeting of the Borough Council held on 30 September 2020 adjourned to 5 October 2020 1 - 19
8. Mayor's Announcements
9. Petitions
10. Question and Answer Session for Members of the Public

Issued on Tuesday 1 December 2020

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

11. Questions from Members of the Council to the Chairmen of Committees
12. Current Issues - Report of the Leader of the Council, Response of the Group Leaders and Questions from Council Members
13. Report of the Licensing Committee held on 19 November 2020 - Statement of Licensing Policy 2021-2026 20 - 58
14. Report of the Policy and Resources Committee held on 25 November 2020 - Council Tax Reduction Scheme 2021-2022 59 - 156
15. Report of the Policy and Resources Committee held on 25 November 2020 - Discretionary Housing Payments 157 - 182
16. Oral Report of the Communities, Housing and Environment Committee to be held on 1 December 2020 (if any)
17. Oral Report of the Strategic Planning and Infrastructure Committee to be held on 8 December 2020 (if any)

INFORMATION FOR THE PUBLIC

In order to ask a question at this remote 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 7 December 2020). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

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 7 December 2020). You will need to tell us which agenda item you wish to comment on.

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

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MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE REMOTE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD ON 30 SEPTEMBER 2020 ADJOURNED TO 5 OCTOBER 2020

Present: Councillor Mrs Ring (Mayor) and
30 Councillors Adkinson, Mrs Blackmore, Brice, Brindle,
September D Burton, M Burton, Chappell-Tay, Clark, Cox,
2020 Cuming, Daley, English, Fermor, Fissenden, Fort,
Garland, Garten, Mrs Gooch, Mrs Grigg, Harper,
Harvey, Harwood, Hastie, Hinder, Joy, Khadka,
Kimmance, Lewins, McKay, Mortimer, Munford,
Naghi, Newton, Parfitt-Reid, Perry, Powell, Purle,
Mrs Robertson, D Rose, M Rose, Round, J Sams,
T Sams, Spooner, Springett, Vizzard, Webb,
de Wiggondene-Sheppard, Wilby and Young

147. PRAYERS

Prayers were said by the Reverend Joyce Addison of St Martin's Church, Northumberland Road.

148. RECORDING OF PROCEEDINGS

Councillor McKay reserved his right to record the proceedings.

149. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Bartlett and Eves.

150. DISPENSATIONS

There were no applications for dispensations.

151. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

152. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 9.	Petition – Housebuilding Targets and Infrastructure	Councillors M Burton, Chappell-Tay, Cox, Perry, Powell, J Sams, T Sams, de Wiggondene-Sheppard and Wilby
Item 15.	Oral Report of the Strategic Planning and Infrastructure	Councillors D Burton, Cox, Garten, Mrs Gooch, Mrs Grigg, Munford,

	Committee held on 22 September 2020 – Local Development Scheme 2020-2022 (September 2020 Edition) and Maidstone Statement of Community Involvement September 2020	Parfitt-Reid, Perry, M Rose, M Round, J Sams, T Sams, de Wiggondene-Sheppard and Wilby
Item 16.	Notice of Motion – Anti-Idling Campaign	Councillors M Burton, Chappell-Tay, Cox, Garten, Kimmance, Perry, D Rose and Round
Item 17.	Report of the Head of Policy, Communications and Governance – Amendments to the Constitution	Councillors Cox, Mrs Gooch, Munford and Purle
Item 21.	Report of the Head of Policy, Communications and Governance – Call-In of Policy and Resources Committee Decisions on Property Acquisition 1 and Property Acquisition 2	Councillors Mrs Blackmore, Brice, M Burton, K Chappell-Tay, Cox, Garten, Kimmance, Newton, Parfitt-Reid, Perry, D Rose and Round

153. EXEMPT ITEMS

RESOLVED: That if Members wish to discuss the information contained in the exempt Appendix to the report of the Head of Policy, Communications and Governance relating to the Call-In of Policy and Resources Committee Decisions on Property Acquisition 1 and Property Acquisition 2, it will be necessary to exclude the public from the meeting because of the likely disclosure of exempt information having applied the Public Interest Test.

154. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 15 JULY 2020

RESOLVED: That the Minutes of the meeting of the Borough Council held on 15 July 2020 be approved as a correct record and signed.

155. MAYOR'S ANNOUNCEMENTS

The Mayor said that the number of engagements was increasing, which was good, but people were being very cautious and this was understandable at this difficult time.

156. PETITION - HOUSEBUILDING TARGETS AND INFRASTRUCTURE

Mr Steve Heeley presented a petition in the following terms on behalf of the Save Our Heathlands Action Group (SOHAG):

We the undersigned request our elected representatives in Maidstone Borough to:

- Challenge and campaign against national Government's housebuilding targets.*
- Rethink the building of Garden Communities. They are not an appropriate planning policy for the Borough of Maidstone, especially in places like Lenham Heath, Marden and Langley as perfect examples.*
- Not accept new housebuilding levels that are unsustainable for the Borough of Maidstone.*
- Complete a full infrastructure assessment before the Local Plan Review and ensure all historical infrastructure issues are rectified across the Borough before projects commence.*
- Be transparent and engage Parish Councils and local communities before any final decisions are made with regards to planning and new developments in the area.*

In presenting the petition, Mr Heeley said that:

- The petition had been signed by thousands of Maidstone residents calling upon the Council to rethink its plans on housebuilding.*
- The SOHAG was opposed to the Council's proposed Garden Community at Lenham. However, through its work, the Group was finding that there was a lot of opposition to the overall planning approach in the Borough.*
- Many of the people the Group had spoken to appeared resigned to the fact that the Council would carry on with its growth strategy without properly seeking the views of residents. The petitioners were calling upon Members to hear and listen to the voices of Maidstone residents who were saying "Enough is Enough".*
- The petition was specifically asking Members to challenge and campaign against national Government's housebuilding targets and to rethink the building of Garden Communities as this was not considered to be a suitable planning policy approach for the Borough. The petitioners did not expect the Council to accept new housebuilding levels that are unsustainable for Maidstone and were asking the Council to be transparent and engage with Parish Councils and local communities before any final decisions are made regarding where new development goes.*
- In terms of housebuilding targets, the petitioners were well aware that the Council had made attempts to challenge the targets imposed already but were underwhelmed by the action taken to date which had constituted a few letters to the Secretary of State and a meeting with Civil Servants. Instead they wanted loud and clear voices against national targets and were calling upon the Council to join forces with MPs across Kent and further afield and the Kent Association of Local Councils to amplify the opposition to these targets.*
- In terms of Garden Communities, the petitioners were calling upon the Council to listen to the many residents who are opposed to this form of growth. Maidstone residents did not want new towns built in the countryside at the expense of hundreds of acres of greenfield land miles away from the main conurbations. Garden Communities were*

the right solution in the right place but were not the right solution for Maidstone. Existing Garden Communities such as Ebbsfleet in north Kent and Kingshill, West Malling were sites which had former uses and were being regenerated. Unfortunately, Maidstone did not have these types of sites. Instead, the Council seemed intent on building over the countryside and green space around existing rural villages such as Marden and Lenham. This was not what residents wanted.

- In recent weeks, the petitioners had seen and heard Members protecting their own backyards as part of the Local Plan review. It was not good enough to have such a blinkered approach.*
- The Council had made decades of poor decisions regarding the provision of the necessary infrastructure to deal with the growth of Maidstone town centre in a sustainable way. The solution was not to flood rural villages with houses just to get the numbers required. Rural centres like Lenham were already taking their fair share of new homes; over 1,000 in the next ten years almost doubling the size of the village. Urban and suburban parts of the Borough had got to do their fair share too and the Council needed to be serious about its infrastructure strategy to properly unlock growth.*
- The opposition to so many new homes across the Borough was because roads cannot cope with existing traffic. The town centre was congested, and this was exacerbated by the lack of a serious and credible transport strategy and ambition.*
- Finally, the petition was calling on the Council to be more transparent and properly engaged with Parish Councils and local communities. The petitioners understood the difficult decisions faced by the Council in agreeing a spatial strategy but considered that the current proposed solutions were not the answer. The petitioners were calling upon the Council to think again, particularly about the building of Garden Communities. Maidstone residents were saying "Enough is Enough" and it was hoped that Members would listen to and act upon these concerns.*

A factual briefing note prepared by the Officers was circulated to assist Members in the discussion on the petition.

During the discussion, Members made several points, including:

Residents were angry and that was understandable, but the Council was not the Highway Authority. Attacking the Borough Council for decisions taken on transport and road infrastructure was perhaps not hitting the right target.

The Council did not have a strategy for growth. The housing numbers had been imposed on this and all other Councils across the country by the Government. The issue should not really be who was to blame for this but what Members as politicians across the board in Maidstone and in other local authority areas did about it. The Council had been working with MPs and most MPs in Kent had made strong representations against the proposed changes in the Government's planning policy. The Council had been trying to work with them.

Turning to the details of the Local Plan, contrary to what had been asserted, the Council had not made decisions on Garden Communities or any other site allocations yet. The Council as a land promoter/developer had a view on a particular proposal but that was not a proposal that had been adopted by the Strategic Planning and Infrastructure Committee at this time.

The debate had not closed, decisions had not been made. The Council had not closed off discussions with Parish Councils or with the public and was still engaged in them. The decisions would be made in the public arena; fully, clearly and transparently.

Fully support the petition on behalf of the people of Maidstone.

Fully support the petition which had arisen out of the frustration felt by residents all over the Borough about housing development without the supporting infrastructure. There was concern that the houses being built were unaffordable and did not reflect the needs/changing requirements of real family situations. For example, in Harrietsham, Lenham and other areas almost all of the houses being built at the moment were larger properties, but starter homes and properties suitable for downsizing were required and they needed to be built near to the services that would support the people who would be living there. The petition reflected residents' view that these larger properties and Garden Communities were not the answer. The Council was being over-reliant on Garden Communities in its strategic planning.

Residents' groups and Parish Councils were combining and united in their opposition. The petition was not about "nimbyism" – it represented collective disquiet about the whole process. There was a need for community engagement and transparency, to share information and to listen to Parish Councils and local residents.

Under recent changes to the planning laws sent out for consultation, the Government was proposing changes to the standard methodology used to calculate housing need resulting in a new national total of 337,000 homes a year. Under the current methodology the Council was required to build 1,214 houses per year. Under the new methodology proposed by the Ministry of Housing, Communities and Local Government, which was presently subject to consultation and might change, this number increased to 1,569 houses per year. Together with others, the Council was challenging the existing and proposed new Government imposed housebuilding requirements, but the Government was being very firm.

The Council was also in the process of amending the timeline for its current Local Plan Review in an attempt to avoid increased housing requirements for the maximum time.

As part of the Council's Call for Sites exercise, there was a prospectus dedicated to the submission of proposals from landowners/developers for a Garden Community and various proposals were put forward which were considered.

It was now necessary for everyone to work together towards the various stages of the Local Plan Review process and to ensure the delivery of houses supported by the necessary infrastructure.

The Local Plan was more than just housing, it was also about the infrastructure required to support it including medical facilities, open space, libraries and employment. A holistic approach was required.

Whilst Parish Councils were very welcome to contact Members, a lot of Members represented Wards in the urban area of the Borough which did not have the benefit of Parish Councils and, possibly due to the COVID-19 pandemic, did not have such active residents' groups. There was a need to ensure that urban views did not go unheard.

There was also a need to consider the other changes the Government was considering to the current planning system.

No decisions had been made yet. Garden Communities were currently being assessed. It was necessary to go through the process to provide the evidence to demonstrate a sound Plan whilst at the same time lobbying the Government for a reduction in the housebuilding targets.

Members were all defending their areas and certainly looking at the evidence in relation to the sites coming forward. Ebbsfleet was a development where the whole planning process was taken away from Dartford Borough Council.

There would be an opportunity to engage with residents through Regulation 18b of the current Local Plan Review. If the Council moved straight to Regulation 19, it would be for the Inspector to go through evidence that he/she might not necessarily be familiar with as a potentially non-resident.

Always thought the Council was probably not competent to deliver the supposed benefits of a Garden Community without all the obvious adverse impacts. Always objected to the way the Council approached these matters but must object to the statement that the urban and sub-urban areas need to take their fair share.

That was not what the petition said, and it was not what people had signed up to. It ignored the fact that urban and suburban Maidstone had taken the lion's share of development for years. No wish to see the countryside needlessly churned up and the Council did need to be pushing back on the Government's targets, but, to be clear, the town was literally choking and should not be used as an easy solution. The town had done its bit. Most of the brownfield sites had been used because the town had borne the brunt for twenty years; so no more please.

Every sympathy with the petitioners, but there was no more space left in the urban/suburban areas to build. Infrastructure was needed to support new development and people to support that infrastructure.

People thought that signing the petition would make a difference, but if the Council did not comply with the requirements, there would be an Inspector who did it for the Council.

As far as aware all national parties acknowledged the same level of housebuilding. The alternative which it was thought the petition was asking the Council to consider was that the Council would not accept the new housebuilding levels because it did not think it was right for the Borough. However, it was necessary to weigh up the consequences and the consequences were that it would not stop development. It would come; it would be developer-led, market-led, approved by an Inspector piecemeal. The Council had to decide whether it would be appropriate to respond to what the residents were saying across the Borough, but what a price would be paid. Would welcome another petition asking residents whether they wanted the Council to let the market take over or try and keep some sort of control of the process locally.

At the conclusion of the debate Mr Heeley was given the opportunity to respond to the issues raised.

Before losing connectivity, Mr Heeley said that he thought the debate had been useful and that he would like to see the Council discussing these issues more openly.

In accordance with the Council's Constitution, the petition, having been debated by the Council, was referred, together with the views expressed in the debate, to the Strategic Planning and Infrastructure Committee as the appropriate decision-making body.

157. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question to the Chairman of the Policy and Resources Committee from Mr Stuart Jeffery

It is now almost 18 months since the Council declared a climate and ecological emergency and 15 months since the Council agreed to develop an action plan. The plan was due to be presented at April's Policy and Resources Committee but was understandably deferred until June. There have been three Policy and Resources Committees since June and still no sign of a plan. Given that the climate and ecological emergencies dwarf the Covid pandemic why is the Council not giving it its full attention?

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

Mr Jeffery asked the following supplementary question of the Chairman of the Policy and Resources Committee:

What will you tell your grandchildren when they ask why you didn't do everything enough quickly enough and why you didn't do everything possible to stop the climate ecological catastrophe?

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

Question to the Chairman of the Democracy and General Purposes Committee from Ms Geraldine Brown

Will the Democracy and General Purposes Committee work with Group Leaders to ensure that next year's election arrangements, particularly so-called "purdah", and, as necessary, the Constitution are revised to ensure that the Local Development Scheme suffers minimal inconvenience and lost time arising from the election period?

The Chairman of the Democracy and General Purposes Committee responded to the question.

Ms Brown asked the following supplementary question of the Chairman of the Democracy and General Purposes Committee:

With Officers trying to pull out all the stops to achieve early Regulation 19 consultation, do you not think that Members, particularly Group Leaders, should try as hard as they can to find a solution and remove the possible impediment for the benefit of residents?

The Chairman of the Democracy and General Purposes Committee responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Peter Coulling

In your view, do you think this Council is assured that our Borough will not have to absorb 5,000 extra dwellings in the period up to 2037, if a new algorithm comes into force?

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

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

Does that mean when we get to agenda item 15 (Oral Report of the Strategic Planning and Infrastructure Committee held on 22 September 2020 – Local Development Scheme 2020-2022 (September 2020 Edition) and Maidstone Statement of Community Involvement September 2020), you will really express your concerns that the proposed Local Development Scheme leaves us very exposed as a Borough in January, February and probably a good part of March if the algorithm changes and that the Local Development Scheme is just not quick enough/agile enough and is not really covering our risk?

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

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Peter Titchener

What role, and with what legal standing and weight, will existing Neighbourhood Plans and also those nearing completion play in the current Local Plan Review?

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

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

What concerns me about Neighbourhood Plans is that there are Parishes that have spent a lot of money in producing them and there are Parishes currently spending a lot of money producing draft Neighbourhood Plans. If they are to be set aside what does that say about the weight Maidstone Borough Council gives to local opinion because I was hoping to hear that if you are going to give the same weight to the current Neighbourhood Plans, then the green list will be amended to exclude any sites that conflict with those Neighbourhood Plans?

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

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr John Horne

Will you recommend to the Strategic Planning & Infrastructure Committee that it requires Officers to list, describe and give an estimated impact of every reasonable constraint that could be applied to the Housing Needs figure to derive a lower Housing Target for the Local Plan Review?

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

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

The Government is stating that local circumstances should be applied to the algorithm for housing numbers. Does that mean that you will expect Officers not to repeat the equivalent of what the previous Leader said that during development of the current Local Plan the 23 constraints had been examined and none applied?

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

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr John Hughes

As transport is such a major problem in the Borough, can you give residents an assurance that the key outcomes of the review of the Integrated Transport Strategy will be available to inform the Local Plan Review Preferred Strategy consultation in December 2020 if this proposal is agreed by the Borough Council?

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

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

As the Integrated Transport Strategy is such a critical evidence base and strategic base for the Local Plan Review, isn't it very difficult to come up with alternative strategies if you haven't got some clear indications from that review of the Integrated Transport Strategy?

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

Question to the Chairman of the Economic Regeneration and Leisure Committee from Mr Gary Thomas

On the assumption that the proposed new algorithm for Housing Numbers does not take effect for our Borough, what figure for employment needs are you pursuing as part of the Local Plan Review, recognising that a good proportion of new dwellings is likely to be purchased by those working outside our Borough?

The Chairman of the Economic Regeneration and Leisure Committee responded to the question.

Mr Thomas asked the following supplementary question of the Chairman of the Economic Regeneration and Leisure Committee:

Have you done any actual surveys to see where the purchasers of houses in the numerous new developments have moved from, including from London, whilst retaining London-based jobs?

The Chairman of the Economic Regeneration and Leisure Committee responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Ms Donna Greenan

Please can you tell me what Maidstone Borough Council's response will be to the Department for Transport's current consultation 'Pavement Parking: Options for Change'?

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

Ms Greenan asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

While the consultation is taking place, what steps are the Council currently taking to highlight the dangers of pavement parking to vulnerable residents through local newsletters and social media usage?

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=EuOxZmRnLcA&t=12918s>

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

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

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

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

After the Leader of the Council had submitted his report, Councillor Perry, the Leader of the Conservative Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor McKay, the Leader of the Labour Group, and Councillor Powell, the Leader of the Independent Maidstone Group, responded to the issues raised.

There were no questions from Members regarding the issues raised by the Leader of the Council and the other Group Leaders in their speeches.

160. REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE HELD ON 25 AUGUST 2020 - REQUEST TO REDUCE THE NUMBER OF NOMINATIVE TRUSTEE POSITIONS FROM THE CUTBUSH AND CORRALL CHARITY (INCORPORATING THE QUESTED ALMSHOUSE CHARITY)

It was moved by Councillor Mortimer, seconded by Councillor Powell, that the recommendation of the Communities, Housing and Environment Committee relating to a request by the Cutbush and Corral Charity (incorporating the Quested Almshouse Charity) to reduce the number of Council appointed Nominative Trustees from four to two be approved.

RESOLVED: That the request by the Cutbush and Corrall Charity (incorporating the Quested Almshouse Charity) to reduce the number of Council appointed Nominative Trustees from four to two be approved.

161. REPORT OF THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE HELD ON 14 SEPTEMBER 2020 - AUDIT, GOVERNANCE AND STANDARDS COMMITTEE - ANNUAL REPORT TO COUNCIL 2019/20

It was moved by Councillor Harvey, seconded by Councillor Adkinson, that the recommendation of the Audit, Governance and Standards Committee relating to its Annual Report to Council 2019/20 be approved.

RESOLVED: That the Audit, Governance and Standards Committee Annual Report 2019/20, attached as Appendix A to the report of the Committee, be noted.

162. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 22 SEPTEMBER 2020 - LOCAL DEVELOPMENT SCHEME 2020-2022 (SEPTEMBER 2020 EDITION) AND MAIDSTONE STATEMENT OF COMMUNITY INVOLVEMENT SEPTEMBER 2020

At the invitation of the Mayor, Councillor Geraldine Brown, the Chairman of the Maidstone Area Committee of the Kent Association of Local Councils, and Councillor Peter Coulling, a member of the Co-ordinating Team including the Maidstone Area Committee of the Kent Association of Local Councils, Maidstone CPRE, the Bearsted and Thurnham Society and the Joint Parishes Group, addressed the Council, urging Members to further accelerate the timetable to Regulation 19 consultation to attempt to avoid the risk of increased housing numbers being applied to the Borough.

Councillor D Burton then presented the report of the meeting of the Strategic Planning and Infrastructure Committee held on 22 September 2020.

It was moved by Councillor D Burton, seconded by Councillor Mrs Grigg,

1. That the Local Development Scheme 2020-2022 (September 2020 edition), attached as Appendix 1 to the report to the Strategic Planning and Infrastructure Committee, be approved.
2. That the Maidstone Statement of Community Involvement (September 2020), attached as Appendix 2 to the report to the Strategic Planning and Infrastructure Committee, be approved.
3. That the Statement of Community Involvement Covid-19 Temporary Addendum (May 2020) adopted by the Strategic Planning and Infrastructure Committee on 9 June 2020 as an Addendum to the Maidstone Statement of Community Involvement (September 2020) be approved.

4. That the Head of Planning and Development be granted delegated powers to reverse the changes within the Maidstone Statement of Community Involvement Covid-19 Temporary Addendum (May 2020) adopted by the Strategic Planning and Infrastructure Committee on 9 June 2020 as soon as Covid-19 restrictions allow.

In moving the recommendations, Councillor D Burton wished to make clear that they did not necessarily reflect his personal views.

Amendment moved by Councillor Garten, seconded by Councillor Perry, that the Council proceed directly to Regulation 19 consultation in February 2021 and adopt the Local Development Scheme 2020-2022 displayed at the meeting.

When put to the vote, the amendment was lost.

The original motion was then put to the vote and carried.

RESOLVED:

1. That the Local Development Scheme 2020-2022 (September 2020 edition), attached as Appendix 1 to the report to the Strategic Planning and Infrastructure Committee, be approved.
2. That the Maidstone Statement of Community Involvement (September 2020), attached as Appendix 2 to the report to the Strategic Planning and Infrastructure Committee, be approved.
3. That the Statement of Community Involvement Covid-19 Temporary Addendum (May 2020) adopted by the Strategic Planning and Infrastructure Committee on 9 June 2020 as an Addendum to the Maidstone Statement of Community Involvement (September 2020) be approved.
4. That the Head of Planning and Development be granted delegated powers to reverse the changes within the Maidstone Statement of Community Involvement Covid-19 Temporary Addendum (May 2020) adopted by the Strategic Planning and Infrastructure Committee on 9 June 2020 as soon as Covid-19 restrictions allow.

Councillor Garten requested that his dissent be recorded.

Councillor D Burton said that although the outcome of the vote might not be the preference of all Members, he was sure that they would work to deliver the timetable agreed by the Council and do their best to achieve the best outcome for Maidstone.

163. NOTICE OF MOTION - ANTI-IDLING CAMPAIGN

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

Following the question to Council by a member of the public at its meeting on 15 July 2020, and whilst welcoming the findings of Maidstone Borough Council's 2020 air quality Annual Status Report, it is disappointing to note that the provisions of Regulation 12 of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 have still not been implemented by Maidstone Borough Council.

These provisions are even more relevant today as the country slowly emerges from lockdown due to Covid-19.

Schools are back, but social distancing rules and understandable anxiety of parents have meant that fewer journeys to schools are being made by public transport. It is estimated that you would need at least 5 times the number of buses the UK currently has to enable safe social distancing. Therefore, there are now more cars on our already polluted roads than ever before – all pumping out noxious fumes.

Idling is detrimental to the modern automotive engine, but even more seriously idling engines are adding to already bad air pollution. Air pollution is linked to poor recovery and higher infection rates of Covid-19 due to damage caused to the lungs.

This Council therefore resolves to ensure that the provisions of Regulation 12 of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 are enacted immediately, with appropriate publicity, training of enforcement officers, engagement with local businesses, bus and taxi operators and presentations in schools as has been done in the London-wide Idling Action's #enginesoff campaign.

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

Note: Councillor Daley left the meeting during consideration of this item (10.00 p.m.).

164. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - AMENDMENTS TO THE CONSTITUTION

It was moved by Councillor Mrs Gooch, seconded by Councillor Mrs Joy, that the proposed amendments to the Constitution set out in Appendix 1 to the report of the Head of Policy, Communications and Governance, including changes to the requirements in relation to Planning and Licensing training, the Planning Referrals process and Seat Allocations be approved.

RESOLVED: That the proposed amendments to the Constitution set out in Appendix 1 to the report of the Head of Policy, Communications and Governance, including changes to the requirements in relation to Planning and Licensing training, the Planning Referrals process and Seat Allocations, be approved.

165. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE
- REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

It was moved by Councillor Cox, seconded by Councillor Mrs Gooch:

1. That the allocation of seats on Committees be as set out in amended Appendix 1 to the report of the Head of Policy, Communications and Governance which has been circulated separately.
2. That the wishes of the Group Leaders with regard to membership of Committees, as set out in the schedule circulated separately, be accepted.

Amendment moved by Councillor Perry, seconded by Councillor Cuming, that the proposed seat allocations be amended to reflect the original seat allocations agreed in May 2019 and that the wishes of Group Leaders regarding the membership of Committees be agreed following the meeting.

This amendment was not put to the vote. Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. 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. Councillor English indicated that he formally objected to the amendment.

The original motion was then put to the vote and carried.

RESOLVED:

1. That the allocation of seats on Committees be as set out in amended Appendix 1 to the report of the Head of Policy, Communications and Governance which has been circulated separately.
2. That the wishes of the Group Leaders with regard to membership of Committees, as set out in the schedule circulated separately, be accepted.

Note:

Councillors Fort and Newton left the meeting before the voting on this item.

Councillors J and T Sams left the meeting during consideration of this item (10.15 p.m.).

166. LONG MEETING

Prior to 10.30 p.m., at the conclusion of the voting on the report of the Head of Policy, Communications and Governance relating to the Review of

Allocation of Seats on Committees, the Council considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

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

167. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

It was moved by Councillor Cox, seconded by Councillor Purle, that the recommendations set out in the report of the Head of Policy, Communications and Governance be approved.

RESOLVED:

1. That it be noted that there is no impact on the seats on the Cobtree Manor Estate Charity Committee as a result of the review which has been undertaken.
2. That the wishes of Group Leaders with regard to the membership of the Committee be accepted.

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

168. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

It was moved by Councillor Cox, seconded by Councillor D Rose, that the recommendations set out in the report of the Head of Policy, Communications and Governance be approved.

RESOLVED:

1. That it be noted that there is no impact on the seats on the Queen's Own Royal West Kent Regiment Museum Trust Committee as a result of the review which has been undertaken.
2. That the wishes of Group Leaders with regard to the membership of the Committee be accepted.

169. ADJOURNMENT OF MEETING

At 10.35 p.m., the Mayor adjourned the meeting until a date to be determined by the Proper Officer in consultation with the Mayor and Group Leaders when the remaining items on the agenda will be discussed.

170. DURATION OF MEETING

6.30 p.m. to 10.35 p.m.

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE REMOTE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD ON 30 SEPTEMBER 2020 ADJOURNED TO 5 OCTOBER 2020

Present: Councillor Mrs Ring (Mayor) and
5 October Councillors Adkinson, Mrs Blackmore, Brice, Brindle,
2020 D Burton, M Burton, Chappell-Tay, Clark, Cox,
Cuming, Daley, English, Eves, Fermor, Fissenden,
Fort, Garten, Mrs Gooch, Mrs Grigg, Harper, Harvey,
Harwood, Hastie, Hinder, Joy, Khadka, Kimmance,
Lewins, McKay, Mortimer, Munford, Naghi, Newton,
Parfitt-Reid, Perry, Powell, Purle, Mrs Robertson,
D Rose, Round, Spooner, Springett, Vizzard, Webb,
de Wiggondene-Sheppard, Wilby and Young

171. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Garland, M Rose, J Sams and T Sams.

Note: Councillor Brice joined the meeting during this item (6.37 p.m.).

172. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brice disclosed an Other Significant Interest in the report of the Head of Policy, Communications and Governance relating to the Call-In of Policy and Resources Committee Decisions on Property Acquisition 1 and Property Acquisition 2. She explained that until very recently a family member worked for one of the organisations involved in the acquisitions. As she would not be speaking or voting on the item, she would leave the meeting.

173. DISCLOSURES OF LOBBYING

Councillors Mrs Blackmore, Brice, Brindle, M Burton, Cox, Hastie, Kimmance, Perry and Round said that they had been lobbied on the report of the Head of Policy, Communications and Governance relating to the Call-In of Policy and Resources Committee decisions relating to Property Acquisition 1 and Property Acquisition 2 and the associated exempt Appendix.

174. EXEMPT ITEMS

RESOLVED: That if Members wish to discuss the information contained in the exempt Appendix to the report of the Head of Policy, Communications and Governance relating to the Call-In of Policy and Resources Committee Decisions on Property Acquisition 1 and Property Acquisition 2, it will be

necessary to exclude the public from the meeting because of the likely disclosure of exempt information having applied the Public Interest Test.

175. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE - CALL-IN OF POLICY AND RESOURCES COMMITTEE DECISIONS ON PROPERTY ACQUISITION 1 AND PROPERTY ACQUISITION 2

It was moved by Councillor M Burton, seconded by Councillor Purle:

1. That the delegated authority granted to Officers under agenda items 15 and 16 of the Policy and Resources Committee meeting on 16 September 2020 be revoked.
2. That the Housing Regeneration and Investment Plan 2017 be referred back to the Policy and Resources Committee in order that it may review the strategy for building a private rental sector property portfolio.

When put to the vote, the motion was lost.

It was moved by Councillor Cox, seconded initially by Councillor Mortimer and then by Councillor Mrs Gooch due to connectivity issues, that the original decisions of the Policy and Resources Committee taken on 16 September 2020 in relation to Property Acquisition 1 and Property Acquisition 2, as set out in the report of the Head of Policy, Communications and Governance, be endorsed.

RESOLVED: That the original decisions of the Policy and Resources Committee taken on 16 September 2020 in relation to Property Acquisition 1 and Property Acquisition 2, as set out in the report of the Head of Policy, Communications and Governance, be endorsed.

Councillors Mrs Blackmore, M Burton, Garten, Newton and D Rose requested that their dissent be recorded.

Note:

Having disclosed an Other Significant Interest, Councillor Brice left the meeting prior to the introduction of this item by the Head of Policy, Communications and Governance.

Councillor Lewins joined the meeting during the discussion on this item.

Councillor Eves left the meeting during consideration of this item.

176. DURATION OF MEETING

6.30 p.m. to 8.12 p.m.

Agenda Item 13

MAIDSTONE BOROUGH COUNCIL

COUNCIL

9 DECEMBER 2020

REPORT OF THE LICENSING COMMITTEE HELD ON 19 NOVEMBER 2020

STATEMENT OF LICENSING POLICY 2021-2026

Issue for Decision

The Council's current Statement of Licensing Policy is valid until 6 January 2021. The Licensing Act 2003 requires the Council to publish this Policy which sets out the framework that the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

Recommendation Made

That the Statement of Licensing Policy 2021-2026, as shown at Appendix 1 to the report, be approved.

Reasons for Recommendation

The Licensing Act 2003 requires the Council, in its role as a licensing authority, to draft, consult on and publish a Statement of Licensing Policy at least every five years.

The Council's new Policy must be agreed and in place by 7 January 2021 in order to continue to process applications covered by the Licensing Act 2003.

The Policy has been updated to ensure it is relevant to Maidstone in 2021 and beyond. The content of the Policy follows the statutory guidance set out by the Secretary of State and is supported with local content which is appropriate and relevant for each authority.

The draft 'Statement of Licensing Policy' is detailed at Appendix 1. A 6-week public consultation occurred between 28 September 2020 to 9 November 2020. There were no responses to the consultation and as a result the Policy did not require amendment.

Alternatives Considered and Why Not Recommended

None - Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a Statement of its Licensing Policy for publication at least every five years. Failure to do so would create a risk by exposing the Council to a legal and financial liability brought about by the Council's inability to discharge its functions under the Licensing Act 2003.

Background Documents

Licensing Act 2003 -

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

S.182 Guidance issued to Licensing Authorities -
<https://www.gov.uk/government/publications/explanatory-memorandumrevised-guidance-issued-under-s-182-of-licensing-act-2003>

Current Statement of Licensing Policy 2015

Appendices

Appendix 1 – MBC – Draft Statement of Licensing Policy, Exp. Jan 2026.

STATEMENT OF LICENSING POLICY

DRAFT

6th January 2021 until 5th January 2026

Licensing Act 2003

ALL applications will be considered on their merits, as well as against the relevant policy and statutory framework

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STATEMENT OF LICENSING POLICY

INTRODUCTION

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

This is the Statement of Licensing Policy as determined by the Council in respect of its licensing functions under the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences on 6 January 2021 and continues for a five year period. During the five year period the Policy will be kept under review and the authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

All references to the 'Guidance' refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

The 2003 Act requires the Council to carry out its various licensing functions with a view to promoting the following four licensing objectives:

- **the prevention of crime and disorder;**
- **public safety;**
- **the prevention of public nuisance;**
- **the protection of children from harm.**

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- help build a fair and prosperous society that properly balances the rights of people and their communities with the needs of business.
- minimise any nuisance or disturbance to the public through the licensing process;
- integrate its aims and objectives with other initiatives, policies and strategies that will:
 - (1) reduce crime and disorder;
 - (2) encourage tourism;
 - (3) encourage an early evening and night time economy which is viable, sustainable and socially responsible;
 - (4) reduce alcohol misuse;
 - (5) encourage employment;
 - (6) encourage the self sufficiency of local communities;

- (7) reduce the burden of unnecessary regulation on business;
- (8) encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

In the preparation of this policy the Licensing Authority will have given proper regard to the local strategies on crime prevention, planning, transport, culture, tourism and economic development to ensure proper coordination and integration of the aims and actions of these policies.

The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will continue to develop strategies with the police, and the other enforcement agencies, as appropriate, for the management of the night-time economy. Central to this is the enforcement of the law relating to the sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of licensed premises.

This policy covers a wide variety of premises and activities carried on within them. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate. However, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

Highly Contagious Communicable Diseases

The impact of Covid-19 has been unprecedented across many areas of work, with licensed premises specifically impacted by a long period of Central Government led lockdown. As a Licensing Authority, we have had to respond to the pandemic and have implemented changes such as virtual licensing hearings, implementing short term changes to procedures to enable social distancing and considering the policy implications for Maidstone Borough Council. At the time of reviewing this document, the Government announced plans to re-open pubs, clubs and other licensed premises with additional social distancing guidance to be published. We are committed to supporting local licensed premises to re-open safely and with new requirements in place. Whilst, we cannot specify the requirements that may be needed – and we recognise that the response to highly contagious communicable diseases changes regularly, it is our intention to ensure that we fully comply as a Licensing Authority with any new regimes and requirements. Licensed premises/holders will also be required to comply fully with any new regulations or requirements placed upon them at a national level. We encourage all licensed premises to talk to the Licensing Authority, Police and other relevant Responsible Authorities at the earliest opportunity if they are uncertain regarding any compliance with any conditions or they wish to seek a temporary and/or informal relaxation of conditions.

We recognise that policy frameworks change, new or emerging issues arise at both a local and national level which may need to be taken into account when applying this Licensing Policy. We may therefore, from time to time, make new applicants

and existing licence holders/operators aware of these changes so that they can ensure they meet any future challenges.

1 CONSULTATION

1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Act. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy or the promotion of the Licensing Objectives will be made with the approval of the Licensing Manager in order for the policy to remain legislatively current.

1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:

- the Chief Officer of Police for Kent
- the fire and rescue authority for Kent
- the Director of Public Health for all areas within Maidstone Borough
- persons/bodies representative of local premises licence holders
- persons/bodies representative of club premises certificate holders
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in the MB area

1.3 In accordance with the guidance the following persons have also been consulted on this revised statement:

- Kent Police Licensing Team
- the Superintendent of Police for Maidstone Borough Council area
- all Council members
- all parish councils
- all bordering local authorities
- all other responsible authorities under the Licensing Act 2003
- members of the public who requested to be consulted and have responded previously.
- British Beer & Pub Association

THE POLICY

2. BACKGROUND

2.1 When administering licensing matters the council as the Licensing Authority will promote of the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

The four licensing objectives are the:

- ***Prevention of Crime and Disorder***
- ***Prevention of Public Nuisance***
- ***Public Safety***
- ***Protection of Children from Harm***

The Licensing Authority gives equal weight to each of these objectives.

2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authority will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.

2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to the amended guidance issued under section 182 of the Act the Police Reform and Social Responsibility Act 2012 and the Live Music Act 2012.

2.4 Maidstone Borough Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and variations to licences for a number of activities detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices,(TENs). The activities as defined by the Act are:

- Sale by retail of alcohol
- supply of alcohol (club)
- The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music
 - playing of recorded music
 - performance of dance
 - entertainment of a similar description to the above 3.
(where they take place in the presence of an audience for the purpose of entertaining them)
- Provision of late night refreshment

It should be noted that following the introduction of the Live Music Act 2012, a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

You also don't need a licence:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.

2.6 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

2.7 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

2.8 The Licensing Authority also regulates other activities at licensed premises which include sexual entertainment events and gambling

3. LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS

- 3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including all ages and genders. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.
- 3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.
- 3.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 3.4 The Licensing Authority offers a pre-application advice service. This advisory service is chargeable. The advice is a bespoke service for licensing applications. The aim is to help applicants and respond to challenges that may arise during the process. However advice given cannot pre-determine the outcome of any licensing application, particularly if representations are received and brought before the Licensing Sub-Committee.. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website – www.maidstone.gov.uk/business/licensing-and-permits and at <http://www.maidstone.gov.uk/business/environmental-health/health-and-safety/event-planning>
- 3.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them. However, MBC cannot provide legal advice to applicants or other parties.
- 3.6 *Supermarkets and other 'off' licensed premises selling alcohol.* The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout their opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 3.7 All 'off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to consider any appropriate and proportionate additional measures to prevent and deter proxy sales on behalf of under 18's.
- 3.8 Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers already appear under the influence of alcohol when attempting to make purchases.

- 3.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption. Therefore the authority requests as part of the application the Operating Schedule should include the procedures the applicant is intending to operate to ensure the following:
- The person they are selling alcohol to is over the age of 18
 - That alcohol is only delivered to a person over the age of 18
 - That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
 - The time that alcohol is sold on the website/over the phone at the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.
- 3.10 Where self-pay till points are made available in stores selling alcohol, provision must be considered for alcohol sales to be identified and approved prior to completion of the purchase.
- 3.11 *Designated Premises Supervisor (DPS) at alcohol licensed premises.* Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will normally have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.
- 3.12 The Licensing Authority would normally expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.
- 3.13 The Licensing Authority expects that a DPS should usually have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.
- 3.14 *Film Exhibitions*¹⁴, the licensing authority expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
- 3.15 *Live Music.* It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a lighter touch regulation of live music up to 11pm on alcohol licensed premises, and this is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for licensees to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 3.16 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance. The

council will consider using its powers under the Environmental Protection Act 1990 to prevent and control public nuisance caused by poorly managed live music at licensed premises.

- 3.17 *Deregulated Entertainment.* Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authority will expect licensees to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities. The Licensing Authority will consider using alternative powers as per para 3.15.
- 3.18 *Late Night Levy (LNL).* Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the Borough. The Licensing Authority has considered the options around the imposition of a LNL and has no plans at the time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the authority will use its discretion very carefully in relation to design and impact of a levy.
- 3.19 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police with a view to agreeing the allocation of the Police share of the levy to support the policing of the night time economy within this Borough .
- 3.20 *Early Morning Alcohol Restriction Order (EMARO).* The Licensing Authority has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider such an Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the Borough which is decreasing. Should evidence arise to support implementing an EMARO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.
- 3.21 *Licensing and planning permission.* The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates. However, all applicants should be in possession of the necessary planning authorisation for their activities or planning enforcement may be considered.
- 3.22 *Need for licensed premises and Cumulative Impact.* ‘Need’ concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a ‘market forces’ matter and is not of concern to the Licensing Authority. ‘Cumulative Impact’ means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.
- 3.23 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses. The licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore,

beyond the direct control of the individual, club or business holding the licence, certificate or authorisation

- 3.24 The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the Borough where there is a negative cumulative impact of licensed premises on any of the licensing objectives. If residents or a Responsible Authority (in particular the Police) provide relevant evidence through a representation in the future that supports the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.
- 3.25 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

4. RESPONSIBLE AUTHORITIES AND OTHER PERSONS

- 4.1 Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list and contact details can be found at Appendix A and are contained on the Maidstone Borough Council web-site at Responsible Authorities.
- 4.2 When dealing with applications and variations for licences and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of persons to comment both for and against applications for premises licences and club premises certificates and for reviews.
- 4.3 The Licensing Authority may only consider representations that are relevant to the promotion of the licensing objectives.
- 4.4 The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 4.5 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 4.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.

- 4.7 The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous and are intended to cause aggravation or annoyance
 - whether the representation raises a 'relevant' issue
 - whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.
- 4.8 The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.
- 4.9 The Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related crime and disorder or public nuisance etc. that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions that relate to specific licensed premises.
- 4.10 *The Licensing Authority as a Responsible Authority.* The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team.
- 4.11 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of which the licensing authority is aware of the negative impact on the promotion of the licensing objectives and residents, and other third parties have failed to take action by either requesting a review or making representation.

5. EXCHANGE OF INFORMATION

- 5.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003, the General Data Protection Regulation (GDPR), and the Data Protection Act 2018 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

6. HUMAN RIGHTS AND EQUAL OPPORTUNITIES

- 6.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the LA2003 in a manner consistent with the Human Rights Act 1998.

- 6.2 The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 6.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 6.4 Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.
- 6.5 Immigration Act 2016 and the Modern Slavery Act 2015.
The Licensing Authority has responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

These provisions apply to premises licences for alcohol and late night refreshment, (but not entertainment only licences) and personal licences. Other types of authorisation under the Licensing Act 2003 (Club premises certificates and temporary event notice (TEN) are not covered. This is due to there being little evidence of immigration abuse in respect of premises authorised under a club premises certificate and it would have been disproportionate to apply the requirements to a TEN.

7. COMPLIANCE AND ENFORCEMENT

- 7.1 There are a range of offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible Authorities to determine enforcement of specific offences on a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 7.2 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulators' Code and it has also adopted the Kent and Medway Enforcement Protocol.
- 7.3 A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance; the activities authorised and premises compliance history.
- 7.4 Annual fees and suspension of licences for non-payment.- The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each licensee when the

annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 2 working day notice to suspend the licence.

- 7.5 Where a licence is suspended this means that no licensable activities will be authorised to be provided at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.
- 7.6 If an operator does not wish to carry on the activities that require the premises licence or certificate anymore it is important the licence or certificate is surrendered to prevent maintenance fees being accrued.

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CONSIDERATION OF APPLICATIONS

8 NEW PREMISES LICENCES

8.1 In making decisions about applications for licences the Licensing Authority will have regard to:

- The Licensing Act 2003
- the Statutory Guidance issued under section 182 of the Licensing Act 2003,
- The Statement of Licensing Policy made under section 5 of the Licensing Act

that any decisions made that depart from guidance or policy only do so for reasons set out in the decision.

8.2 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional information for clarity on a request from the licensing team.

8.3 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the validation process.

8.4 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish of receipt of an application via the weekly premises tracker.

8.5 Where there are no representations about an application the licence will be automatically granted after 28 days under the terms and conditions applied for. Licensing officers will interpret the detail of the operating schedule and convert that into consistent enforceable licence conditions.

8.6 Where relevant representations are received the application will be referred to the Licensing Sub-committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 16 of this policy will apply.

9 VARIATIONS TO LICENCES

9.1 From time to time licensees may wish to change the nature of the business, vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example; the provision of additional activities, increasing capacities or longer and later trading hours. However where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.

9.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 8 above.

- 9.3 Where applications are made for minor variations officers will consider whether there are any impacts on any of the Licensing Objectives. Where the variation proposed creates a significant impact on any of the Licensing Objectives the application will be rejected and the applicant advised to seek a standard variation.
- 9.4 Where minor impact or no impact is considered Officers will consult with the relevant (if any) responsible authorities.

10. VARIATIONS TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR (DPS)

- 10.1 The Licensing Authority expects that usually the nominated DPS on a licence will be involved in and supervising the day to day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that role the Licensing Authority would expect the licensee to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.
- 10.2 Where a DPS notifies the Licensing Authority that he or she has resigned, the licensing officers will enter into immediate discussion with the licensee in relation to the mandatory conditions concerning the sale of alcohol, and provide appropriate advice to prevent unauthorised alcohol sales.
- 10.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the licensee's behalf.
- 10.4 Where there are no representations the default position is to grant the variation.
- 10.5 The Licensing Authority will give the appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Sub Committee may approve or reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so..

11. TRANSFERS OF PREMISES LICENCES

- 11.1 Before a licence transfer can be administered, the Licensing Authority usually expects consent to have been obtained from the previous premises licence holder. If this is not possible the applicant will be expected to demonstrate that he or she has taken all reasonable steps to secure consent to transfer the licence.
- 11.2 It is acknowledged that in some cases licensees leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the licence holder. In such cases where a licensee cannot reasonably be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.
- 11.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process unless it is agreed by the applicant and Police as unnecessary..

12. PROVISIONAL STATEMENTS FOR PREMISES

- 12.1 A provisional statement may be applied for, by a person interested in a premises, where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice of whether

a premises licence is likely to be granted on completion of its construction or conversion.

12.2 The process for considering an application for a provisional statement is the same as that for a premises licence application, including a schedule of works. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and other parties may make representations and there are rights of appeal.

12.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, where the application is for a licence in the same form as the provisional statement and the work described in the schedule of works has been satisfactorily completed. Representations are excluded where:

Where the relevant person could have made the same or substantially the same representations about the provisional statement application but failed to do so without reasonable excuse and there has been no material change in circumstances of the premises or area in the vicinity of the premises since the provisional statement.

13. CLUB PREMISES CERTIFICATES

13.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.

13.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.

13.3 In order to apply for a club premises certificate the Licensing Authority must be satisfied that the club is a qualifying club and satisfies the legal conditions set out in the Act. Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.

13.4 The fundamental principles for premises licence applications set out at section 15 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.

13.5 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the clubs facilities and activities without jeopardising the validity of the club premises certificate.

13.6 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Licensing Authority prior to providing such activities for non-members to prevent any unauthorised activities.

- 13.7 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Licensing Authority obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.
- 13.8 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003, failure to pay annual fee.

14. REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

- 14.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be **reviewed** where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.
- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- relevant to one or more of the licensing objectives
 - Not frivolous, vexatious or repetitious.
- 14.6 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.
- 14.7 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings being chaired by a member of their team but all parties may choose to have a different third party as a mediation chairperson.
- 14.8 All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.
- 14.9 The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that the a revocation of the licence will be considered.

15. APPLICATION TO VARY PREMISES LICENCE AT COMMUNITY PREMISES TO REMOVE THE MANDATORY REQUIREMENT FOR A DPS.

- 15.1 The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.
- 15.2 The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Licensing Authority to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder.
- 15.3 Before considering an application the Licensing Authority will satisfy itself that a premises meets the definition of a community premises. Enquiries will be made as to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.
- 15.4 In general it is expected that premises that form part of a church hall or chapel hall or are a village, parish or community hall or other similar building would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 15.5 The licensing officers will consider, on a case by case basis, all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the supply of alcohol the premises .
- 15.6 Committees that make an application will be expected to have members who are aware of the law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

16 HEARINGS

- 16.1 Any application that has resulted in the submission of relevant representation from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 16.2 A sub-committee will consist of 3 suitably trained members of the Licensing Committee. The sub-committee will be advised on the law by a member of the Council's Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 16.3 This Policy will play a key role in achieving consistency in decision making.

- 16.4 Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve or narrow issues before attending the licensing hearing and to achieve an outcome satisfactory to all parties.
- 16.5 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.
- 16.6 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 16.7 All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application.

17. LICENCE CONDITIONS

- 17.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions must be appropriate and proportionate in order to promote the licensing objectives at that premises.
- 17.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Act and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended (and any subsequent Mandatory Conditions that are introduced).
- 17.3 Applicants will be expected to include appropriate steps to promote the licensing objectives within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be proportionate, achievable, enforceable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.
- 17.4 Deterrence of knife crime measures

Maidstone experienced a disturbing knife crime incident in August 2019 which led to the death of a young man. It is important that this Licensing Policy recognises this and sets out proportionate measures to deter the carrying of knives into licensed premises in Maidstone. The Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives, which of course include public safety and the prevention of crime and disorder. This Authority has considered how best this duty can be carried out in the context of current risks to the public arising from the carrying of knives and has decided to introduce measures to prevent knife crime in licensed premises. The Licensing Authority would expect all applications for licences/certificates authorising the sale or supply of alcohol to consider when preparing their operating schedule the steps which the applicant intends to prevent, so far as reasonably practicable, customers on their premises becoming at risk of knife crime and to deter customers from carrying out acts of knife crime. These steps may be either in the form of specific suggested conditions to be attached to the premises licence / certificate if granted or a condition committing the

applicant to have in place during the currency of the licence / certificate a documented risk assessment, which specifically addresses the risks of knife crime on the premises which is kept under regular review.

The following list may be of assistance to applicants when considering their application:

- The customer profile and likelihood of persons being attracted to the premises also being persons who are prepared to carry bladed articles
- What steps are reasonably practicable to implement at the premises which will be effective in deterring the carrying of a bladed articles into the premises in the first instances – such steps may include screening persons wishing to enter the premises by the installation of walk through metal detecting portals or the use of hand-held metal detecting devices and/or through rub-down searching of persons wishing enter the premises by properly trained staff.
- What steps are required to check that all metal detecting devices in use at the premises are fully operational and are regularly maintained and replaced as appropriate and what contingencies are required in the event of any such device developing malfunction.
- The documenting of training of all staff engaged in using any metal detecting devices.
- The documenting of training of all staff engaged in carrying out searches of customers.
- The training of staff to know what procedure to follow in the event of an incident of knife crime on the premises and to ensure that is a First Aider, with specific knowledge of giving first aid to a stabbing victim, on the premises whenever licensable activities are taking place.
- The facilities of safe storage of any bladed article found secreted on the premises and the procedure to be followed in promptly notifying Kent Police.
- The procedure to be followed in the event that any customer is found in the possession of a bladed article on the premises.
- Effective waste management including the prompt removal and safe storage of empty bottles.

The above matters are not intended to be exhaustive, applicants are expected to demonstrate that they have thought very carefully about the risk of knife crime occurring on their premises and the appropriate procedures needed to minimise or mitigate the risk. Applicants are strongly recommended to work closely with Kent Police, the Licensing Authority and Responsible Authorities before submitting their application. When carrying out the required risk assessment applicants are encouraged to take full cognisance of local crime patterns and trends with particular reference to the profile of victims, offenders, key locations and key times of knife related incidents. Kent Police can assist the applicant in this regard.

As far as those premises are concerned which are currently licenced to sell/supply alcohol, the Licensing Authority expects them to have the same degree of consideration as to the risks of knife crime as new applicants. The Licensing Authority would encourage all existing premises licence holders to note the contents within this policy and also consider steps they intend to take to prevent, so far as reasonably practicable, customers on their premises becoming at risk of knife crime and to deter customers from carrying out acts of knife crime.

- 17.5 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate and proportionate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 17.6 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be given the opportunity to offer suggestions on how the objectives can be met. This authority will work closely with all parties and the applicant in establishing workable, enforceable and reasonable conditions for new and variation applications.
- 17.7 In all cases the Licensing Authority will have regard to the Guidance when considering the implementation of licence conditions.
- 17.8 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises and the areas around the premises which is within the licensees control.
- 17.9 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

- 17.10 Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.
- 17.11 Wholesale of alcohol. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face a criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.
- 17.12 Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC.
- 17.13 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.14 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.15 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

17.16 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

17.17 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

17.18 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

CONDITIONS TO PROMOTE PUBLIC SAFETY.

- 17.19 The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.
- 17.20 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.
- 17.21 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

- 17.22 The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.
- 17.23 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:
- (i) Proximity of local residents to the premises
 - (ii) Licensable activities proposed and customer base
 - (iii) Hours and nature of operation
 - (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
 - (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
 - (vi) Availability of public transport to and from the premises

- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

17.24 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.25 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

CONDITIONS TO PROMOTE THE PROTECTION OF CHILDREN FROM HARM.

17.26 Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.27 Steps to protect children from harm must be carefully considered for inclusion where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There has been a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.28 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.29 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

18. PERSONAL LICENCES

- 18.13 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.
- 18.14 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed in Schedule 4 of the Licensing Act 2003.
- 18.15 Where a representation is received from the Police the Licensing Authority must hold a hearing unless the Police and the authority agree that it is unnecessary..The application must be rejected if it is considered appropriate for the promotion of the crime prevention objective and granted in any other case.
- 18.16 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.
- 18.17 The Licensing Authority requires all personal licence holders to advise if there is a change of their name or address in accordance with the Act. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated and an amended licence will be issued within 20 working days of a notification of change.
- 18.18 The Licensing Authority anticipates that the Magistrates' and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in those courts after the grant of a personal licence and notify the Licensing Authority of any action taken in respect of a personal licence.
- 18.19 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been granted. The Licensing Authority and/or the Police will take appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty.

19. TEMPORARY EVENT NOTICES

- 19.13 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.
- 19.14 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have considered any potential impacts and how they may be mitigated.

- 19.15 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.
- 19.16 There are two types of TEN, Standard or Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There is also a numerical limitation on the number of TENS that may be served in respect of individual premises or place.
- 19.17 **Standard TEN.** A standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. The fee is payable only to the Licensing Authority. Applicants are encouraged to serve TENS at least 28 days before the proposed events to allow greater time for an event to be planned.
- 19.18 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.
- 19.19 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice.
- 19.20 **Late TEN.** A late TEN may be served between 9 and 5 working days before a proposed event commences. The same limitations apply to the day the notice was served and the day of the event. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised.
- 19.21 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and would be rejected. The proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENS outside the permitted statutory deadlines.
- 19.22 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised. A refund of the fee will not be made.
- 19.23 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 19.24 It should be noted that if a TEN has been processed and is no longer required the fee will not be refunded as the Licensing Authority has already carried out its obligations.

20. OTHER RELEVANT MATTERS

- 20.13 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 20.14 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act

2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original application specified that such adult entertainment was proposed to be provided.

20.15 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.

20.16 This authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005);
- gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);
- the premises are mainly used for gaming; or
- an offence under the GA2005 has been committed on the premises.

20.4 **Gaming Machine Permit** – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.

20.17 In determining such matters, consideration will be given to all the objectives but particularly the need to protect children from harm and to the need to protect vulnerable persons from harm or being exploited by gambling. The applicant will be required to satisfy the authority that there will be sufficient measures to ensure that minors do not have access to the adult only gaming machines.

20.18 Measures to satisfy the authority relate to restricting access to age restricted machines and adult machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by minors. Notices and signage should also be displayed to this effect. Applicants may consider the provision of information leaflets and helpline numbers for organisations such as GamCare to demonstrate their responsibility in the protection of vulnerable persons and compliance with Codes of Practice issued by the Gambling Commission.

20.19 **Gambling in alcohol 'On' licensed premises.** Exempt gaming is equal chance gaming that is generally permissible in any club or alcohol licensed premises. Equal chance gaming includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker. Such gaming should be ancillary to the purposes of the premises.

20.20 This exemption is automatically available to all clubs or alcohol licensed premises, but is subject to statutory stakes and prize limits determined by the Secretary of State. Licensees are encouraged to seek advice from the Gambling Commission at www.gamblingcommission.gov.uk or this Licensing Authority before providing any forms of gambling at alcohol licensed premises.

20.21 Licensees should consider appropriate arrangements for customers who wish to smoke outside the premises in an effort to ensure that any unlicensed pavement area are not also used as allocated smoking area. This is to prevent nuisance and potential health harms to any non-smokers who may use the area.

21. INFORMATION

21.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, information is available on the Maidstone Borough Council website www.maidstone.gov.uk or by contacting the licensing team by email (licensing@maidstone.gov.uk), or by telephone on 01622 602028

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APPENDIX A

Maidstone is the County Town of Kent situated in the heart of the “Garden of England”. Maidstone Borough includes a variety of picturesque rural villages. Maidstone town has a vibrant retail centre, historic attractions and is a popular visitor destination with a busy day, evening and night time economy, and many cultural and leisure activities.

SOUTH EAST ENGLAND



There are 507 premises licences and 33 club premises certificate issued to businesses associated with the Licensing Act provisions. There are 461 licences that allow the sale of alcohol, 98 are on sales only, 142 are off sales only and 222 that allow both on and off sales. There are 321 premises licensed for late night refreshment. This premises includes Leeds Castle which holds cultural events and evening concerts during the summer months, the Lockmeadow Leisure Complex providing multi-screen cinema, restaurants and a night club, the Hazlitt Theatre and Exchange Complex, the County Agricultural Showground at Detling, Mote Park which has staged many popular music events and many premises such as restaurants, hotels, public houses, village halls and community centres in the rural area. There were also 386 Temporary Event notices dealt with in 2014/15

Tourism along with economic development works to deliver the Council’s key priority of prosperity, by attracting visitor expenditure to the local economy, by the promotion of Maidstone as an attractive location for inward investment and through support for existing and start-up tourism businesses. This works in partnership with the Council’s priority of Quality Living by engendering community pride in Maidstone and improving the quality of life.

Maidstone has a population of 155,143 people (2011 census) comprised of the following:

Maidstone	no	%
Under 16	29667	19.1
16 to 19	7385	4.8
20 to 29	18274	11.8
30 to 59	63102	40.6
60 to 74	24470	15.8
75 and over	12245	7.9

In Maidstone, violence against the person increased from 1,889 offences in 2012/13 to 2,349 offences in 2013/14 (+24.4%). This rate of increase is below the county increase and shows a peak during the summer months. Maidstone is ranked 6th in the county, the same ranking as 2012/13.

For community safety it is important to state that its aim is to create safer communities in the Borough by reducing crime and disorder in a cost effective way, through involving the community and partnership working. In December 2006 the Council made Designation Orders under the provisions of the Criminal Justice and Police Act 2001 (as amended by the Licensing Act 2003) in relation to alcohol consumption in public places.

The Council were satisfied that nuisance or annoyance had been caused to the public or disorder caused, associated with the consumption of alcohol. The Orders provide the Police with the power to require consumption to cease and confiscate containers. The areas covered by the Orders included:-

- Area 1 – Town Centre Maidstone
- Area 2 – Snowdon Parade, Vinters Park
- Area 3 – Mote Park, Maidstone
- Area 4 – Northumberland Court, Maidstone
- Area 5 – Cumberland Green, Maidstone
- Area 6 – Barming Recreation Ground (also known as Barming Heath)
- Area 7 – Parkwood Green, Maidstone

These will be reviewed and consideration given to Public Spaces Protection Orders (PSPOs) under new legislation as appropriate.

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Appendix B

Contact details of Local Authority Licensing Department as at 11.06.2015

Lorraine Neale Senior Licensing Officer Email: lorraineneale@maidstone.gov.uk Telephone: 01622 602028	Louise Davis Licensing Officer louisedavis@maidstone.gov.uk Telephone: 01622 602727
Licensing Department Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ Licensing Partnership Sevenoaks District Council Council Offices PO Box 182 Argyle Road Sevenoaks Kent TN13 1GP Web; www.maidstone.gov.uk/business/licencesandpermits Email: licensing@maidstone.gov.uk Telephone: 01622 602028	

See the Maidstone Borough Council Website www.maidstone.gov.uk for details of the Town and Parish Councils within the Borough. Details of your local Councillors may also be obtained from the website.

Information on licensing applications being processed is available on the licensing pages of Maidstone Borough Council's website www.maidstone.gov.uk or the Licensing Partnership website at Sevenoaks District Council website www.sevenoaks.gov.uk

Appendix C
Responsible Authorities

<p>Kent Fire & Rescue Service Asst Divisional Officer Maidstone Fire Safety Loose Road Maidstone Kent ME15 6QD</p> <p>Tel: 01622 774126 Email: maidstone.firesafety@kent.fire-uk.org</p>	<p>Maidstone & Malling Police Divisional Licensing Coordinator Community Safety Unit Tonbridge and Malling Borough Council Gibson Drive Kings Hill West Malling ME19 4LZ</p> <p>Tel: 01622 604296 Email: west.division.licensing@kent.pnn.police.uk</p>
<p>Trading Standards Kent County Council 1st Floor, Invicta House County Hall Maidstone Kent. ME14 1XX</p> <p>Tel: 03000 412000 TSwest@kent.gov.uk</p>	<p>Social Services Kent County Council Social Services Mid Kent Area, District Office Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 691640 Fax: 01622 691135</p>
<p>Local Planning Authority Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602736 or 602737 Email: DevelopmentControl2@maidstone.gov.uk</p>	<p>Public Health Kent Kent Public Health Department Room 3.45, Sessions House, County Hall, County Road Maidstone Kent ME14 1XQ</p> <p>Tel: 0300 333 6379 Gillian.Montgomery@kent.gov.uk</p>
<p>Director of Regeneration and Prosperity Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602364</p>	<p>Environmental Health Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602111 Email: Enforcementoperations@maidstone.gov.uk</p>
<p>FOR VESSELS ONLY – ALSO SEND TO: Environment Agency</p>	

Kent Area Office Orchard House Endeavour Park London Road Addington West Malling Kent ME19 5SH Tel: 08708 506506 Website: www.environment-agency.gov.uk Email: enquiries@environment-agency.gov.uk	
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Appendix D

References to guides of best practice

Revised guidance issued under section 182 of Licensing Act 2003

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics

www.ioa.org.uk

Good Practice Guide: Licensing published jointly by the Justices' Clerks' Society and the Magistrates' Association (April 1999)

www.magistrates-association.org.uk

Code Of Practice And Guidance Notes On Noise Control For Concerts And Outdoor Events

www.cieh.org/policy/noise_council_environmental_noise.html

Maidstone Borough Council Event Planning (SAG)

www.maidstone.gov.uk/residents/events/event-planning

The National Alcohol Harm Reduction Strategy Toolkit

www.alcoholconcern.org.uk

The Point of Sale Promotions published by BBPA

www.beerandpub.com

Public Places Charter

www.ash.org.uk

National Pubwatch

www.nationalpubwatch.org.uk

Appendix E

Contact details and useful addresses (e.g. Chamber of Trade, BBPA, BII, SIA etc.)

<p>Maidstone Chamber of Commerce Innovation Centre Medway Maidstone Road Chatham Kent ME5 9FD Phone: 01634 565 162</p>	<p>Disclosure and Barring Service (DBS) Customer services PO Box 165 Liverpool L69 3JD Information line: 0870 90 90 811 Website: https://www.gov.uk/disclosure-barring-service</p>
<p>British Beer & Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR Tel: 020 7627 9191 Fax: 020 7627 9123 contact@beerandpub.com Press Office: 020 7627 9199</p>	<p>British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT Tel: 01276 684 449 Fax: 01276 23045 www.bii.org Email: reception@bii.org</p>
<p>SIA PO Box 49768 London. WC1 V6WY Website: www.the-sia.org.uk Tel: 0844 892 1025 Fax: 0844 892 0975</p>	

Appendix F - Recommended delegation of functions as per S182 of the guidance

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	If no objection made
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	If no objection made
Applications for interim authorities		If a police objection	If no objection made
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination for a minor variation			All cases

MAIDSTONE BOROUGH COUNCIL

COUNCIL

9 DECEMBER 2020

REPORT OF THE POLICY AND RESOURCES COMMITTEE ON 25 NOVEMBER 2020

COUNCIL TAX REDUCTION SCHEME 2021-22

Issue for Decision

Each year Full Council must approve the Council Tax Reduction Scheme for the following year. Where there are changes proposed, it is necessary for a public consultation to take place.

This report advises on the outcome of the Public Consultation and makes a recommendation to Council that the 2021-2022 Council Tax Reduction Scheme be implemented.

Recommendation Made

That the 2021-22 Council Tax Reduction Scheme be implemented (Model 2).

Reasons for Recommendations

In amending the scheme for 2021-22 the intention is to mitigate the impact of Universal Credit (UC) on the administration of the Council Tax Reduction Scheme (CTRS), together with the billing and collection of Council Tax.

Since its introduction in April 2013, our local scheme has been 'refreshed' annually and further changes introduced to ensure that the scheme remains affordable whilst providing support for those most in need.

Universal Credit has introduced fundamental changes to how the welfare System operates and replaces a number of existing benefits including Income Support, Job Seekers Allowance, Employment Support Allowance, Working Tax Credits, Child Tax Credits and Housing Benefit. CTR is administered as a local discount, putting it outside of the welfare system and scope of UC.

CTR provides financial assistance in the form of a rebate on the Council Tax bill and whilst cost had reduced over recent years the economic impact of Covid-19 has reversed that trend, with significant increases in demand and cost over the current year.

- 2019/2020 £ 8,652,758
- 2020/2021 £ 8,500,000 (original estimated pre COVID)
£10,083,800 (revised estimated due to COVID)
- 2021/2022 £10,487,000 (estimated)

Council Tax Reduction cases for working age claimants have increased since March by 675 from 5,486 to 6,161. A further increase is probable with the

end of the furlough scheme in March 2021. A further increase of over 500 households seeking support could increase the cost of award of Council Tax Reduction by an estimated £500,000.

There are frequent changes in UC entitlement to mirror earnings which provide a benefit to the recipient. However, this represents a challenge for the administration of the CTRS due to the increase in reported changes through UC and DWP.

CTR is calculated as a means tested benefit taking into account the claimant's income and wider circumstances. Earnings are averaged at the start of the claim and reviewed periodically, with the claimant under a duty to report material changes such as an increase in working hours, someone moving in or out of the property. On average, customers report between 2-4 changes per year.

The changes reported to the Council through UC and DWP are significantly higher, reflecting the link between monthly earnings and benefit payments, with many changes reported per customer annually. Changes can occur each month.

Given the link between the calculation of CTR and collection of Council Tax, this means some customers receive a new Council Tax bill every month due to what could be minor variations in their earnings and UC award.

Such a situation provides confusion for customers, limits the effectiveness of the Council in recovering unpaid Council Tax and adds further cost to the administration of the CTRS.

At its meeting on 21 July 2020, Policy and Resources Committee was advised many authorities have moved to income banded schemes and these have been successfully in operation in authorities in Kent and across the country for a few years now.

Policy and Resources Committee was advised that an analysis had been carried out and an income banded scheme was the fairest and simplest to administer and explain to customers. The only changes that would be necessary were if the claimant moved into a different earnings band.

Only employment earnings are used in the calculation. So for any claimant who is in receipt of a benefit such as Income Support, Job Seekers Allowance, Employment Support Allowance, Working Tax Credits, disability allowances/premiums child tax credits and maximum UC, these will not be included as income for the income banded scheme.

The objectives considered when looking at an income banded scheme were to:

- Maintain the maximum basis of award of 80% of Council Tax liability
- Protect disabled households
- Simplify assessments and reassessments
- Maintain costs of award in line with the current scheme had it been carried forward to 2021-22
- Understand the impact on specific groups based on gender, disability and age.

3 models have been considered and outlined below.

Model 1:

- Monthly income is based on net employment earnings
- Working-age households with earnings above their respective thresholds, or with savings above £10,000, are not eligible for support
- Cost of award estimated to be the same as the current scheme if it had been carried forward to 2021-22 (Model 1 was modelled on this objective).
- Introduction of lower-rate and higher-rate non-dependant deductions (these are deducted from CT liability):
 - Lower non-dependant deductions of £5/week
 - Higher non-dependant deductions of £10/week

The monthly earning bands and maximum award are:

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%

Model 2:

Model 2 is the same as Model 1 except for an additional 5% uplift to Council Tax Support for households in receipt of disability or illness benefits in respect of the claimant or their partner (subject to a maximum level of support of 80%), on top of the protection of benefits not being taken as income.

- 5% uplift for bands 2-5 for households in receipt of disability or illness benefits (DLA/PIP or ESA in respect of claimant, partner or child). (Households in band 2+ are households that fall into band 2 (maximum award 65%) but receive an uplift of 5% taking them up to 70%).
- This model is estimated to cost £15k per annum more than the current scheme if it had been carried forward to 2021-22.

The monthly earning bands and maximum award are:

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 2+				70%
Band 3	£316-£631.99	£387-£774.99	£441-£882.99	50%
Band 3+				55%
Band 4	£632-£947.99	£775-£1162.99	£883-£1324.99	25%
Band 4+				30%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%
Band 5+				15%

Model 3:

Model 3 is a further model but with maximum support of 70%, except for households in receipt of disability or illness benefits which will have support uplifted by 10% to 80% in band 1.

- This model will cost £288k less than the current model had it been carried forward into 2021-22.

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	70%
Band 1+				80%
Band 2	Less than £316	Less than £387	Less than £441	65%
Band 2+				70%
Band 3	£316-£631.99	£387-£774.99	£441-£882.99	50%
Band 3+				55%
Band 4	£632-£947.99	£775-£1162.99	£883-£1324.99	25%
Band 4+				30%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%
Band 5+				15%

The income banded scheme makes it a fairer scheme for all claimants, but to mitigate any significant impacts an Exceptional Hardship Scheme will be in place (Appendix 5).

Although full migration to Universal Credit is not expected until 2024, more and more people are being moved onto UC. With the Exceptional Hardship Policy in place, this will protect those who might otherwise experience severe financial hardship, especially with the change to a new Council Tax Reduction Scheme.

Decision makers are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to

- (i) Eliminate unlawful discrimination, harassment and victimisation and conduct prohibited by the Equality Act 2010,
- (ii) Advance equality of opportunity between people from different groups
- (iii) Foster good relations between people from different groups.

An equality impact report covering the implications of amending the current scheme and introducing a revised scheme from 1 April 2021 is detailed in Appendix 2. A full EQIA is in Appendix 6.

Alternative Considered and Why Not Recommended

Option 1 (Model 1) This would be the most straightforward model to implement and administer, and the simplest to explain to customers. Those in receipt of disabled and illness benefits are protected as these benefits, which can make up a significant amount of household income, are not taken into account when calculating CTR.

Option 2 (Model 2) In addition to the protection received under Model 1, an additional 5% uplift in support is given to those in receipt of disability and sickness benefit who do not fall into Band 1 (maximum award 80%). This was the favourite model of the public consultation.

Option 3 - Implement Model 3. This was the least favourite model. For the claimants that are not in receipt of disabled/sickness benefits the maximum award would be 70% rather than 80%. Those in receipt of disability/sickness benefits would receive maximum award of 80%. This means the majority of claimants will only receive maximum support of 70%.

Option 4 - do nothing and continue with the current CTR Scheme. The option of 'do nothing' will be administratively time consuming, with an inevitable increase in printing and postage. Policy and Resources Committee took the decision on 21 July 2020 to introduce a new simplified income banded scheme and carry out a public consultation with the 3 models shown in Appendix 3.

Background Documents

None

Appendices

Appendix 1 - Consultation Results

Appendix 2 – Full Banded Scheme Report

Appendix 3 – Banded Schemes 1, 2 and 3

Appendix 4 – Model 1 Case Scenarios

Appendix 5 – Exceptional Hardship Policy

Appendix 6 - EQIA

Maidstone Borough Council

Council Tax Reduction Scheme Consultation

2020

Policy & Information Team
October 2020

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Methodology

The survey was open between 31 July and 27 September 2020. It was promoted online through the Council's website and social media channels. Residents who have signed up for consultation reminders were notified and sent an invitation to participate in the consultation along with several reminders. In addition, existing claimants were emailed directly and notified of the consultation.

Background information, that explained the impacts of each of the proposed models for the Council Tax Reduction Scheme (CTRS) and the rationale behind why each option was being considered was provided as part of the consultation.

There was a total of 244 responses to the survey. However, of the 244 responses, 81 people that did not answer survey question that ranked the proposed models in order of preference. Because of this, the demographics of respondents outlined in this report are limited to those who answered the ranking question (163). Comments from all respondents are included in the comments section regardless of whether the ranking question was answered or not.

An online survey is a self-selection methodology and respondents are free to choose whether to participate or not. The returned responses were not fully representative of the wider adult population. This report discusses the actual responses with *no weighting* applied.

Where reference has been made in the report to a 'significant difference' in response between groups, the proportional data (percentages) has been z-tested and means (scores) have been t-tested. These tests determines if the difference between subgroups is large enough, taking into account the population size, to be statistically significant (meaning that if we were to run the same survey 100 times, at least 90 times out of 100 the same result would be seen) or whether the difference is likely to have occurred by chance.

Demographic differences between groups are discussed in detail except for ethnicity as there were not enough respondents from BAME backgrounds (8) to assess.

Please note that not every respondent answered every question, therefore the total number of respondents refers to the number of respondents for the question being discussed, not to the survey overall.

Overall Results

Survey respondents were asked to rank the three models in order of preference.

Models that were ranked as 1st (favourite model) were allocated a weighting of 3, the second favourite models were allocated a weighting of 2 and the least favourite models (ranked 3rd) were allocated a weighting of 1. This allowed a weighted average to be calculated, the results of which are shown in the chart below. The greatest mean score indicates the preferred model.

There were 163 responses to this question. It should be noted that not all respondents ranked all options hence the disparity in votes.



Overall, model 2 was the preferred option, with model 1 second and model 3 the lowest scoring option.

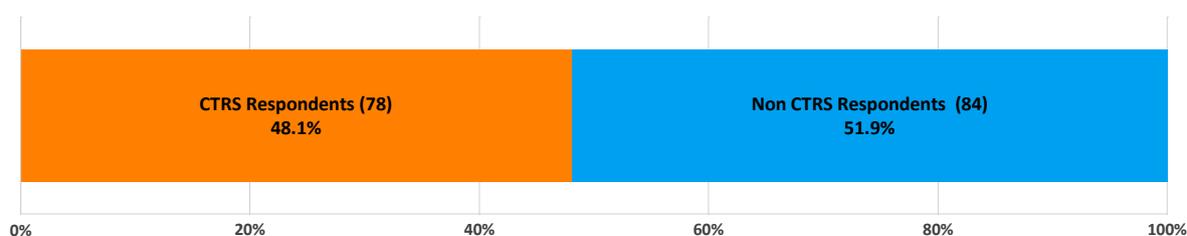
Results by Demographic Grouping

The charts below show the rating awards to the models by the different demographic groups.

Respondents in receipt of support under the existing scheme.

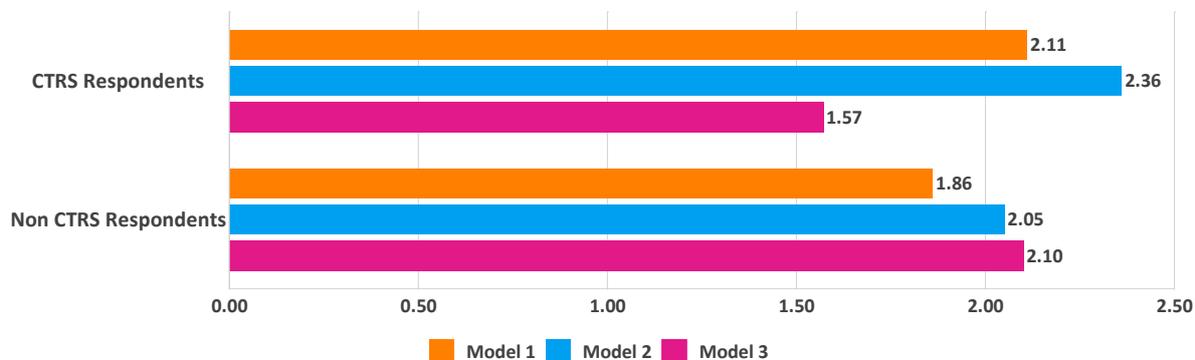
Survey respondents were asked if they currently received support through the Council Tax Reduction Scheme. Just over half of survey respondents said they were not in receipt of support.

Please note that respondents who said they were in receipt of Council Tax support will be referenced in the report as 'CTRS respondents' and those who were not will be referenced as 'Non CTRS Respondents'.



The gender profile of CTRS respondents is in line with the profile for existing CTRS claimants with an over-representation of females – female respondents account for 62.2% of this group. The chart below shows how these groups ranked the three models.

Generally, CTRS respondents were over-represented when compared to the population of Maidstone overall. The proposals have the greatest impact on CTRS respondents; therefore, it is not unexpected that this group would be more interested in responding to the proposals.

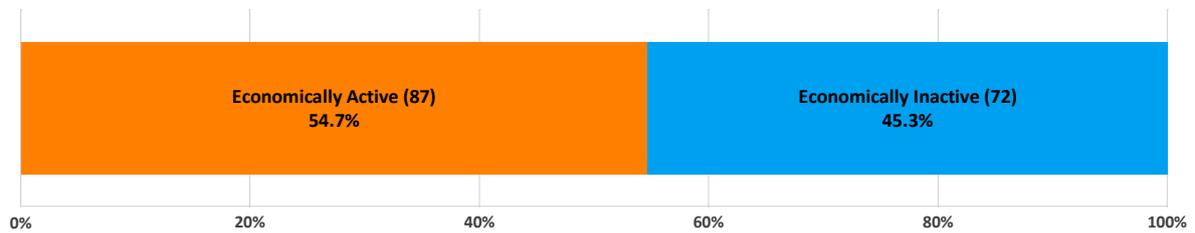


The differences in mean score between the way these groups have ranked models 2 and 3 are significantly different from each other, meaning that they are likely to be repeated if the survey was run again. CTRS respondents were more likely to rate models 1 and 2 higher than those who do not receive CTRS.

- 40.0% of non-CTRS respondents placed Model 1 last compared to 25.3% of respondents that receive CTRS.
- Model 2 was the most popular for CTRS recipients, 44.0% placed this model as their first choice and 8.0% placed model 2 last. This is significantly lower than the proportion who do not receive CTRS.
- Model 3 was the most popular for non-CTRS respondents. 45.8% ranked this model as first compared to 22.7% of respondents that receive CTRS.

Economic Activity

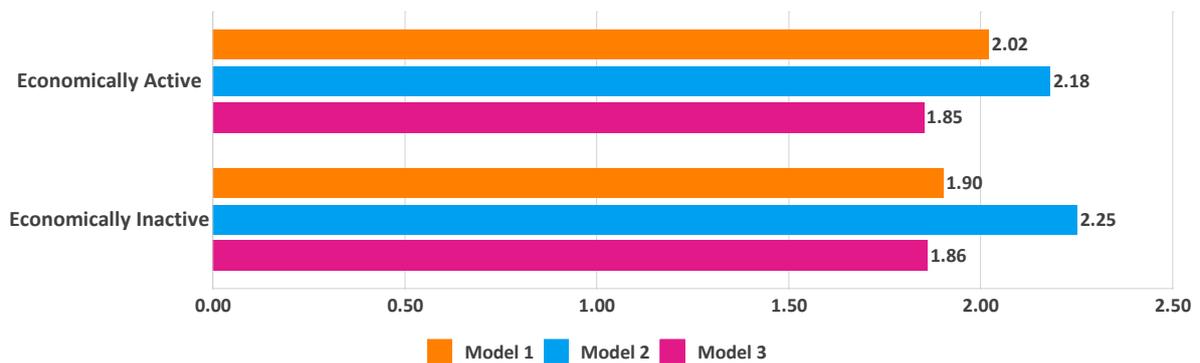
Survey respondents were asked to select from a list of activities that best describes what they are doing at present as a means of identifying economic activity.



Overall, 54.7% of respondents indicated that they were economically active. This is lower than the overall proportion for the borough where 72.9%¹ people are classified as economically active.

24.1% of all respondents are economically active and claiming CTRS and 24.7% of all respondents are economically inactive and claiming CTRS.

The chart below shows how economically active and economically inactive respondents ranked the three models.

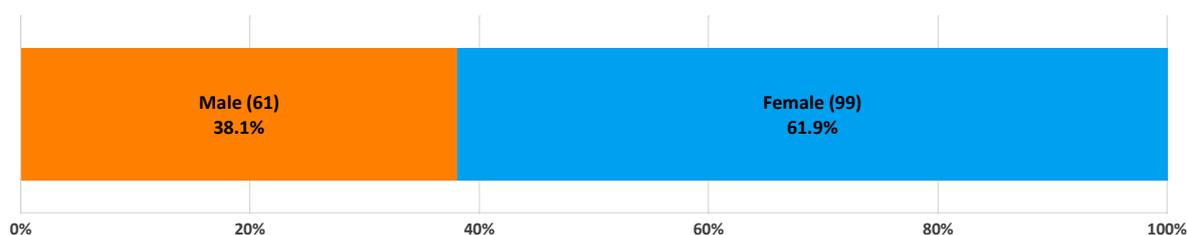


Both groups ranked the models in the same order, preferring Model 2 overall. There were no significant differences in response between these two groups.

¹ 2011 Census

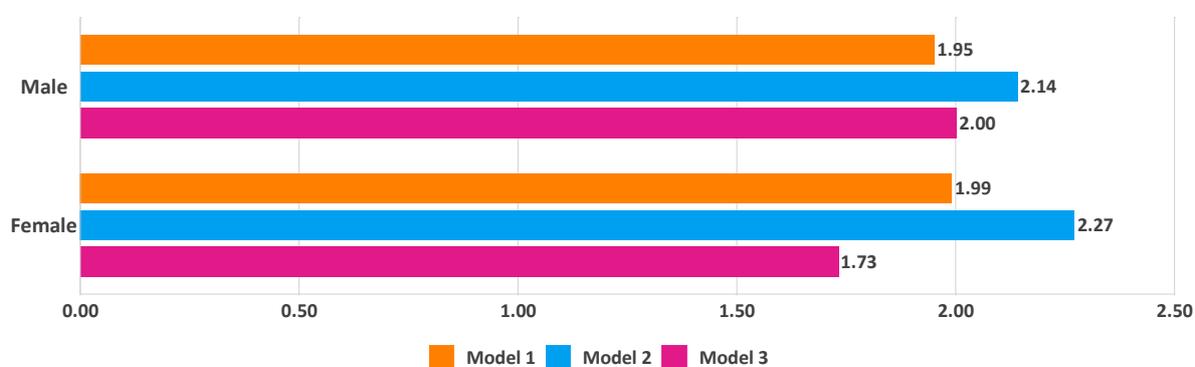
Gender

Survey respondents were asked to select their gender. The chart below shows the proportion of responses answering male and female.



As females account for a greater proportion of CTRS recipients it is not unexpected that there would be a greater proportion of female responders.

The chart below shows the how male and female respondents ranked the models.

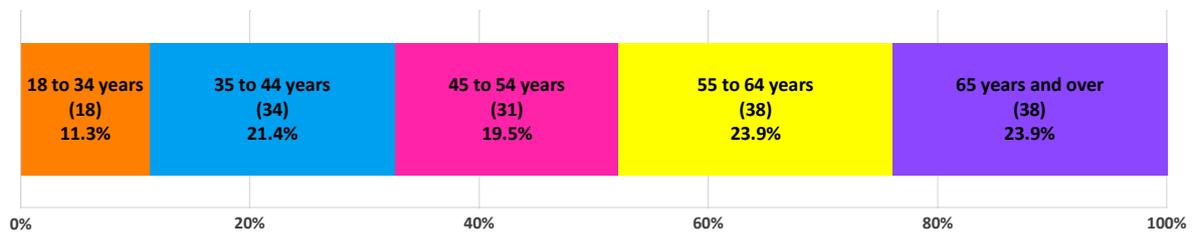


The preferred model for both male and female respondents was model 2. The difference in overall scores between these two groups were not significant.

- Male responders were more likely to rate model 3 as first with 43.1% responding this way compared to 28.6% of female responders. However, this is balanced by an equal proportion of male responders (43.1%) ranking model 3 as third.

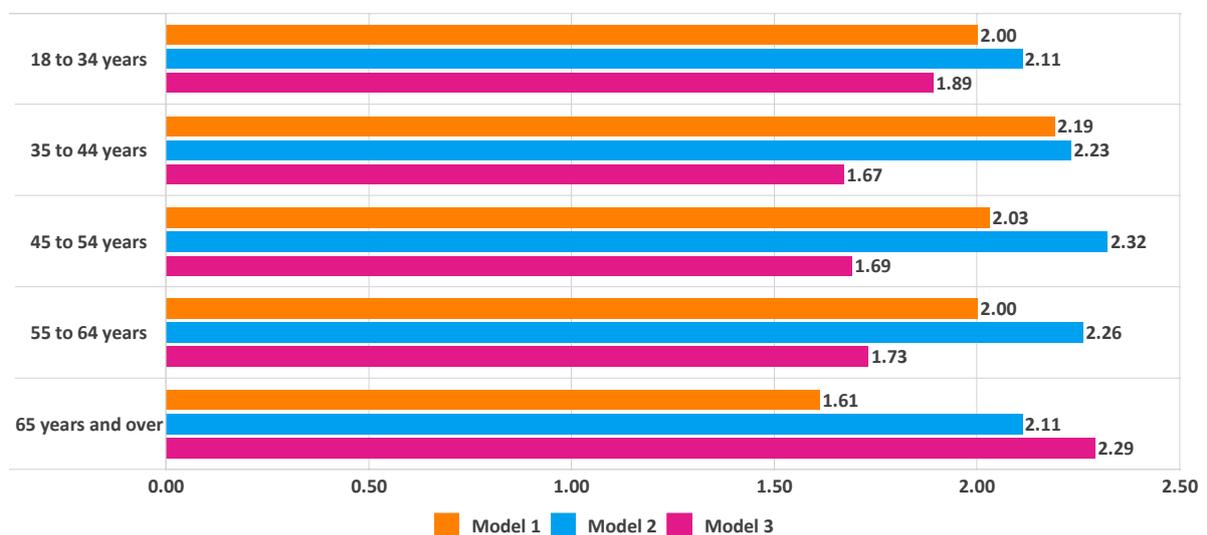
Age

The chart below shows the proportion of responders across the different age groups. Respondents aged 18 to 34 are under-represented when compared to the population of Maidstone.



Overall, 13.9% of survey respondents were age 35 to 44 years and in receipt of CTRS and 18.4% of respondents were aged 65 years and over and non-CTRS recipients.

The chart below shows how respondents across the different age groups ranked the three models.



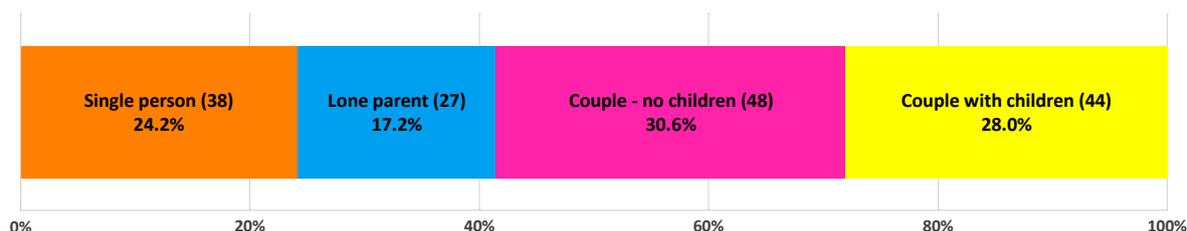
The preferred option for the age groups up to 64 years was model 2. While the preferred model for the those aged 65 years and over was model 3.

While there are significant differences in the scores between age groups for models 1 and 3 the scores for model 2 are statistically similar.

- The 35 to 44 years had the greatest proportion placing model 1 as first at 43.8% and the 65 years and over group had the lowest proportion responding this way at 19.4%.
- The 45 to 54 years had the lowest proportion placing model 3 as first at 27.6% and the 65 years and over had the greatest proportion responding this way at 50.0%.

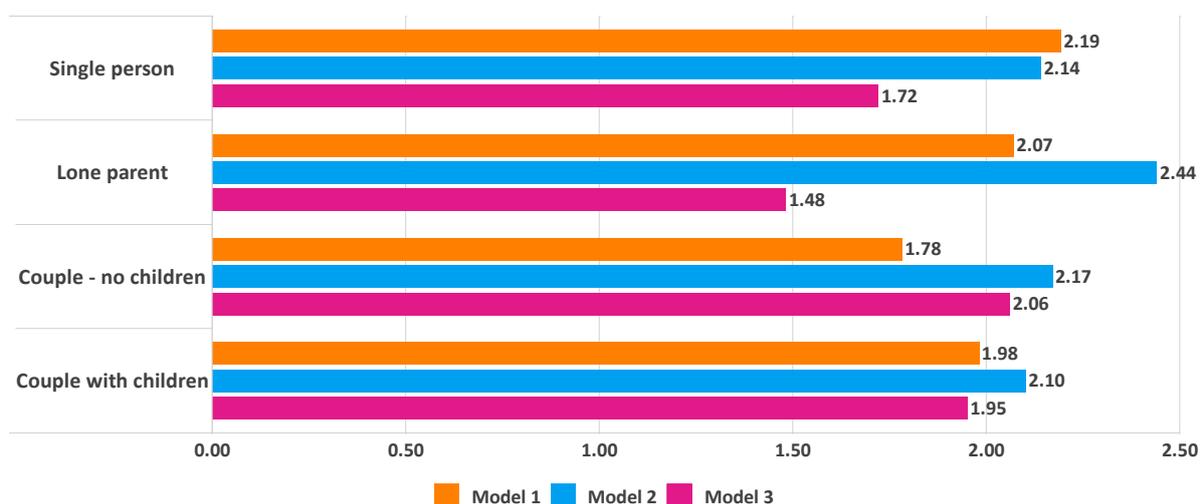
Households Type

Survey respondents were asked to select the type of household they lived in. The proportions of each different household type are shown below.



Compared to the local population, lone parent households are over-represented with 17.2% of survey respondents in this group compared to 6.7%² in Maidstone overall.

The chart below shows model 1 was the highest rated model for single persons and model 2 was the highest rated model across the remaining different household types. Respondents with children that do not live at home (non-dependant) have been categorised as either single or couple without children.



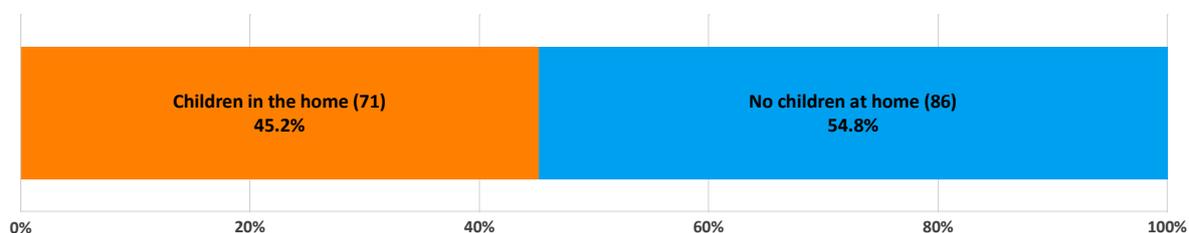
There were significant differences in the way different household types have responded across all the models. The overall scores for model 2 between lone parents and couples with children are significantly different – showing lone parents had a stronger preference for model 2 than couples without children.

- Single persons had the greatest proportion ranking model 1 as first at 44.4%, this is significantly higher than the proportion responding the same who were in couples without children (23.9%).
- 74.1% of lone parents ranked model 3 as third. This is significantly greater than the proportions responding the same from both groups containing couples.

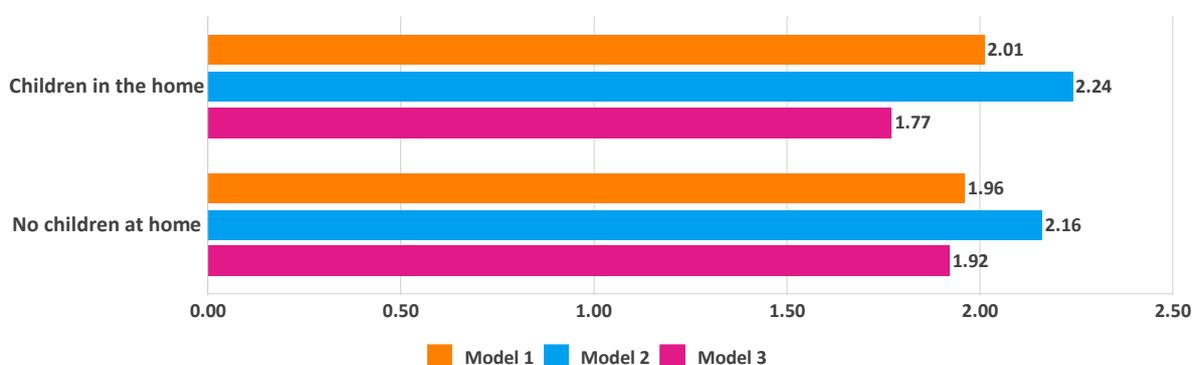
² 2011 Census

Households with Children

The household type question has been used to identify which survey respondents have dependant children at home. The proportion of respondents with dependent children in the home is greater than that of the Maidstone population overall where this household type accounts for 30.6% of the population.



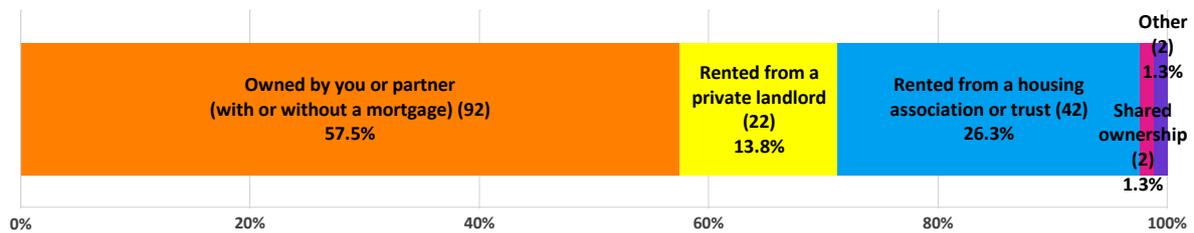
The chart below shows the scores for households with children in the home and those without children in the home.



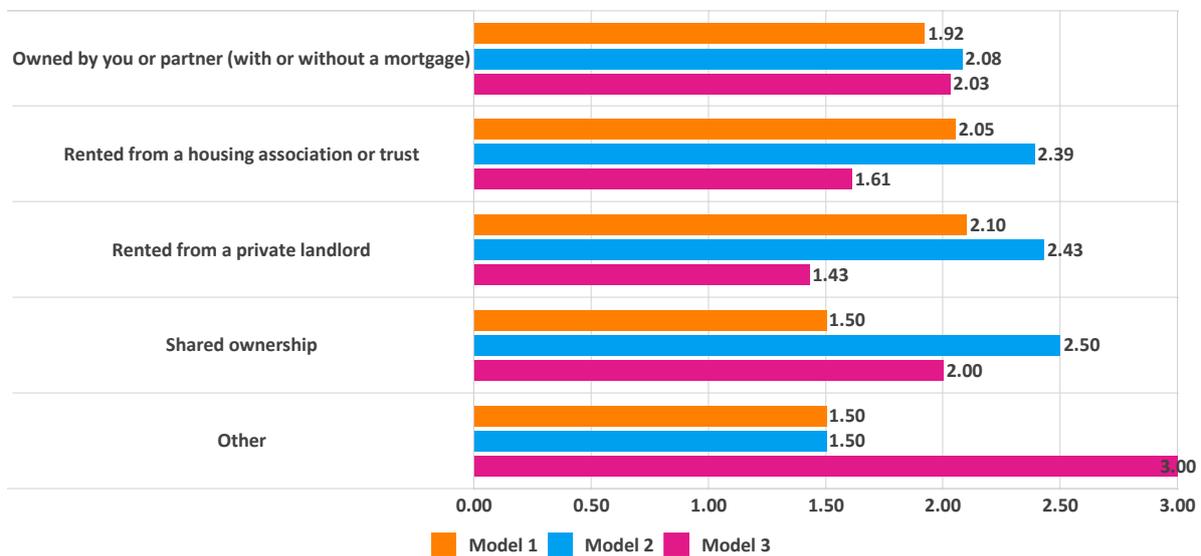
Both groups ranked the models in the same order, preferring Model 2 overall. There were no significant differences in overall scores between these two groups. There were also no significant differences in the proportions selecting each ranking between these groups.

Housing tenure

Survey respondents were asked to select their housing tenure. The proportions of each different household type are shown below.



The chart below shows the scores from respondents by housing tenure type. Please note 'Other and 'Shared ownership results cannot be assessed for significance due the small number of respondents in these groups.



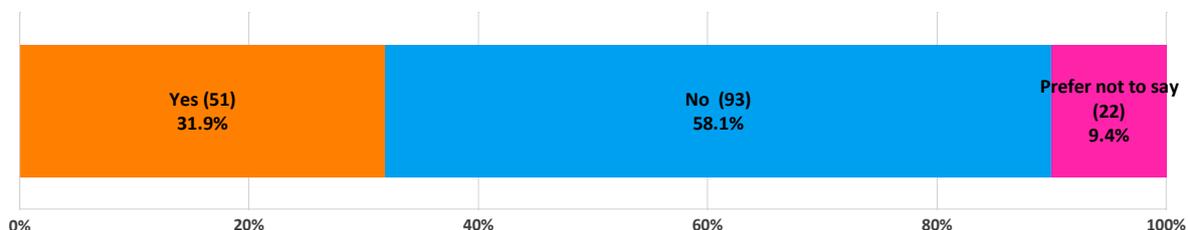
For the three categories that can be assessed, model 2 was the preferred option. Model 2 scores for respondents in privately rented property and rented from a housing association or trust are significantly greater than those for respondents in property owned by themselves (or their partner)

The model 3 score for respondents that live in a property owned by them or their partner are significantly greater than that for respondents that live in privately rented property or property rented from a housing association or trust.

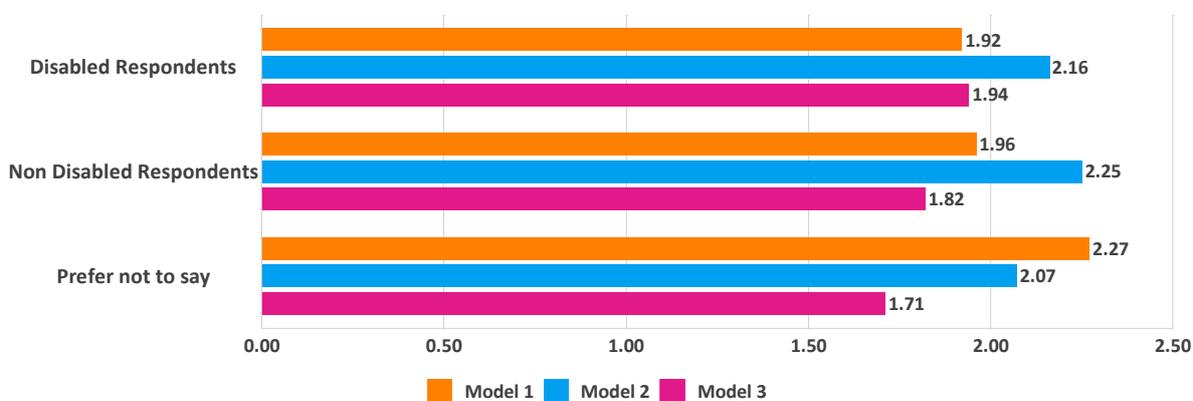
- Respondents that rent their property from a housing association or trust had a significantly greater proportion placing model 2 as first at 48.8% compared to respondents that own their property where 28.2% placed model 2 first.
- Respondents that live in homes they own had the greatest proportion placing model 3 as first at 43.3%. This is a significantly greater proportion than those responding the same way from the other tenure types.

Disability

Survey respondents were asked if they have a disability or a long-term illness. The proportions of responses are shown below.



Respondents with a disability are over-represented in the results when compared to Maidstone's population where 15.2%³ are reported to have a long-term health problem or disability.



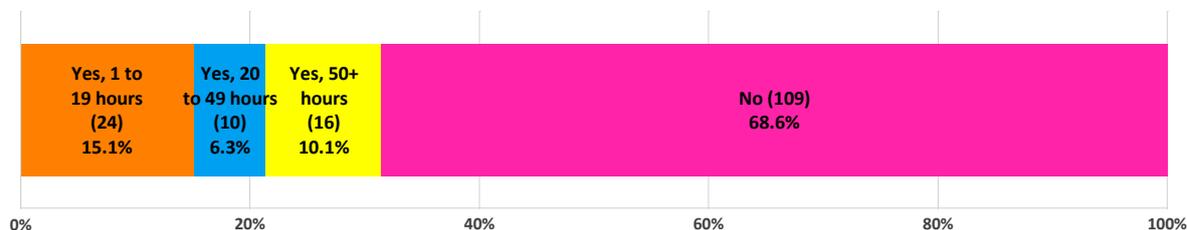
Both disabled respondents and non-disabled respondents ranked the models in the same order, preferring Model 2 overall.

Although model 1 was the preferred option for respondents who chose not to provide their disability status there were no significant differences overall scores between these groups. There were also no significant differences in the proportions selecting each ranking between these groups.

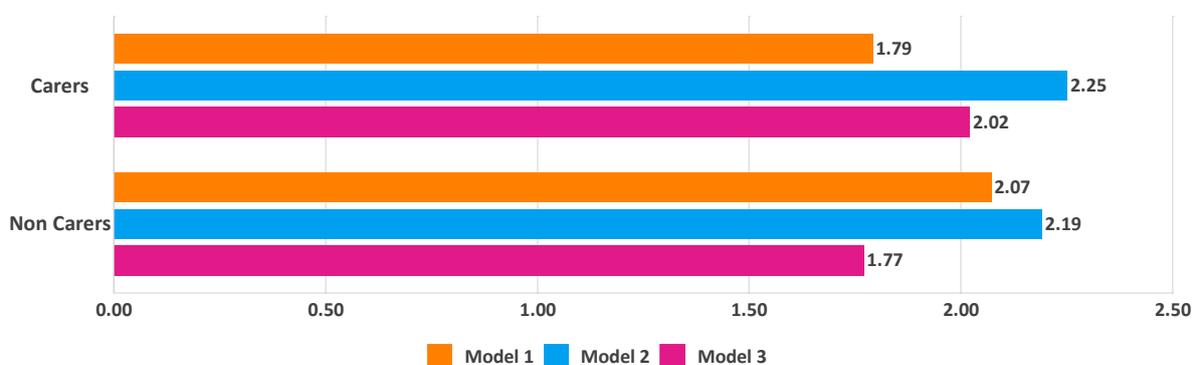
³ 2011 Census

Carers

Survey respondents were asked to if they provide any unpaid care. The proportions of responses are shown below.



Compared to the population of Maidstone carers are over-represented in the responses to the survey with a reported 10.2%⁴ reported as providing unpaid care in Maidstone compared to 31.5% of survey respondents.



Both groups scored model 2 the highest. Model 3 was the second choice for respondents that are carers and model 1 was the second choice for non-carers. The scores between these groups for model 1 are significantly different meaning the same difference would be seen if the survey was run again.

- A significantly greater proportion of non-carers placed model 1 as first, with 37.5% responding this way compared to 16.7% of carers.
- A significantly greater proportion of carers placed model 3 first with 45.8% responding this way compared to 29.9% of non-carers.

⁴ Census 2011

Comments

Please note that some comments appear to evaluate the scheme as a whole rather than the model being directly asked about.

Model 1

There were 38 comments given by responders in the space for comment relating to model 1. Seven of these have been classified as N/A as they simply say 'None' or the meaning cannot be identified.

Of the remaining 31 comments, 12 comments have been identified as negative. Three of these suggest that the award is too high and two said it seemed too harsh. Other comments classified as negative included comments about Council Tax increasing each year, that it should not change or that no one should receive a discount.

There were six comments that have been classified as positive with responders stating that it seems fair, that it is generous and a 'good idea'.

There were four comments suggesting that the proposals were too hard to understand as well as two queries about how the scheme worked.

Three respondents stated they thought the scheme/model disincentivised working people and one stated it was unfair on working families. Two respondents mentioned the need to consider disability with one identifying child disability. There were two comments about children with one stating that there shouldn't be an increase for more than 2 children and another stating that the model penalised parents that had more children.

Model 2

There were 46 comments given by respondents in the space for comments relating to model 2. Eight of these have been classified as N/A as they simply say 'None' or the meaning could not be identified.

Of the remaining 38, 16 were positive. Respondents stated that model 2 was their preferred option or that it seemed the fairest.

Six comments were classified as negative. Two said they didn't see the need to give a greater allowance to everyone that gets disability allowance, one said it was their least preferred model, one stated they preferred model 3 and one stated that it was too costly. The final negative comment stated that no-one should receive any discount.

In addition to the comments categorised as negative, there were three respondents whose comments concluded that this model was unfair on working families.

Two respondents mentioned children with one stating that there should not be an increase for families with more than two children and the other that those with children should receive less support. One respondent stated that Council Tax should be lower overall and one expressed frustration with the savings threshold.

Two comments mentioned disability with one stating the need to consider child Disability Living Allowance (DLA) and another suggesting that only those who received higher levels of disability benefits should qualify to receive the uplift in support.

There were two comments that expressed a lack of understanding about the proposals and one queried if the amounts quoted for earning were weekly.

Five comments have been classified as 'other'. One raised concerns about single person households being worse off than families, one said that it shouldn't be made more difficult to make a claim, one said it should be available to everyone and another said discounts for age and disability should be standard. The last comment in this section was neutral stating that model 2 was better than model 1 but not as good as model 3.

Model 3

There were 42 comments were given by respondents in the space for comment relating to model 3. 12 of these have been classified as N/A as they simply say 'None' or the meaning cannot be identified.

Of the remaining 30 comments, 13 have been identified as being positive. These respondents said that they thought model 3 was fair, that it was the best option or that model 3 was their preferred option. There were also two comments that stated the uplift should be greater.

There were three comments that have been classified as negative, expressing the need to leave the system alone, that they preferred model 2 and that they don't agree with the big discounts.

Three people mentioned disability with one saying that the most ill should have the most benefit, one stating the need to consider child DLA and one saying to cut the extra 5% disability allowance. In addition, there were two comments that queried the need for the extra support that model 3 offers.

The comment about frustrations with the saving threshold was repeated in this section along with two comments about families with children with one stating that greater discounts for families with more than two children were not fair. This comment also queried why single people need support, saying it disincentivised working. The second comment queried why those without children should support those with children.

There were three comments that stated the scheme was too complicated or confusing.

One comment was classified as 'other' that said no discount should be available at all - then everyone would get a reduction in Council Tax.

Other comments

When asked for any further comments about a proposal 57 responders provided a comment. Five of these have been classified as N/A as they simply say 'None' or the meaning cannot be identified.

Of the remaining 52 comments, ten expressed confusion or a lack of understanding about the proposal stating that they did not understand the proposals or that they were too complicated.

In terms of the models, there were four comments in support of model 1, two in support of model 2 and five in support of model 3.

Three respondents expressed that they were not in support of having a Council Tax Support Scheme and three suggested that the proposals were unfair. Two said that Council Tax was too high in general while another three comments were positive about changing the scheme

Three respondents suggested the award was too low and one said it was too generous. Three expressed concerns about people experiencing financial hardship. Two respondents said support should be available in special circumstances.

Four comments mentioned disabled people, three of which suggested that this group should be protected and one stated that there should *not* be an automatic uplift in award for this group. Two comments mentioned pensioners with one querying how the proposals impacted this group and the other stating that this group should receive a Council Tax discount.

There were six comments that have been classified as 'Other'. Two of these comments stated that experts or Councillors should make this decision. One said the Council should engage more with central Government about changes to Benefits, specifically Universal Credit. One said the scheme should be available to all. There was a repeated comment expressing dissatisfaction with the saving threshold and one comment said there was little difference between the models.

Acorn Analysis

The Acorn Profile provides a summary of the demographic, social and lifestyle attributes of the profile set and is derived using the recognised behaviours of Acorn Types across the whole of the UK. It is therefore an estimate of the likely characteristics that you might expect to find, based on the relative proportions of the individual Acorn Types found within the profile set.

The Acorn profile report helps you understand the underlying demographics and lifestyle attributes of your customers by comparing their Acorn profile to a base (e.g. UK population, specific area or other customer groups).

INDEX

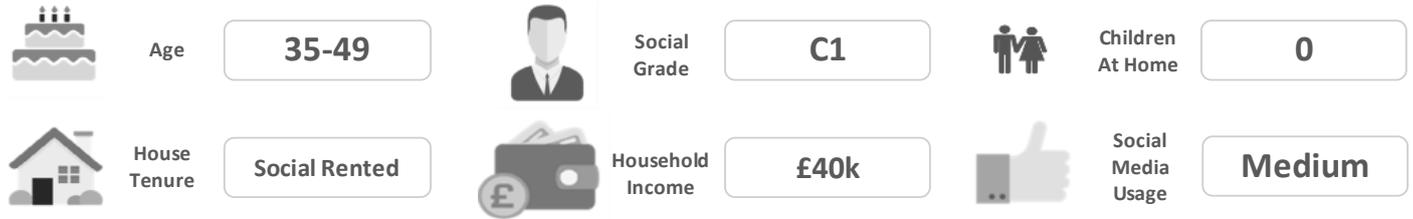


An Acorn profile has been run comparing respondent households (where the ranking question was completed) to Maidstone households overall.

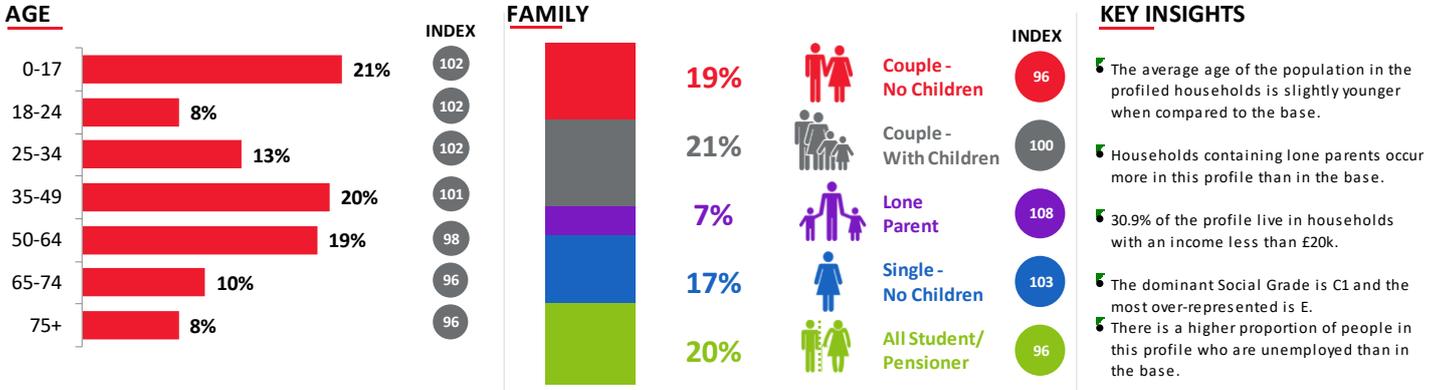
- The profile shows that respondents that are unemployed are over-represented in the respondent profile.
- A greater proportion of respondents have low incomes (less than £20k) compared to Maidstone households in general. They are also slightly less likely to have savings and more likely to have been refused credit in the past.
- Respondents are more likely than the average Maidstone household to live in a terraced property or flat that is socially rented.

KEY FEATURES - Respondent households compared to Maidstone households

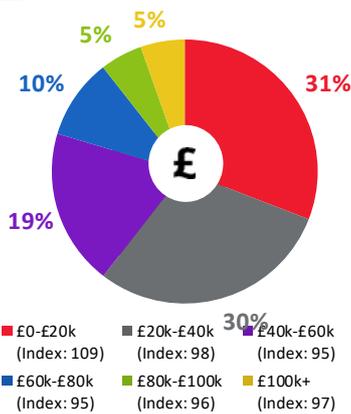
(Based on most over-represented in the profile)



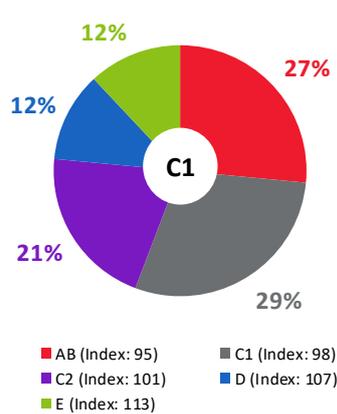
DEMOGRAPHICS



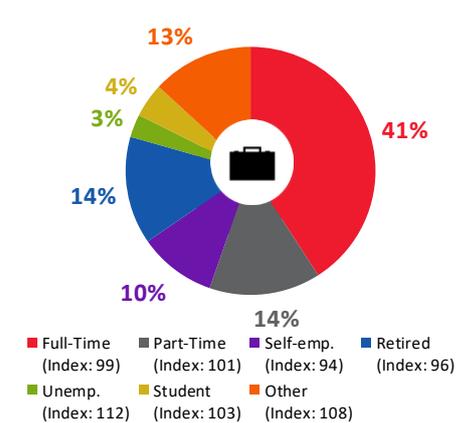
INCOME



SOCIAL GRADE

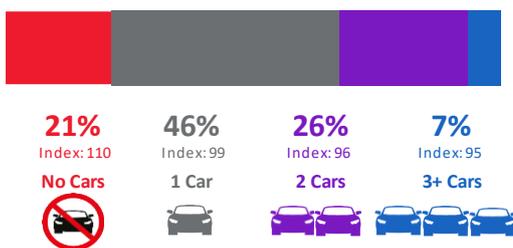


EMPLOYMENT

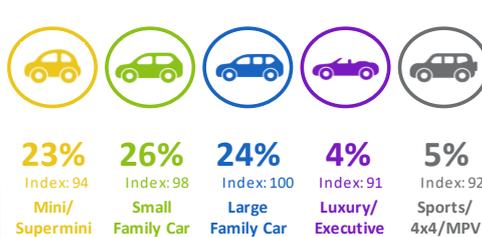


MOTOR & HOME

CARS



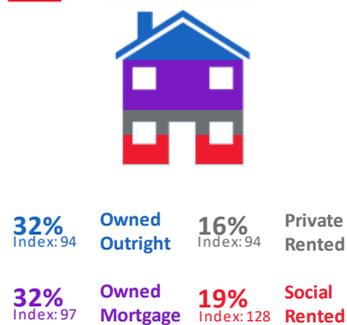
CAR TYPE



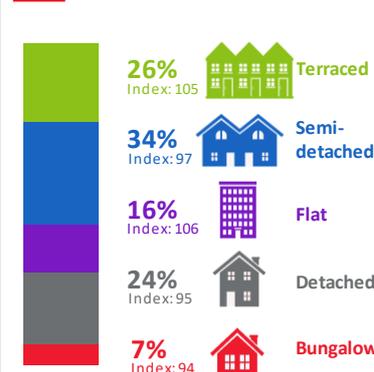
KEY INSIGHTS

- Most households will have access to a small family car.
- A higher proportion, in comparison to the base, are likely to have a large family car.
- Flats are 6.2% more likely than in the base.
- 18.6% of the households in the profile are likely to be social rented.
- About 8% of households will have 1 bedroom.
- The prevailing size is 2 people but households with 1 person appear more than in the base.

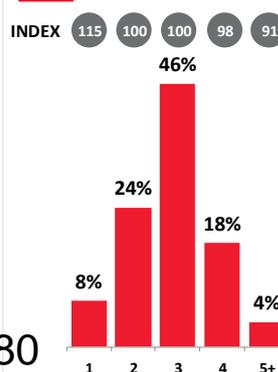
TENURE



TYPE



BEDROOMS

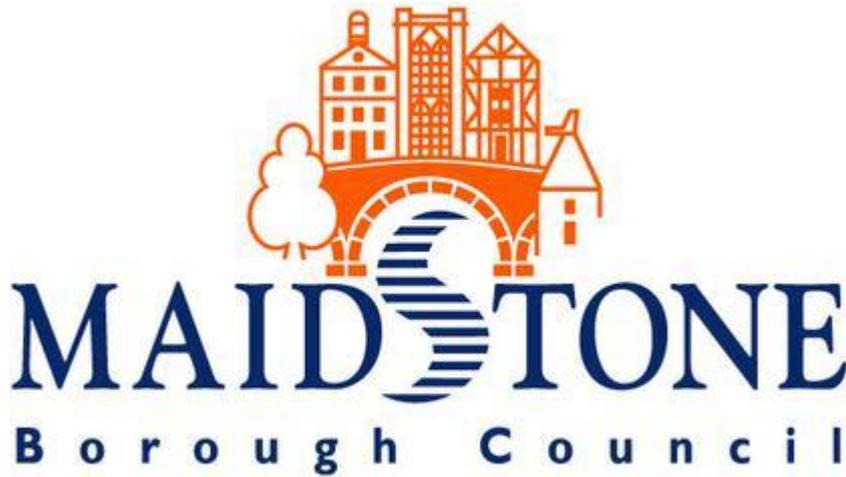


SIZE



Maidstone Borough Council

Localised Council Tax Support



July 2020

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EXECUTIVE SUMMARY

Maidstone Borough Council has commissioned Policy in Practice to model three income-banded council tax support schemes. Model 1 is a simple scheme made up of five income bands with maximum support of 80%. Model 2 is the same as Model 1 except for an additional 5% uplift to council tax support for households in receipt of disability or illness benefits in respect of the claimant or their partner (subject to a maximum level of support of 80%) within bands 2-5. Model 3 follows from Model 2 by lowering the maximum support for non-protected households in band 1 from 80% to 70%. Households in receipt of disability or illness benefits who fall into band 1 retain the current 80% maximum.

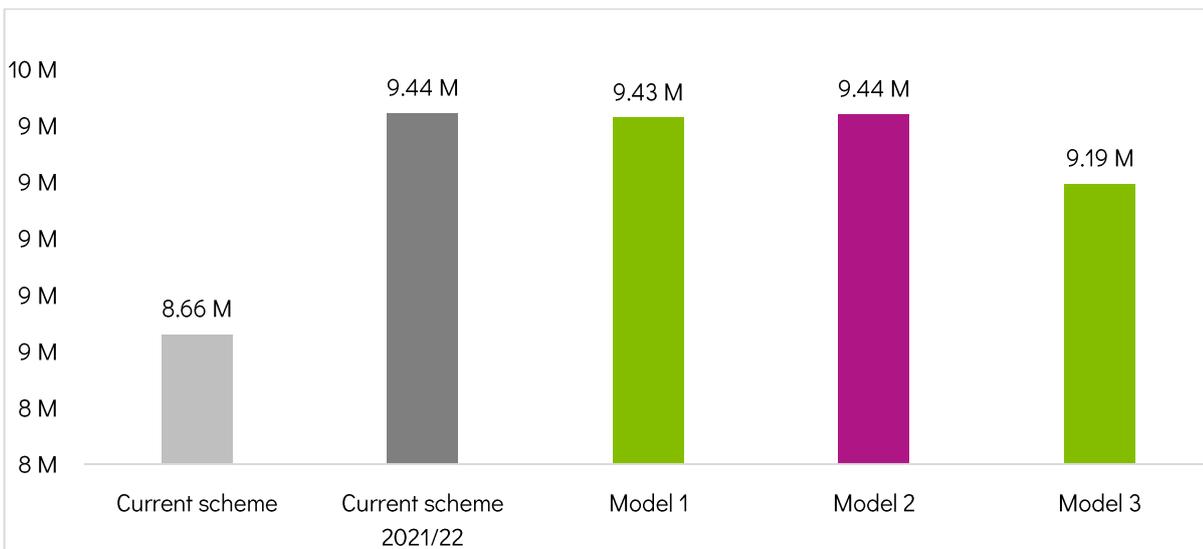
This report presents the findings that result from modelling these three council tax support schemes for 2021/22 on behalf of Maidstone Borough Council. Headline figures for a third provisional model have also been provided, ahead of confirmation of the final model.

In addition to the three main Models, the Council wants to capture the:

- The headline figures of a fourth model; including the total cost, average CTS award and change in support for working age households
- Loss in support for specific groups based on gender, disability and age group (ages 18-24 and ages 60-64), under Model 1, Model 2 and Model 3

The figures below show the annual cost of the current scheme, the cost of retention of the current scheme into 2021/22, and the three models agreed with Maidstone Borough Council.

Cost of schemes and models



Cost of current scheme, current scheme retained into 2021/22, Model 1, Model 2 and Model 3, £M/annum

Income-banded schemes

Income-banded schemes award different levels of discount based on set bands of income and help to contain administration costs against increased council tax support assessments under Universal Credit. This is because reassessment of cases will only be required if income crosses one of the income-band thresholds.

Income-banded schemes are simpler to understand than the current scheme. An income-banded scheme therefore allows the council to convey a relatively simple eligibility message to residents.

Findings:

The findings of the impact assessments and modelling are given in two tables within this executive summary:

- **The Key Findings** table (below) shows the cost and the main social and distributional impacts of the three main models.
- **The Comparison of Weekly Support (£/week)** table (below) shows the level of weekly council tax support for different types of household currently, if the current scheme was retained into 2021/22, and for the three main models.

Key Findings

	Model 1	Model 2	Model 3
Cost	<p>This model costs £9.43M.</p> <p>The model costs £768,039 more than the current scheme (2019/20) and is similar to costs if the current scheme were to be retained into 2021/22.</p>	<p>This model costs £9.44M.</p> <p>Similarly to Model 1, Model 2 costs £779,886 more than the current scheme (2019/20) and similar to if the current scheme were retained into 2021/22.</p>	<p>This model costs £9.19M.</p> <p>Model 3 costs £533,733 more than the current scheme (2019/20), which is £249,533 less than if the current scheme were retained into 2021/22. Where Models 1 and 2 kept costs close to the current scheme in 2021/22, Model 3 saves over £230,000 compared to each of the former models.</p>
Administration	<p>Administrative savings are expected compared to retention of current scheme into 2021/22. This is due to a reduction in the number of re-assessments as assessment is only required if income crosses an income-band threshold.</p>	<p>Administrative savings are expected compared to retention of current scheme into 2021/22. This is due to a reduction in the number of re-assessments as assessment is only required if income crosses an income-band threshold.</p>	<p>Administrative savings are expected compared to retention of current scheme into 2021/22. This is due to a reduction in the number of re-assessments as assessment is only required if income crosses an income-band threshold.</p>
Claim numbers	<p>25 households will lose all support. This is 0.5% of the current working-age caseload.</p> <p>76.2% of all households are placed in the highest band where their CTS is based on 80% of their liability.</p>	<p>Like Model 1, 25 households will lose all support (0.5% of the current working-age caseload).</p> <p>Again, 76.2% of households are placed in the highest band of 80%.</p>	<p>Like Models 1 and 2, 25 households will lose all support (0.5% of the current working-age caseload).</p> <p>76.2% of all households are placed in the highest bands, which awards 80% to protected households (41.6%) and 70% to remaining households (34.6%).</p>
Political and social impact	<p>286 households will see their support reduce by over £5/week – this is 5.3% of all working-age claimants.</p> <p>505 households will gain more than £5/week. This is 9.3% of working-age households. Lone parents</p>	<p>Slightly fewer households will see support reduce – while slightly more households will see support increase – by over £5/week in Model 2 compared to Model 1.</p> <p>268 households will see their support reduce by over</p>	<p>281 households will see their support reduce by over £5/week – this is 5.2% of households.</p> <p>471 households will see their support increase by over £5/week. This is 8.7% of working-age households.</p>

	<p>are especially likely to gain support.</p> <p>Both losers and gainers tend to be larger households which are employed or self-employed. However, legacy households are more likely to lose compared to their Universal Credit counterparts. This is due to the impact of earnings disregards that apply under the current scheme but not under Model 1.</p>	<p>£5/week – this is 4.9% of all working-age claimants.</p> <p>508 households will gain more than £5/week. This is 9.4% of working-age households. Lone parents are especially likely to gain support</p> <p>As with Model 1, both losers and gainers tend to be larger households which are employed or self-employed but legacy households are more likely to lose compared to their Universal Credit counterparts.</p>	<p>Fewer households gain under Model 3 than under either Model 1 or 2 because of the reduced maximum support for non-protected households in band 1.</p>
Distributional Impact	<p>This model re-distributes support primarily from households in receipt of legacy benefits to households in receipt of Universal Credit. This redistribution reduces the existing gap between awards.</p> <p>Change to weekly CTR varies across groups. The following groups will typically see an increase to their average weekly CTR:</p> <ul style="list-style-type: none"> - Employed households in receipt of UC (28.2%) - Lone parents in receipt of UC (13.8%) or lone parents with a child below 5 and in receipt of UC (12.4%) - Couples with children in receipt of UC (12.2%) <p>Groups that will typically see a decrease in weekly CTR include:</p> <ul style="list-style-type: none"> - Employed or self-employed households in receipt of legacy benefits (-17.6 % and -21.9% percentage reduction to weekly CTR, respectively) 	<p>Similar to Model 1, this Model 2 re-distributes support primarily from households in receipt of legacy benefits to households in receipt of Universal Credit. This redistribution reduces the existing gap between awards.</p> <p>Model 2 extends the effects seen under Model 1 in terms of those that gain support compared to retention of the current scheme. The groups affected include:</p> <ul style="list-style-type: none"> - Employed households in receipt of UC (29.2%) - Lone parents in receipt of UC (13.9%) or lone parents with a child below 5 and in receipt of UC (12.4%). - Couples with children in receipt of UC (12.8%) <p>Households will typically see a less pronounced reduction in weekly CTR compared to Model 1. Groups that see a decrease compared to retention of the current scheme include:</p> <ul style="list-style-type: none"> - Employed or self-employed households in receipt of legacy 	<p>Unlike the previous models, Model 3 reduces support across households in receipt of Universal Credit and households in receipt of legacy benefits. Universal Credit claimants remain less negatively impacted, however.</p> <p>Many groups see an increase in support, like under Model 2. These groups include:</p> <ul style="list-style-type: none"> - Employed households in receipt of Universal Credit (22.6%) - Couples with children in receipt of Universal Credit (6.2%) <p>However, more groups see a reduction in support. These include:</p> <ul style="list-style-type: none"> - Couples with no children in receipt of Universal Credit (-13.9%) - Couples with children in receipt of legacy benefits (-18.1%) - Households in receipt of out-of-work benefits (-7.4% under UC; -3.9% under legacy)

	<ul style="list-style-type: none"> - Couples with children in receipt of legacy benefits (-17.7%) 	<p>benefits (-15.6% and -21.1% respectively)</p> <p>Couples with children in receipt of legacy benefits (-16.8%)</p>	
Focus group impact	<p>Of the 25 households that lose support:</p> <ul style="list-style-type: none"> - 4 are single female households - 1 is aged 60-65 - 8 are disabled <p>Of the groups above, only female households are more likely to be worse off than the comparison group – 1.9% of female lone parent and single households (compared to only 0.8% of male single and lone parents).</p> <p>The reverse is true for disabled households – these tend to be under-represented in the losing group (2.7% compared to 3.6% among non-disabled).</p> <p><i>* Note: categories may overlap.</i></p>	<p>The same as under Model 1, of the 25 households that lose support:</p> <ul style="list-style-type: none"> - 4 are single female households - 1 is aged 60-65 - 8 are disabled <p>Of the groups above, only female households are more likely to be worse off than the comparison group – 1.8% of female single adult households (compared to only 0.6% of male single adult households)</p> <p>The reverse is true for disabled households – these tend to be under-represented in the losing group (2.1% compared to 3.6% among non-disabled), and to a greater extent compared to Model 1.</p> <p><i>* Note: categories may overlap.</i></p>	<p>The same as under Model 1 and 2, of the 25 households that lose support:</p> <ul style="list-style-type: none"> - 4 are single female households - 1 is aged 60-65 - 8 are disabled <p>Of the groups above, only female households are more likely to be worse off than the comparison group – 1.9% of female single adult households (compared to only 0.6% of male single adult households)</p> <p>The reverse is true for disabled households – these tend to be under-represented in the losing group (2.1% compared to 3.6% among non-disabled), and to a greater extent compared to Model 1.</p> <p><i>* Note: categories may overlap.</i></p>

Comparison of models

Comparison of weekly support (£/week)

Comparison of council tax support (£/week)					
	Current scheme in 2019/20	Current scheme in 2021/22	Model 1	Model 2	Model 3
All working age	£17.11	£18.57	£18.51	£18.56	£17.68
Legacy benefits	£17.34	£19.13	£18.38	£18.42	£17.84
Universal Credit	£16.54	£17.80	£18.70	£18.74	£17.47
CT band					
A	£13.82	£14.97	£15.00	£15.02	£14.38
B	£16.02	£17.28	£17.51	£17.53	£16.66
C	£17.62	£19.14	£19.20	£19.25	£18.34
D	£19.38	£21.04	£20.62	£20.70	£19.69
EFGH	£25.35	£27.96	£25.98	£26.08	£25.02
Tenure type					
Private tenant	£16.02	£17.41	£16.97	£17.03	£16.35
No HB	£17.58	£19.09	£19.61	£19.65	£18.12
Supported housing	£16.73	£18.10	£17.82	£17.87	£17.67
HA tenant	£17.29	£18.74	£18.61	£18.65	£17.93
Temporary accommodation	£17.43	£18.95	£18.10	£18.14	£17.30
Tenure Unknown	£15.32	£16.66	£18.83	£18.83	£17.01
Household type					
Single	£16.51	£17.93	£17.57	£17.59	£17.08
Lone Parent	£16.08	£17.45	£18.53	£18.54	£17.11
Couple no children	£21.84	£23.67	£21.70	£21.82	£21.46
Couple with children	£19.62	£21.23	£19.90	£20.06	£19.37

Continued overleaf

Economic status					
Employed	£11.82	£12.75	£13.51	£13.65	£13.21
Out-of-work benefits	£18.85	£20.41	£20.40	£20.40	£19.32
Self-employed	£16.54	£18.84	£14.90	£15.08	£15.06
Barriers to work					
DLA or Similar	£18.57	£19.96	£19.62	£19.76	£19.76
ESA or similar	£19.11	£20.60	£20.32	£20.36	£20.36
LP child under 5	£16.75	£18.05	£19.13	£19.13	£17.13
Carer	£21.22	£22.84	£22.85	£22.97	£22.02

Comparison of weekly support (£/week)

INTRODUCTION

Background and Objectives

This report presents an impact assessment of the current scheme, retention of the current scheme into 2021/22, and modelling of the three models in 2021/22.

In commissioning this report, the council has the following objectives;

- Maintain the maximum basis of award of 80% of liability and protect disabled households
- Simplify assessments and reassessments
- Maintain costs in line with the current scheme in 2021/22
- To understand the differential impact on specific groups based on gender, disability and age

The models that are under consideration are described below:

Model 1 is an income-banded model in which discounts are awarded based on household size and net monthly earnings. The bands are as follows:

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-£1162.99	£883-£1324.99	25%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%

Net monthly income is made up of net employment earnings only. Childcare costs are disregarded from the earnings of eligible households.

The model also has the following characteristics:

- No tariff income
- Introduction of lower-rate and higher-rate non-dependant deductions:
 - Lower non-dependant deductions of £5/week
 - Higher non-dep deductions of £10/week

Currently, Maidstone Borough Council uses the default income-banded non-dependant deductions. With the introduction of non-dependant deductions of £5/week some households that were previously exempt (notably those with non-dependant on out-of-work benefits) will be subject to a non-dependant deduction for the first time.

Model 2 is another income-banded scheme. It is the same as Model 1 except for an additional 5% uplift to the maximum award of households in receipt of disability or illness benefits (DLA/PIP or ESA in respect of claimant or partner). The bands are as follows:

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 2+				70%
Band 3	£316-£631.99	£387-£774.99	£441-£882.99	50%
Band 3+				55%
Band 4	£632-£947.99	£775-£1162.99	£883-£1324.99	25%
Band 4+				30%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%
Band 5+				15%

Note: bands suffixed with a '+' relate to households subject to the 5% uplift due to disability or illness (in receipt of DLA/PIP or ESA in respect of claimant or partner).

As with Model 1, under Model 2 net monthly income is made up of net employment earnings. Childcare costs are disregarded from the earnings of eligible households.

The model also has the following characteristics:

- No tariff income
- Introduction of flat-rate non-dependant deductions:
 - Lower non-dependant deductions of £5/week
 - Higher non-dep deductions of £10/week
- A 5% uplift to maximum award for Bands 2-5 for households in receipt of disability or illness benefits (DLA/PIP or ESA in respect of the claimant or partner).
 - For example, households in Band 2+ are households that fall into Band 2 (maximum award 65%) but receive an uplift of 5% (taking them up to 70%).

Model 3 is another income-banded scheme. It is the same as Model 2 except for in band 1, where there is a 10% reduction in support for the majority of passported households. A 10% uplift is introduced to maintain the maximum award of households in receipt of disability or illness benefits (DLA/PIP or ESA in respect of claimant or partner). The bands are as follows:

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	70%
Band 1+				80%
Band 2	Less than £316	Less than £387	Less than £441	65%
Band 2+				70%
Band 3	£316-£631.99	£387-£774.99	£441-£882.99	50%
Band 3+				55%
Band 4	£632-£947.99	£775-£1162.99	£883-£1324.99	25%
Band 4+				30%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%
Band 5+				15%

As with Models 1 and 2, under Model 3 net monthly income is made up of net employment earnings. Childcare costs are disregarded from the earnings of eligible households.

The model also has the following characteristics:

- No tariff income
- Introduction of flat-rate non-dependant deductions:
 - Lower non-dependant deductions of £5/week
 - Higher non-dep deductions of £10/week
- A 5% uplift to maximum award for Bands 2-5 for households in receipt of disability or illness benefits (DLA/PIP or ESA in respect of the claimant or partner).
 - For example, households in Band 2+ are households that fall into Band 2 (maximum award 65%) but receive an uplift of 5% (taking them up to 70%).
- A 10% uplift to maximum award for Band 1 for households in receipt of disability or illness benefits (DLA/PIP or ESA in respect of the claimant or partner).

METHODOLOGY & APPROACH

Modelling is at household level. Household data on current claimants has been supplied to Policy in Practice in the form of the CTS extract with personal data excluded. Policy in Practice converts this data to a format that can be used by their software, the Benefits and Budgeting Calculator (BBC). The calculation engine enables global changes in benefit formulations, and modelled changes to be applied to each household within the dataset. These are then summed up to arrive at the aggregate cost and Impacts of each scheme.

To enable comparison of modelled schemes against the current scheme in 2021/22, an agreed annual increase in council tax has been included. The rate of council tax increase used is 4% for both 2020/21 and 2021/22.

An agreed level of migration to Universal Credit is also included. Modelling will include an expected migration of 20% of claimants to Universal Credit by 2021/22. This migration level has been agreed with the council and is in line with the council's knowledge of migration rates for different types of household.

In light of the current economic climate and the impacts of Covid-19, Maidstone Borough Council is likely to see fluctuations in the CTS caseload over the following months. The analysis in this report is based on the caseload prior to the economic changes brought by Covid-19. We have also assumed that the current policy responses to Covid-19 will be removed by the year of future modelling (2021/22). Our uprating measures are in line with CPI against figures from 2019/20.

For each model, the following Impacts are shown:

- Social impact compares support to current levels in order to inform monetary loss and gain of support.
- Distributional impact provides a comparison to retention of the current scheme in the year that is being modelled. This informs an understanding of those groups that would gain or lose support if the model were to be adopted. This takes account of changes in the National Living Wage and personal tax allowances, Council Tax increases and Universal Credit migration.
- Households that will be worse off, considering particular groups of interest according to age, gender and disability. Maidstone Borough Council has asked Policy in Practice to consider the following working-age groups:

Group of interest	Comparison group
Aged 18-24 inclusive	Aged 25 and older
Aged 60-64 inclusive	Aged 59 and younger
Female lone parent households	Male lone parent households
Female single households	Male single households
Disabled (in receipt of DLA/PIP or ESA)	Non-disabled

CURRENT SCHEME

Currently, Maidstone Borough Council provides council tax support based on the default scheme, with maximum Council Tax Support set at 80%.

In 2019/20, 8,740 households received council tax support in Maidstone. Changes in council tax support will affect the 5,430 working-age households working-age. The 3,310 pension-age households will continue to be provided with maximum protection offered by the default council tax support scheme.

Cost of current scheme by age group			
Age group	Number of households	CTR (£/annum)	CTR (£/week)
All working age	5,430	£4,832,486	£17.11
Pension age	3,310	£3,826,568	£22.23
Total	8,740	£8,659,054	£19.05

Current council tax support cost and level of weekly support

The average council tax support for working-age households in 2019/20 was £17/week. Pension-age households receive a higher average award of £22/week.

Average Weekly CTR		
Age group	Number of households	CTR (£/week)
All working age	5,430	£17.11
<i>UC households</i>	1,520	£16.54
<i>non-UC households</i>	3,910	£17.34
Pension age	3,310	£22.23
Total	8,740	£19.05

Level of weekly support: UC and non-UC households

Working-age households in receipt of Universal Credit receive slightly lower weekly support (£16.54/week) than households in receipt of legacy benefits (£17.34/week). This is due to the higher retention of earned income under Universal Credit and removal of earnings disregards for these households under the current CTR scheme.

MAINTAINING CURRENT SCHEME INTO 2021/22

Maintaining the current scheme into 2021/22 would increase costs from £8.7M in 2019/20 to £9.4M in 2021/22. This is an increase in cost of £0.8M or 9.1%.

Annual CTS in current scheme retained into 2021/22, compared to current scheme			
Group	£/annum	Change (£/annum)	Change (%)
All working age	£5,242,015	£409,529	8.47%
Pension age	£4,200,305	£373,737	9.77%
Total	£9,442,320	£783,266	9.05%

Maintaining current system into 2021/22: Annual cost

Costs would increase by 8.5% for working-age households compared to 9.8% for pension-age households. The lower increase for working-age households is due to the planned increases in the national minimum wage and personal tax allowance, as well as the end to the benefits freeze, by 2021/22. These changes will increase earnings and so reduce council tax support awards for some working-age claimants. In addition, claimants receive low levels of council tax support as they migrate to Universal Credit, reflecting the higher retention of earned income and the removal of earnings disregards within the scheme.

Average weekly CTS awarded in current scheme retained into 2021/22, compared to current scheme			
Group	Upated current scheme (£/week)	Change (£/week)	Change (%)
All working age	£18.57	£1.45	8.49%
UC	£17.80	£0.98	5.81%
Legacy benefits	£19.13	£1.79	10.33%
Pension age	£24.40	£2.17	9.77%
Total	£20.78	£1.72	9.05%

Maintaining current system into 2021/22: weekly support levels.

*Changes in Universal Credit average awards compares to the average awards of those who migrate prior to doing so. This means it is not a simple comparison between the Universal Credit claimants of 2019/20 to 2021/22, which would be influenced by demographic changes.

Average weekly support for working-age households in 2021/22 is £1.45/week more than 2019/20 levels.

Households in receipt of legacy benefits see a 10.3% rise in support (£1.79/week). By comparison, households in receipt of Universal Credit see a 5.8% rise (£0.98/week). This difference is due to the higher retention of earnings under Universal Credit and the increase in Universal Credit caseload; households who migrate to Universal Credit have more of their award reduced by the taper rate than households in receipt of legacy benefits due to the removal of earnings disregards.

Social and political impacts of maintaining the current scheme into 2021/22

If the current scheme were maintained into 2021/22, working-age households would see a slight increase in support of 8.5%. This takes account of the expected council tax increase in 2020/21 and 2021/22 (4% each year; 8.2% over the two years) and so represents a small increase in average support. In general, a reduction in support is expected due to the increase in the minimum wage and personal tax allowances, which will increase earnings by 2021/22. In addition, as claimants move to Universal Credit, those with earnings retain more of their benefit award and so receive reduced council tax support.

Breaking down the Impacts of maintaining the current scheme into 2021/22, there are notable differences between groups.

Differences in impact by economic status

Working households would see an average increase in support of 9.4%. This overall increase is made up of a slight decrease (-1.2% or £0.58/week) for employed households in receipt of Universal Credit, compared to a larger increase for households in receipt of legacy benefits (19.0% or £2.18/week). This is due to the higher retention of earnings under Universal Credit and the removal of earnings disregards.

Self-employed households in receipt of Universal Credit is a small group made up of 71 households. These see an increase in support of 12.97% as they move over to Universal Credit. This is because income from Universal Credit is low due to the application of the Minimum Income Floor by DWP. As Maidstone does not apply the Minimum-Income Floor within their CTR scheme, the reduced DWP benefit leads to an increase in CTR. Self-employed households in receipt of legacy benefits also see an increase in support of 14.2%.

Households in receipt of out-of-work benefits, whether in receipt of legacy benefits or Universal Credit, see increases in support roughly in line with CT increases.

% Change in Council Tax Support - current scheme in 2021/22			
	Universal Credit	Legacy benefits	Average - all employed
All working			9.39%
Employed	-1.21%	18.95%	
Self-employed	12.97%	14.16%	
Out of work	7.90%	8.47%	

Percentage change in council tax support from current to 2021/22, by economic status

Differences by household composition

Households in employment see the greatest loss of support as they move to Universal Credit. Households with children are more likely to be in-work than households without children. Therefore, couples with children in receipt of Universal Credit see the smallest average increase in support of (1.9%). For many of these households, their relatively low CTS award will be offset by higher income from Universal Credit.

% Change in Council Tax Support - current scheme in 2021/22			
	Universal Credit	Legacy benefits	Average - all employed
All Working Age			8.49%
Single	7.62%	9.15%	
Lone parent	5.33%	11.19%	
Couple no children	7.44%	8.76%	
Couple with children	1.86%	12.55%	

Percentage change in council tax support from current to 2021/22, by household type

Differences in impact by disability status

By 2021/22, most households in which a person is classed as too ill to work and to prepare for work will, on average, see a slight increase to their current level of support. However, this increase is generally below the 8.2% increase to council tax over the same period. The change in support varies across groups, with households in work and in receipt of PIP/DLA seeing decreased support (-3.3%). This is because under the current UC scheme, these households will not have any disability premiums included in their assessment for council tax support. They will also retain more income from work under Universal Credit, and so have more income tapered away during the CTS calculation.

The average change for all working-age households in receipt of Universal Credit in which a person is too ill to work, or is in receipt of disability benefit, will be an increase of 5.86%. This is below the working-age average (8.47%). It should also be noted that since January 2019, no households in receipt of a severe disability premium within their legacy benefits has been able to make a claim for Universal Credit until transitional protection is available and will remain in receipt of legacy benefits, so that the Council is unlikely to see very many of these cases.

% Change in Council Tax Support - current scheme in 2021/22, households receiving UC	
All disabled working-age	5.86%
Out of work: DLA and ESA	7.92%
Out of work: ESA only	8.39%
Working: DLA only	-3.29%

Percentage change in council tax support from current to 2021/22, by disability status

MODEL 1: INCOME-BANDED

Model 1 is an income-banded model in which discounts are awarded based on household income.

The bands are as follows:

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-£1162.99	£883-£1324.99	25%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%

Net monthly earnings are made up of net employment earnings using the minimum income floor for legacy and UC households that are self-employed. Childcare costs are disregarded from the earnings of eligible households.

The model also has the following characteristics:

- No tariff income
- Introduction of flat-rate non-dependant deductions (these are deducted from CT liability):
 - Lower non-dependant deductions of £5/week
 - Higher non-dep deductions of £10/week

Model 1: cost

Annual Cost

Group	Model 1 cost	Comparison to cost of current scheme		Comparison to current scheme retained into 2021/22	
	£/annum	Change (£/annum)	Change (%)	Change (£/annum)	Change (%)
All working age	£5,226,788	£394,302	8.16%	-£15,228	-0.29%
UC	£2,225,636	£918,402	70.26%	£106,967	5.05%
Legacy benefits	£3,001,152	-£524,100	-14.87%	-£122,194	-3.91%
Pension age	£4,200,305	£373,737	9.77%	£0	0.00%
Total	£9,427,092	£768,039	8.87%	-£15,228	-0.16%

Model 1: Total cost of model (£/annum)

This model would cost £9.4M per annum. This is £0.77M more than costs in 2019/20 and similar to the current scheme retained into 2021/22.

Weekly council tax support

Average weekly support for working-age households under this model is £18.51/week. This is the same as if the current scheme were retained into 2021/22.

Households in receipt of Universal Credit see an increase of £0.90/week on average compared to current levels of support. In contrast, households in receipt of legacy benefits would see their level of support decrease by £0.75/week on average. This redistribution brings average support for households in receipt of Universal Credit (£18.70/week) above that of households in receipt of legacy benefits (£18.38/week).

Group	Average household support	Comparison to cost of current scheme		Comparison to current scheme retained into 2021/22	
	£/week	Change (£/week)	Change (%)	Change (£/week)	Change (%)
All working age	£18.51	£1.40	8.18%	-£0.05	-0.29%
UC	£18.70	£1.88	11.15%	£0.90	5.05%
Legacy benefits	£18.38	£1.04	6.01%	-£0.75	-3.91%
Pension age	£24.41	£2.17	9.73%	£0.00	0.00%
Total	£20.74	£1.69	8.87%	-£0.03	-0.16%

Model 1: Average weekly council tax support £/week

Impact analysis

Claim numbers

Band	Household type								Maximum Award
	No children		1-2 children		3+ children		All		
	Count	%*	Count	%*	Count	%*	Count	%*	
Band 1	2,203	84%	1,464	70%	433	6%	4,100	76.2%	80%
Band 2	96	4%	120	6%	54	0%	270	5.0%	65%
Band 3	183	7%	336	16%	142	2%	661	12.3%	50%
Band 4	92	4%	130	6%	46	1%	268	5.0%	25%
Band 5	34	1%	27	1%	19	0%	80	1.5%	10%

Model 1: Number and percentage of households in each income band.

* All percentages are expressed relative to total working-age cohort.

76% of households eligible for support under Model 1 are in receipt of out-of-work benefits. These households receive support based on 80% of their CT liability. Only 2% have non-benefit income below the specified thresholds (£316/week, £387/week or £441/week depending on the number of children present in the household) and receive support based on 65% of their CT liability.

Only 6% of households fall into the lowest two bands which receive support based on 25% or 10% of their CT liability.

Under this model, 25 households are no longer eligible for support. This is 1% of the current working-age caseload. These households no longer qualify for support due to their non-

benefit income being higher than the upper earnings threshold (£1263.99/week, £1550.99/week or £1766.99/week depending on the number of children present in the household).

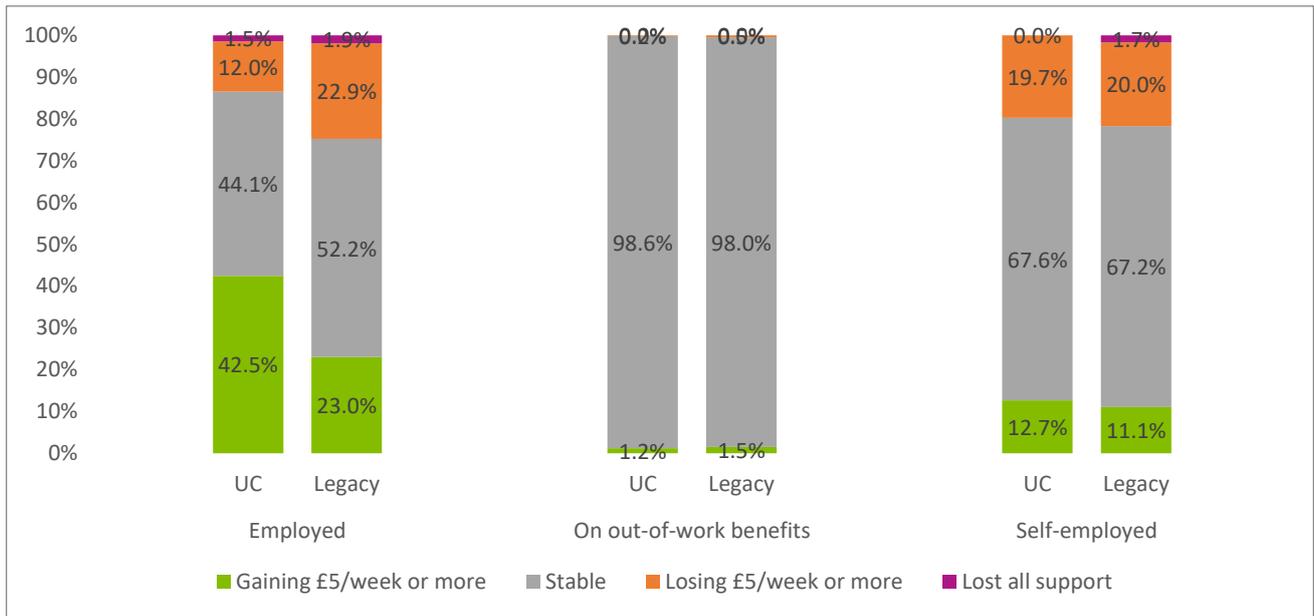
Characteristics of households gaining and losing more than £5/week

286 households see support reduce by more than £5/week compared to current awards. This is 5.3% of the working-age caseload. At the same time, 505 households see support increase by more than £5/week. This is 9.3% of the current working-age caseload.

This model generally redistributes support from households in receipt of legacy benefits to households in receipt of Universal Credit. Therefore, employed households in receipt of legacy benefits are more likely to lose support than similar households in receipt of Universal Credit. Legacy self-employed households that lose tend to lose slightly more than their employed counterparts but it is important to note that the self-employed group is comparatively small. Legacy employed households tend to lose more than their self-employed counterparts. These households are more likely to be placed in bands 4 and 5 while legacy employed households tend to be placed in bands 1-3.

Some employed and self-employed households also gain more than £5/week. These tend to be higher earning households, for whom the discount provided by this model (the lowest being 10%) will be higher than the award based on tapering away support as income increases, as happens under the current scheme.

Households in receipt of out-of-work benefits see little change because these households all fall into the first band and receive support based on 80% of their CT liability. For many of these, their award under Model 1 will be similar to the current scheme in 2021/22 (where their award is based on 80% of their CT liability). The minority of households on out-of-work benefits that lose support do so as a result of having increased non-dependant deductions.

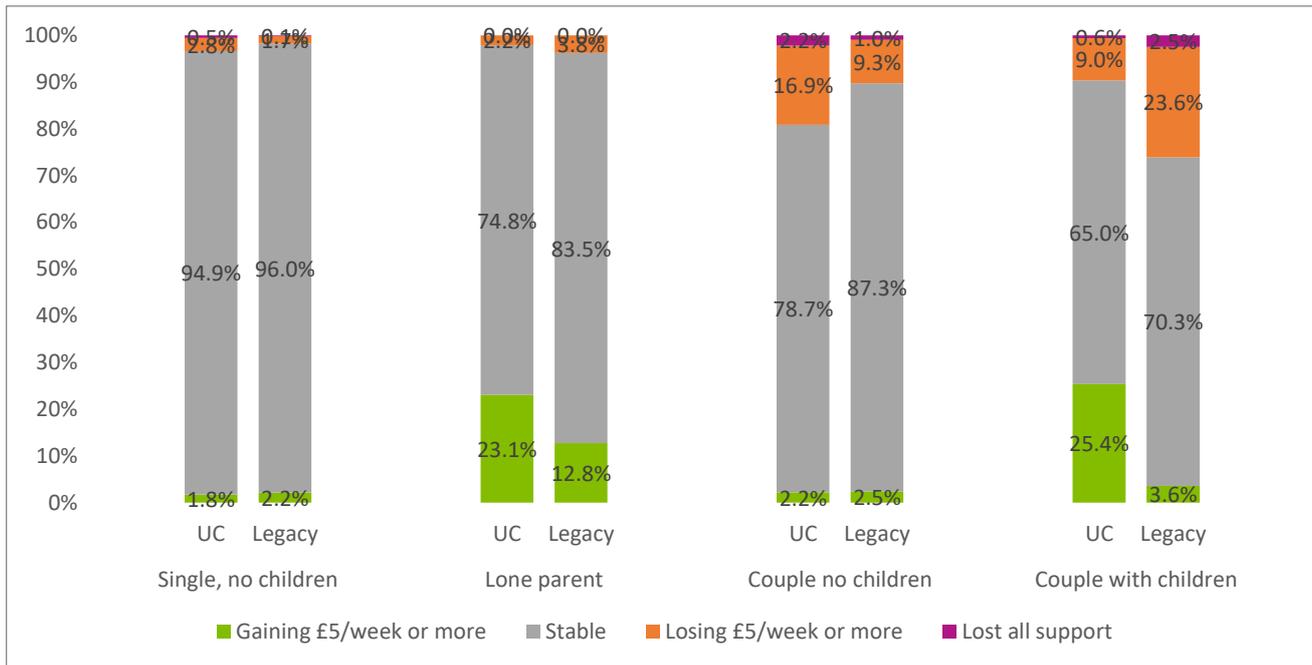


Model 1: households losing and gaining more than £5/week by economic status

Larger households are most likely to lose more than £5/week. This is due to a couple of reasons. Firstly, households with children are more likely to be in work; secondly, the removal of a ‘needs’ element from assessment when moving from the current scheme to an income-banded scheme will affect larger households to a greater extent – in particular, couple households without children.

For the same reason, lone parents in general, and especially lone parents in receipt of Universal Credit, are likely to gain support by more the £5/week. This is because the presence of children means their applicable earnings threshold will be higher than if they were single or a couple without children. Lone parents are also the least likely to be affected by the lower non-dependant deductions of £5/week.

Couples with children are the most likely to lose more than £5/week due to their greater likelihood of having higher levels of earned income. This means they are more likely to be concentrated in the bands with lower levels of support. Differences between legacy and Universal Credit are discussed in the next section.



Model 1: households losing and gaining more than £5/week, by household composition

Distributional impact

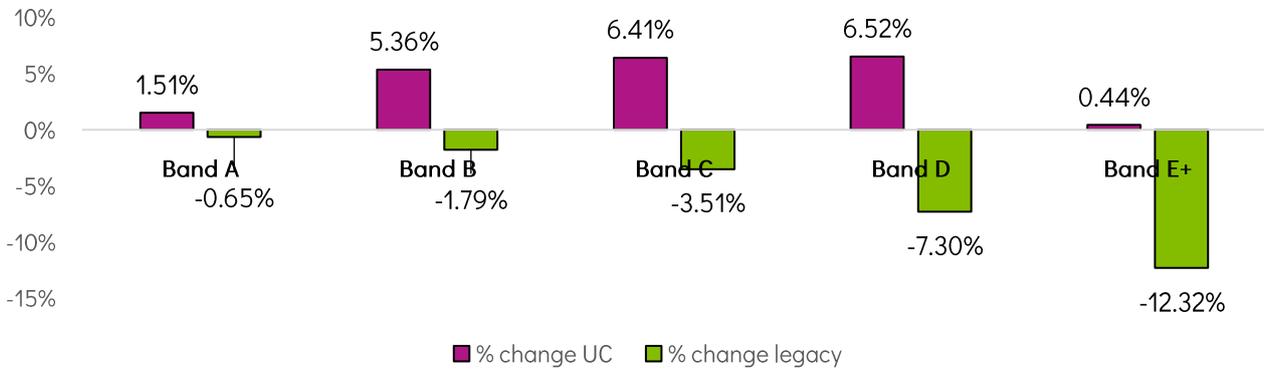
This section examines the groups that would be better or worse off **compared to retaining the current system into 2021/22**.

Council tax band

There are no significant trends across CT bands and households see small changes to weekly support on average. Universal Credit households see increases that range between 1.5% and 6.5% while those in receipt of legacy benefits see a maximum decrease of 12.3%.

The main effect that can be seen across CT bands is the difference between households in receipt of legacy benefits and households in receipt of Universal Credit. This is due to the comparison with retention of the current scheme into 2021/22. By 2021/22, households in receipt of Universal Credit have lower levels of support than households in receipt of legacy benefits if the current scheme were to be retained. This is due to the higher retention of earnings under Universal Credit.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by council tax band

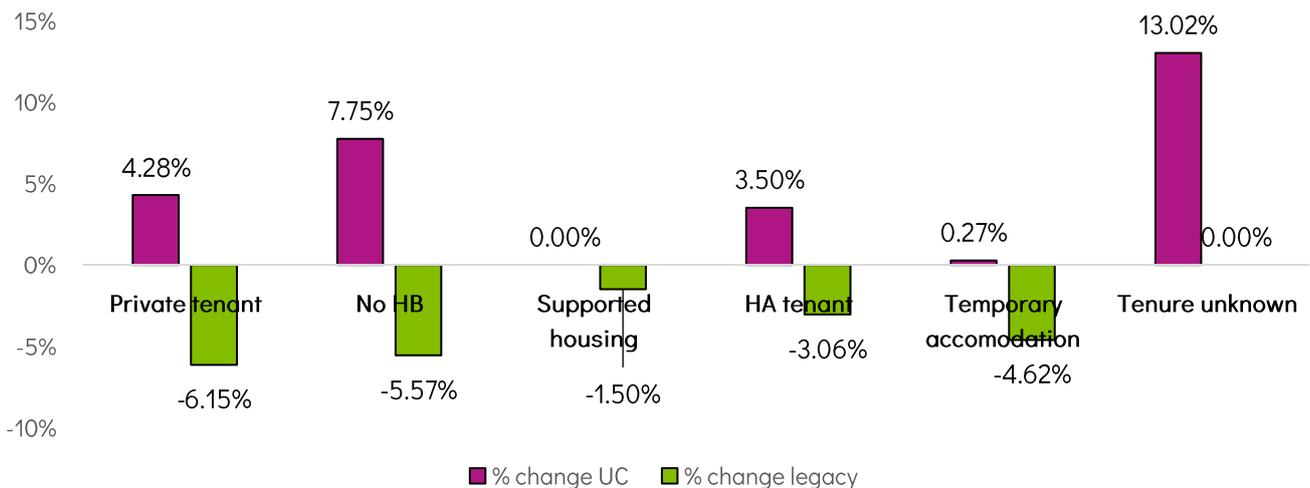


Model 1: Percentage change in support compared to retention of the current scheme into 2021/22, by CT band.

Tenure

As with CT bands, there are no significant trends across tenure types. Households in receipt of Universal Credit see an increase in support of up to 4% among private tenants and up to 13% for those where tenure is unknown. Households in receipt of legacy benefits generally see decreases in support.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by tenure type



Model 1: Percentage change in support compared to retention of the current scheme into 2021/22, by tenure.

Household composition

The greatest distributional impact is among households with children. Lone parents in receipt of Universal Credit see the largest average increase in support across groups, of

13.8%. Couples with children in receipt of Universal Credit also see increases in support, of 12.2%.

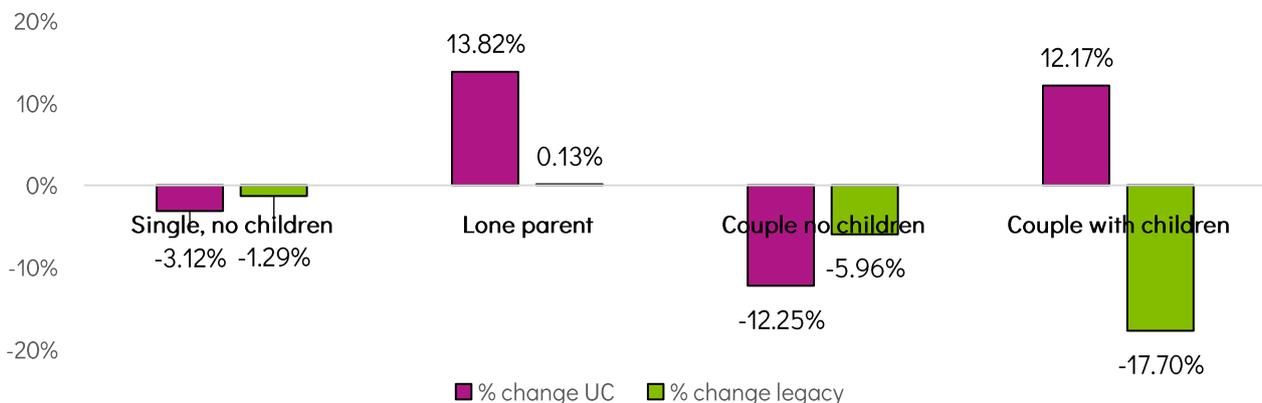
In contrast, couples with children in receipt of legacy benefits see the largest average decrease of 17.7%. This reflects the group's higher earnings (thereby exhibiting the distributional effect from legacy benefits to Universal Credit mentioned earlier in this report). This model therefore supports families as they move to Universal Credit and redistributes support back to those that would lose out if the current scheme were retained into 2021/22.

Couples without children see a reduction ranging from 12.3% (Universal Credit) to 6.0% (legacy benefits). This is due to the definition of household size under Model 1, which protects some households with children by increasing the earnings thresholds according to the number of children. This means that a couple without children where both members receive employment earnings will be more likely to fall in the higher bands, compared to a similar household with children.

Support among single adult households is similar to under the current scheme retained into 2021/22.

Across all demographic groups, the impact among legacy households is a reduction. This is due to earnings disregards for in-work households under the current scheme which no longer apply under Model 1. Couples with children see the greatest reduction in support. This is due to their higher average earnings which are no longer balanced by higher premiums, as under the current scheme.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by household type



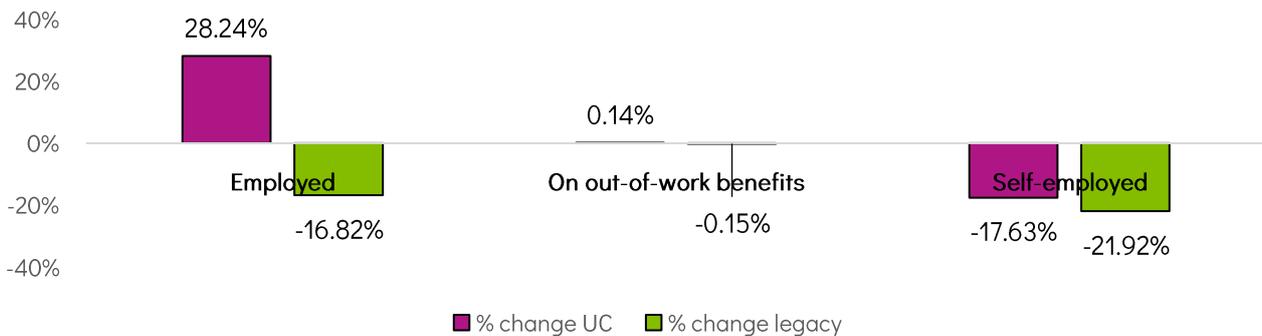
Model 1: Percentage change in support compared to retention of the current scheme into 2021/22, by household composition.

Economic status

The largest differences in support is seen across groups by economic status. Compared to retaining the current scheme into 2021/22, employed households in receipt of Universal Credit see an increase of 28.2%. This is because these households lose support if the current scheme is retained. In comparison, employed households in receipt of legacy benefits see a reduction in support of 16.8%. This model therefore redistributes support from working households in receipt of legacy benefits to those in receipt of Universal Credit.

Out-of-work households do not see a change to their level of support, on average. This is because their support is based on 80% of their CT liability and is changed only when there are non-dependants present in the household.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by economic status

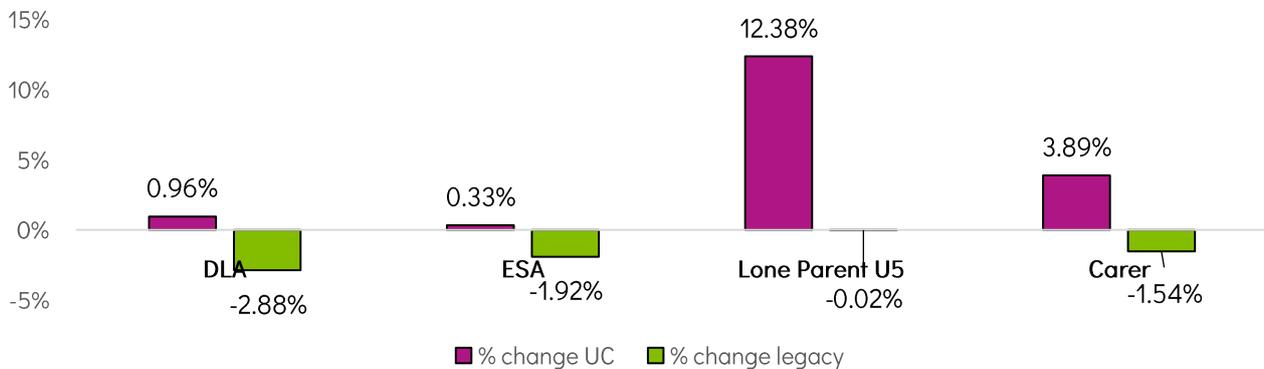


Model 1: Percentage change in support compared to retention of the current scheme into 2021/22, by economic status.

Barriers to work

Lone parents in receipt of Universal Credit will see the most substantial increase, while other groups with barriers to work will see smaller changes, compared to the current scheme in 2021/22. This is due to reasons mentioned earlier: 93% of lone parent households are placed in the more generous bands (1, 2 and 3) and the majority are not subject to the lower-rate non-dependant deductions. For households in receipt of Universal Credit, who receive lower support under the current scheme than their legacy claiming counterparts, this represents a significant increase in support. Households in receipt of legacy benefits and disability benefits (DLA or ESA) see small decreases in support of up to 2.58% compared to the current scheme in 2021/22. This is due to the effect of earnings disregards under the current scheme for disabled households on legacy benefits that are in work.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by barriers to work



Model 1: Percentage change in support compared to retention of the current scheme into 2021/22, by household types with barriers to work

Households that are worse off: age, gender and disability

This section examines the groups that would be worse off **compared to retaining the current system into 2021/22**. Specifically it considers whether particular groups of interest will be over-represented among those that are worse off or those that lose all support.

Households that lose all support

Of the 25 households that lose all support:

- 8 are disabled households
- 4 are female single households
- 1 is a household in which the main claimant is aged between 60-65 inclusive

These households lose their support due to falling outside of their applicable earnings threshold.

MODEL 2: INCOME-BANDED

Model 2 is an income-banded model in which discounts are awarded based on household income, with an uplift for households in receipt of disability or illness benefits.

The bands are as follows:

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 2+				70%
Band 3	£316-£631.99	£387-£774.99	£441-£882.99	50%
Band 3+				55%
Band 4	£632-£947.99	£775-£1162.99	£883-£1324.99	25%
Band 4+				30%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%
Band 5+				15%

Note: bands suffixed with a '+' relate to households subject to the 5% uplift due to disability or illness (in receipt of DLA/PIP or ESA).

As with Model 1, under Model 2 net monthly income is made up of net employment earnings. Childcare costs are disregarded from the earnings of eligible households.

The model also has the following characteristics:

- No tariff income
- Introduction of flat-rate non-dependant deductions:
 - Lower non-dependant deductions of £5/week
 - Higher non-dep deductions of £10/week
- A 5% uplift to maximum award for Bands 2-5 for households in receipt of disability or illness benefits (DLA/PIP or ESA).
 - For example, households in Band 2+ are households that fall into Band 2 (maximum award 65%) but receive an uplift of 5% (taking them up to 70%).

Model 2: cost

Annual Cost

Group	Model 2 cost	Comparison to cost of current scheme		Comparison to current scheme retained into 2021/22	
	£/annum	Change (£/annum)	Change (%)	Change (£/annum)	Change (%)
All working age	£5,238,635	£406,149	8.40%	-£3,380	-0.06%
UC	£2,230,502	£923,268	70.63%	£111,833	5.28%
Legacy benefits	£3,008,133	-£517,119	-14.67%	-£115,213	-3.69%
Pension age	£4,200,305	£373,737	9.77%	£0	0.00%
Total	£9,438,939	£779,886	9.01%	-£3,380	-0.04%

Model 2: Total cost of model (£/annum)

This model will cost £9.4M per annum. This is £0.78M more than the current scheme in 2019/20, and very similar to if the current scheme were retained into 2021/22.

Weekly council tax support

Average weekly support for working-age households under this model is £18.56/week. This similar to Model 1 (£18.51).

Compared to the current scheme in 2021/22 there is an increase for Universal Credit of 5.28% and a decrease for legacy benefit of 3.69%. For both groups, this model is more generous than model 1, which distributes a 5.05% increase for Universal Credit claimants and a 3.91% reduction for those in receipt of legacy benefits.

As under Model 1, households in receipt of Universal Credit receive slightly higher support levels at £18.74/week compared to £18.42/week for households in receipt of legacy benefits.

Group	Average household support	Comparison to cost of current scheme		Comparison to current scheme retained into 2021/22	
	£/week	Change (£/week)	Change (%)	Change (£/week)	Change (%)
All working age	£18.56	£1.44	8.42%	-£0.01	-0.06%
UC	£18.74	£1.92	11.40%	£0.94	5.28%
Legacy benefits	£18.42	£1.09	6.26%	-£0.71	-3.69%
Pension age	£24.41	£2.17	9.73%	£0.00	0.00%
Total	£20.77	£1.72	9.01%	-£0.01	-0.04%

Model 2: Average weekly council tax support £/week

IMPACT ANALYSIS

Claim numbers

Band	Household type								Maximum Award
	No children		1-2 children		3+ children		Total		
	Count	%	Count	%	Count	%	Count	%	
Band 1	2,203	84%	1,464	70%	433	6.5%	4,100	76.2%	80%
Band 2	84	3.6%	103	0.5%	47	0.3%	234	4.4%	65%
Band 2+	12	0.1%	17	0.1%	7	0.0%	36	0.1%	70%
Band 3	153	6.5%	313	15%	135	1.8%	601	11.2%	50%
Band 3+	30	0.6%	23	0.1%	7	0.2%	60	0.1%	55%
Band 4	79	3.5%	113	0.5%	44	1.1%	236	4.4%	25%
Band 4+	13	0.1%	17	0.1%	2	0.2%	32	0.1%	30%
Band 5	27	1.2%	23	0.1%	15	0.3%	65	0.1%	10%
Band 5+	7	0.3%	4	0.01%	4	0.0%	15	0.0%	15%

Model 2: Number and percentage of households in each income band

The characteristics that sort households into bands are the same in Model 2 as in Model 1 except for a 5% uplift awarded to households in receipt of illness or disability benefits (DLA/PIP or ESA in respect of the claimant or partner). The uplift applies to bands 2-5.

As with Model 1, 78% of households are in receipt of out-of-work benefits. These households receive support equal to 80% of their liability. These households will receive the same support under Model 2 as under Model 1.

Only a total of 0.6% (335 households) of total working-age households fall into bands that are subject to the 5% uplift. These households receive more support under Model 2 compared to Model 1.

Like under Model 1, 25 households are no longer eligible for support. This is 0.5% of the current working-age caseload. These households no longer qualify for support due to their non-benefit income being higher than the upper threshold (£1263.99/week, £1550.99/week or £1766.99/week depending on the number of children present in the household). The majority of these households already receive low levels of support.

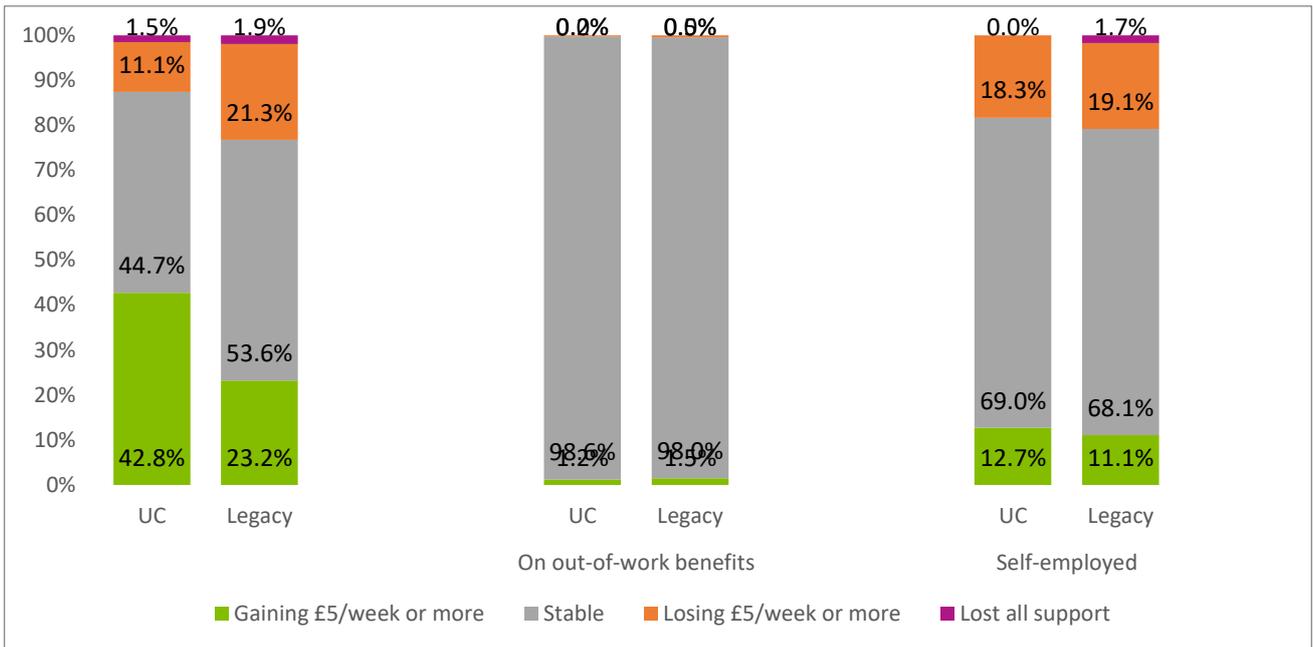
Characteristics of households losing and gaining more than £5/week

268 households see support reduce by more than £5/week compared to current awards. This is 4.9% of the working-age caseload, and is lower than the 286 households that lose more than £/week under Model 1. This is because households in receipt of disability or illness benefits that lose more than £5/week in support under Model 1 are protected by the 5% uplift under Model 2. A small number of disabled households continue to lose under Model 2 because they are placed in band 1 and do not receive a 5% uplift. This is due to the presence of two or more non-dependants resulting non-dependant deductions of £5/week.

508 households see support increase by more than £5/week compared to current awards. This is 9.4% of the working-age caseload, and is higher than the 505 households that gain more than £/week under Model 1. As with households that lose support, this is because of the effect of the 5% uplift.

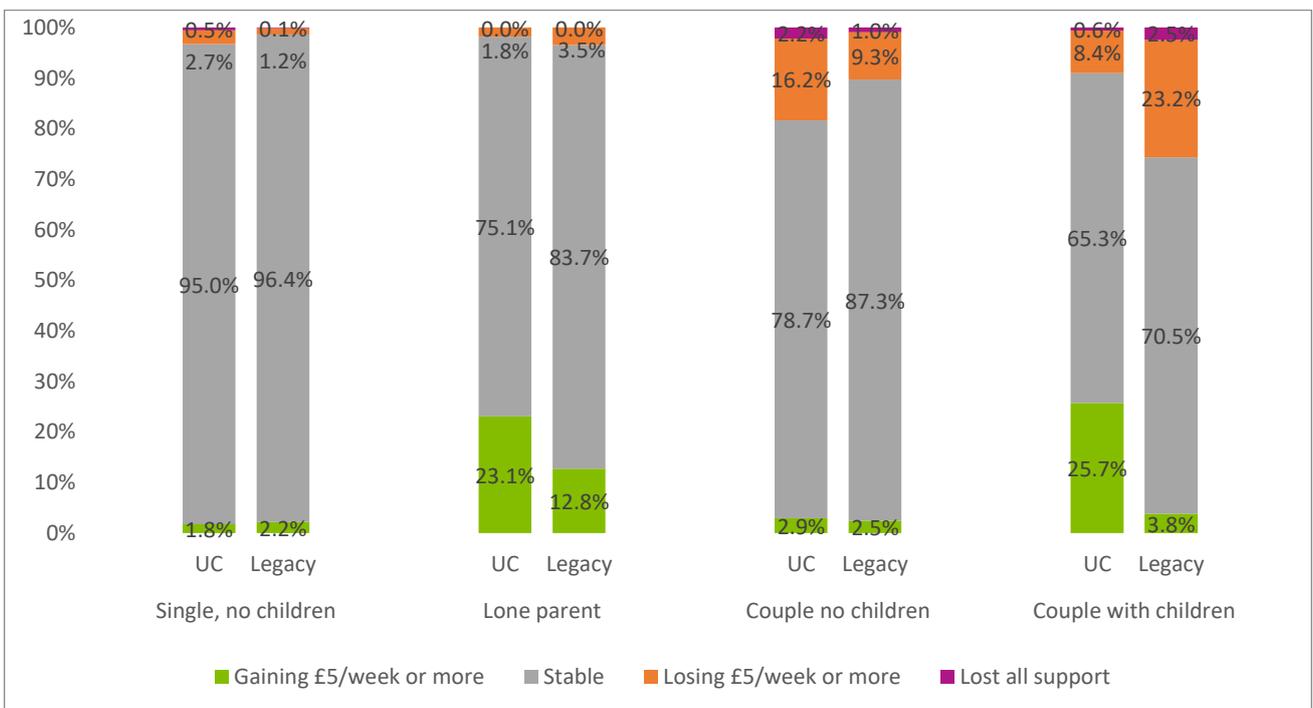
As this model awards maximum support in the same way as Model 1 except for the uplift, the effects across groups are similar to those seen under Model 1. However the distributional effect from legacy households to Universal Credit households is less pronounced than under Model 1.

As with Model 1, in-work households in receipt of legacy benefits are the most likely to see an increase of £5/week or more, while in-work households in receipt of legacy benefits are more likely to lose by £5/week or more. Model 2 continues to re-distribute support from households in receipt of legacy benefits to households in receipt of Universal Credit, but to a slightly lesser extent than Model 1. This is because households in receipt of disability benefits are more likely to be in receipt of legacy benefits and therefore receive the 5% uplift.



Model 2: households losing and gaining more than £5/week by economic status

Similarly, under Model 2 lone parents continue to be the group most likely to see an increase to support of £5/week or more while larger households are more likely to see a reduction of £5/week or more, especially couples with children in receipt of legacy benefits. As with Model 1 this is because these households are more likely to be in work compared to those without children and because of the removal of a 'needs' element from assessment.



Model 2: households losing and gaining more than £5/week, by household composition

Distributional impact

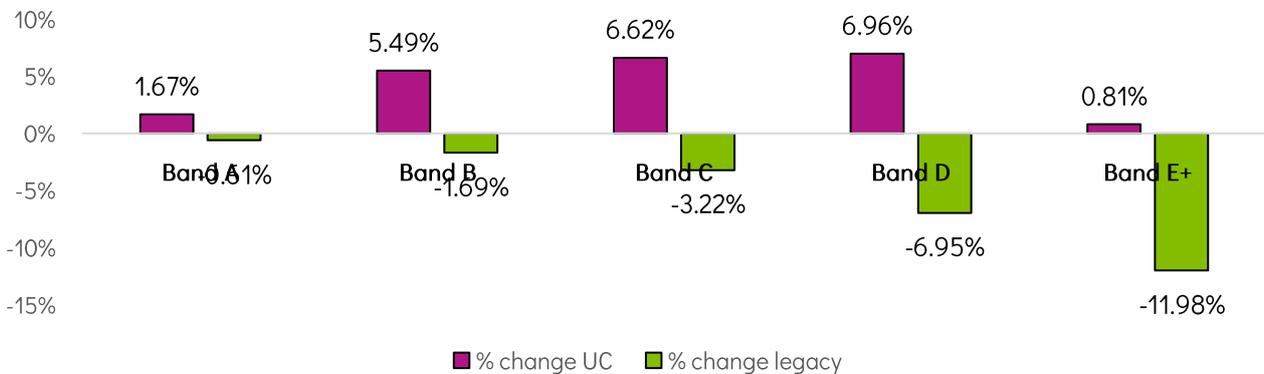
This section examines the groups that would be better or worse off **compared to retaining the current system into 2021/22**.

Council tax band

As under Model 1, there is no distinct pattern across CT bands under Model 2. The main effect is that of a redistribution from households in receipt of legacy benefits to households on Universal Credit: the greatest distribution of support relates to Band D and range from an average increase of 7.0% among households on Universal Credit and 7.0% among households in receipt of legacy benefits.

As with Model 1, the difference in the pattern of change between households in receipt of legacy benefits and Universal Credit is due to comparison with the retention of the current scheme into 2021/22. By 2021/22 households in receipt of Universal Credit would expect to see lower support than those in receipt of legacy benefits. Therefore, in comparison, households in receipt of Universal Credit gain support under these income-banded models.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by council tax band

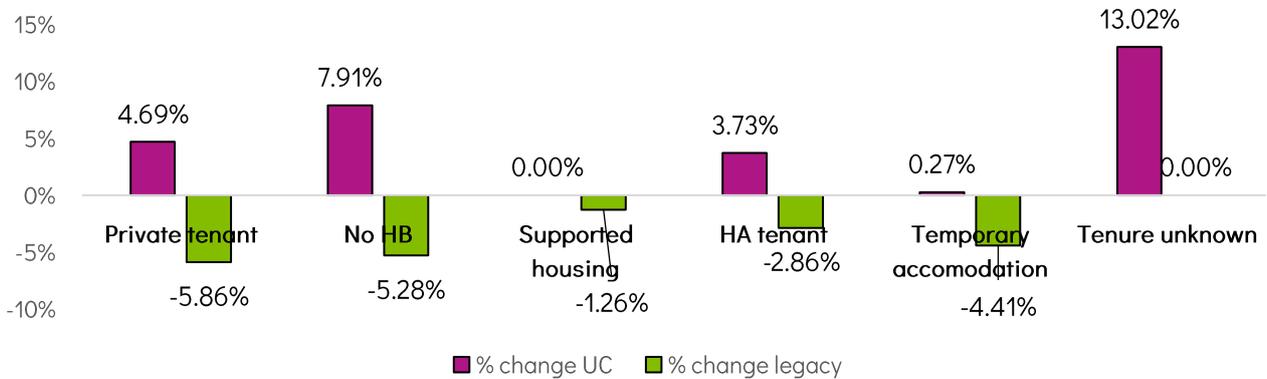


Model 2: Percentage change in support compared to retention of the current scheme into 2021/22, by CT band.

Tenure

Again, there is no discernible trend across tenure types. Households in receipt of Universal Credit see an increase in support of 4.7% among private tenants (slightly higher than the 4.3% increase seen in Model 1). Households in receipt of legacy benefits see a reduction in average awards across all tenures, as seen under Model 1.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by tenure type



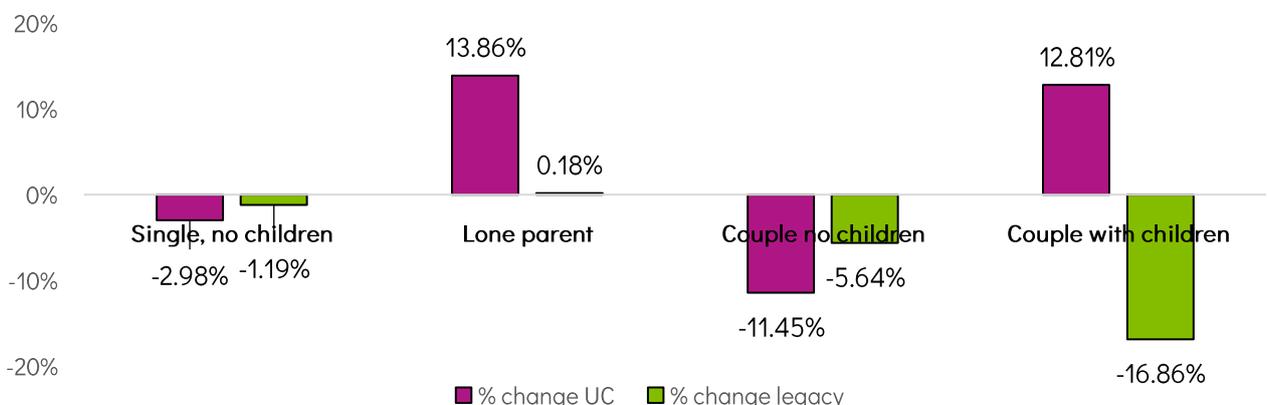
Model 2: Percentage change in support compared to retention of the current scheme into 2021/22, by tenure.

Household composition

As with Model 1, households with children see the greatest redistribution. Lone parents in receipt of Universal Credit see the largest average increase in support, of 13.86%. The increase in support for couples with children is also slightly greater than under Model 1 (12.81% compared to 12.17%), reflecting that some of these households now benefit from the 5% uplift. Again, couples with children in receipt of legacy benefits will on average see reductions in support similar to Model 1 (-16.86%, compared to -17.70%).

Although the general pattern of redistribution from legacy households to Universal Credit households remains, the reduction among households in receipt of legacy benefits is generally smaller.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by household type

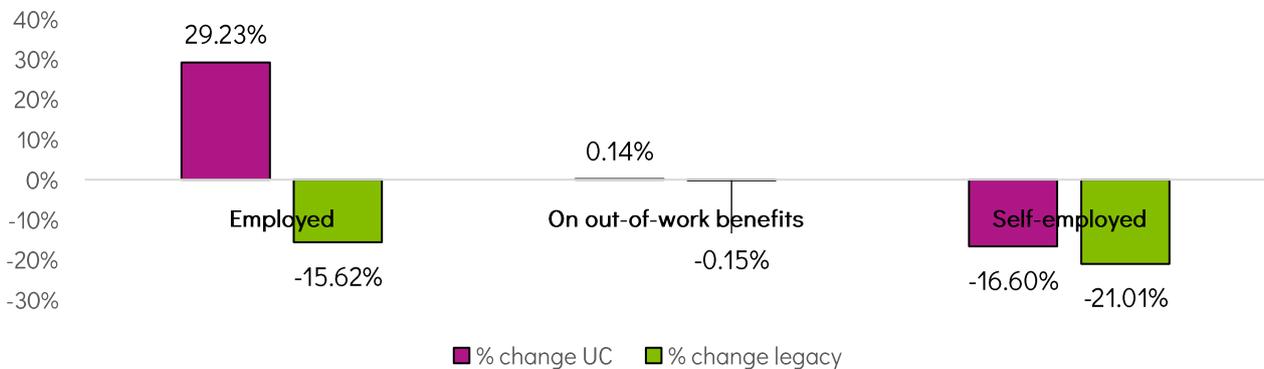


Model 2: Percentage change in support compared to retention of the current scheme into 2021/22, by household composition.

Economic status

Patterns among economic groups are in the same direction as Model 1 but they tend to be slightly more positive; there are smaller reductions among self-employed households and a larger average increase among employed households in receipt of Universal Credit (29.23% compared to 28.24%). Average reduction reaches 21.01% among self-employed households in receipt of Universal Credit, compared to 21.92% under Model 1.

Percentage change in weekly CTR compared to current scheme retained into 2020/21, by economic status

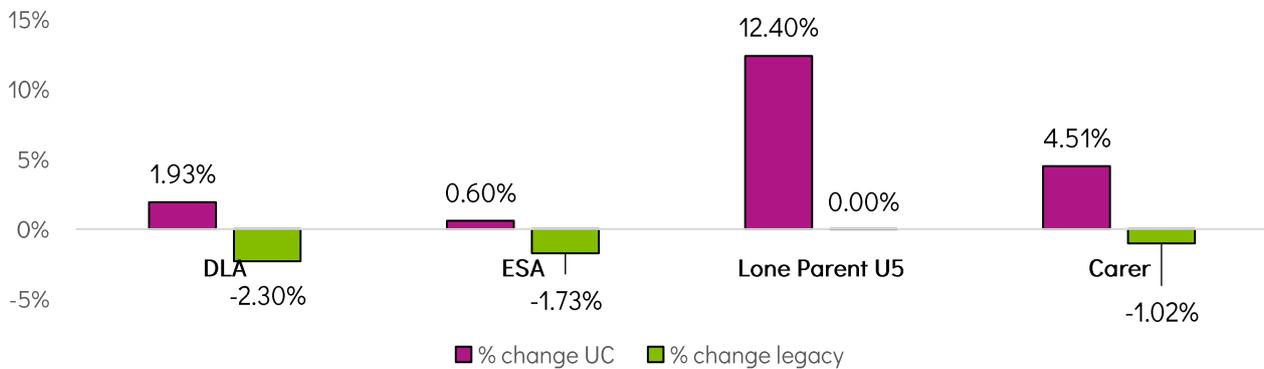


Model 2: Percentage change in support compared to retention of the current scheme into 2021/22, by economic status.

Barriers to work

Redistribution among households with barriers to work is similar to Model 1, but with more positive change. Lone parents with children under 5 that are in receipt of Universal Credit remain the group that see support increase by the largest proportion (the same as under Model 1).

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by barriers to work



Model 2: Percentage change in support compared to retention of the current scheme into 2021/22, by household types with barriers to work

Households that are worse off: age, gender and disability

This section examines the groups that would be worse off **compared to retaining the current system into 2021/22**. Specifically, it considers whether particular groups of interest will be over-represented among those that are worse off or those that lose all support.

Households that lose all support

Of the 25 households that lose all support:

- 8 are disabled households
- 4 are female single households
- 1 is a household in which the main claimant is aged between 60-65 inclusive

These households lose their support due to falling outside of their applicable earnings threshold.

MODEL 3: INCOME-BANDED

Model 3 is an income-banded model in which discounts are awarded based on household income, with an uplift for households in receipt of disability or illness benefits.

The bands are as follows:

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	70%
Band 1+				80%
Band 2	Less than £316	Less than £387	Less than £441	65%
Band 2+				70%
Band 3	£316-£631.99	£387-£774.99	£441-£882.99	50%
Band 3+				55%
Band 4	£632-£947.99	£775-£1162.99	£883-£1324.99	25%
Band 4+				30%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%
Band 5+				15%

Note: bands suffixed with a '+' relate to households subject to the 5%-10% uplift due to disability or illness (in receipt of DLA/PIP or ESA).

As with Model 1 and 2, under Model 3 net monthly income is made up of net employment earnings. Childcare costs are disregarded from the earnings of eligible households.

The model also has the following characteristics:

- No tariff income
- Introduction of flat-rate non-dependant deductions:
 - Lower non-dependant deductions of £5/week
 - Higher non-dep deductions of £10/week
- A 5-10% uplift to maximum award for Bands 1-5 for households in receipt of disability or illness benefits (DLA/PIP or ESA).
 - For example, households in Band 2+ are households that fall into Band 2 (maximum award 65%) but receive an uplift of 5% (taking them up to 70%).

Model 3: cost

Annual Cost

Group	Model 3 cost	Comparison to cost of current scheme		Comparison to current scheme retained into 2021/22	
	£/annum	Change (£/annum)	Change (%)	Change (£/annum)	Change (%)
All working age	£4,992,482	£159,997	3.31%	-£249,533	-4.76%
UC	£2,079,350	£772,116	59.06%	-£39,320	-1.86%
Legacy benefits	£2,913,132	-£612,119	-17.36%	-£210,214	-6.73%
Pension age	£4,200,305	£373,737	9.77%	£0	0.00%
Total	£9,192,787	£533,733	6.16%	-£249,533	-2.64%

Model 3: Total cost of model (£/annum)

This model will cost £9.2M per annum. This is £0.5M more than the current scheme in 2019/20, and £0.25M less than if the current scheme were retained into 2021/22.

Weekly council tax support

Average weekly support for working-age households under this model is £17.68/week. This is lower than under Model 1 (£18.51) and Model 2 (£18.57).

Compared to the current scheme in 2021/22 there is a decrease for Universal Credit of 1.86% and for legacy benefit of 6.73%. For both groups, this model is less generous than Models 1 and 2.

Unlike under Models 1 and 2, households in receipt of Universal Credit receive slightly lower support levels at £17.47/week compared to £17.84/week for households in receipt of legacy benefits.

Weekly council tax support

Group	Average household support	Comparison to cost of current scheme		Comparison to current scheme retained into 2021/22	
	£/week	Change (£/week)	Change (%)	Change (£/week)	Change (%)
All working age	£17.68	£0.57	3.33%	-£0.88	-4.76%
UC	£17.47	£0.65	3.85%	-£0.33	-1.86%
Legacy benefits	£17.84	£0.50	2.90%	-£1.29	-6.73%
Pension age	£24.41	£2.17	9.73%	£0.00	0.00%
Total	£20.23	£1.17	6.16%	-£0.55	-2.64%

Model 3: Average weekly council tax support £/week

Impact analysis

Claim numbers

Band	Household type								Maximum Award
	No children		1-2 children		3+ children		Total		
	Count	%	Count	%	Count	%	Count	%	
Band 1	537	20.6%	1,041	50.1%	285	41.1%	1,864	34.6%	70%
Band 1+	1,664	63.9%	423	20.4%	148	21.3%	2,236	41.6%	80%
Band 2	84	3.6%	103	0.5%	47	0.3%	234	4.4%	65%
Band 2+	12	0.1%	17	0.1%	7	0.0%	36	0.1%	70%
Band 3	153	6.5%	313	15%	135	1.8%	601	11.2%	50%
Band 3+	30	0.6%	23	0.1%	7	0.2%	60	0.1%	55%
Band 4	79	3.5%	113	0.5%	44	1.1%	236	4%	25%
Band 4+	13	0.1%	17	0.1%	2	0.2%	32	0.1%	30%
Band 5	27	1.2%	23	0.1%	15	0.3%	65	0.1%	10%
Band 5+	7	0.3%	4	0.01%	4	0.0%	15	0.0%	15%

Model 3: Number and percentage of households in each income band, by household type

The characteristics that sort households into bands are the same in Model 3 as in Model 2 except for a change in band 1. There is a reduction in support for most households in band 1 from 80% to 70% but households in receipt of illness or disability benefits (DLA/PIP or ESA in respect of the claimant or partner) maintain support at 80%.

As with Models 1 and 2, 78% of households are in receipt of out-of-work benefits. These households receive support equal to 70% of their liability if they do not receive disability or illness benefits, which is 10% less than under Models 1 and 2.

0.6% (335 households) of total working-age households fall into bands 2-5, which are subject to a 5% uplift. These households receive the same support under Model 3 as under Model 2, which is higher than under Model 1.

Like under Models 1 and 2, 25 households are no longer eligible for support. This is 0.5% of the current working-age caseload. These households no longer qualify for support due to their non-benefit income being higher than the upper threshold (£1263.99/week, £1550.99/week or £1766.99/week depending on the number of children present in the household). Most of these households already receive low levels of support.

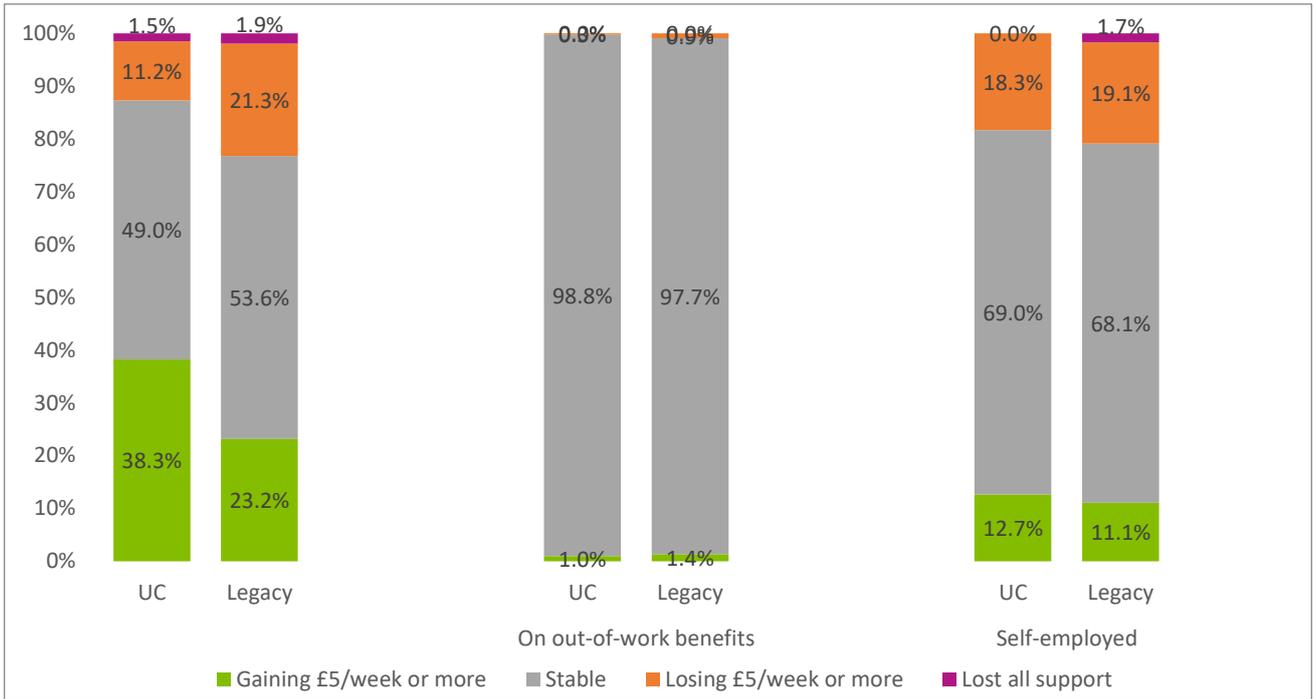
Characteristics of households losing and gaining more than £5/week

281 households see support reduce by more than £5/week compared to current awards. This is 5.2% of the working-age caseload. It is similar to the 286 households that lose more than £/week under Model 1 but slightly higher than the 268 under Model 2. This is because households in receipt of disability or illness benefits that lose more than £5/week in support under Model 1 are protected by the 5% uplift under Model 2 and 3. However, non-protected households in band 1 lose support at a higher rate under Model 3 than the previous models.

471 households see support increase by more than £5/week compared to current awards. This is 8.7% of the working-age caseload, and is lower than under Model 1 and 2.

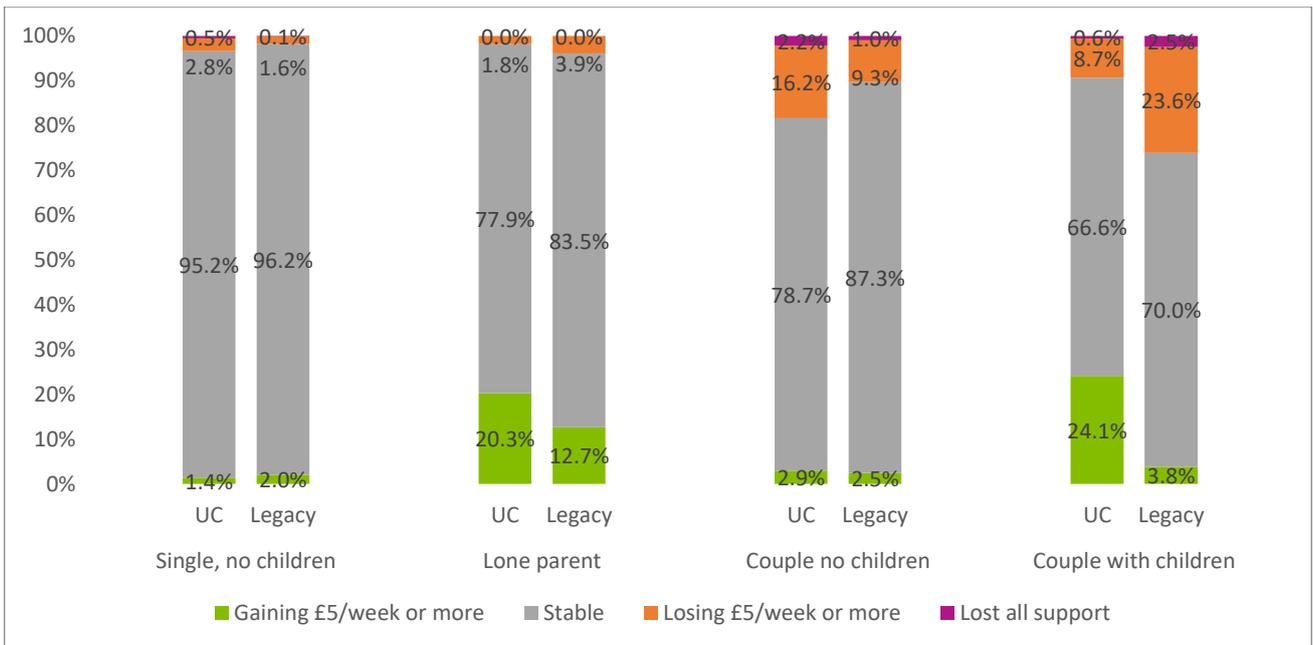
As this model awards maximum support in the same way as Model 2 except for under band 1, the effects across groups are similar. The distributional effect from legacy households to Universal Credit households is less pronounced than under Model 1.

As with Model 1 and 2, in-work households in receipt of Universal Credit are the most likely to see an increase of £5/week or more, while in-work households in receipt of legacy benefits are more likely to lose by £5/week or more.



Model 3: households losing and gaining more than £5/week by economic status

Similarly, under Model 3 lone parents continue to be the group most likely to see an increase in support of £5/week or more while couples are more likely to see a reduction of £5/week or more, especially couples with children in receipt of legacy benefits. As with Model 1 this is because these households are more likely to be in work compared to those without children and because of the removal of a 'needs' element from assessment.



Model 3: households losing and gaining more than £5/week, by household composition

Distributional impact

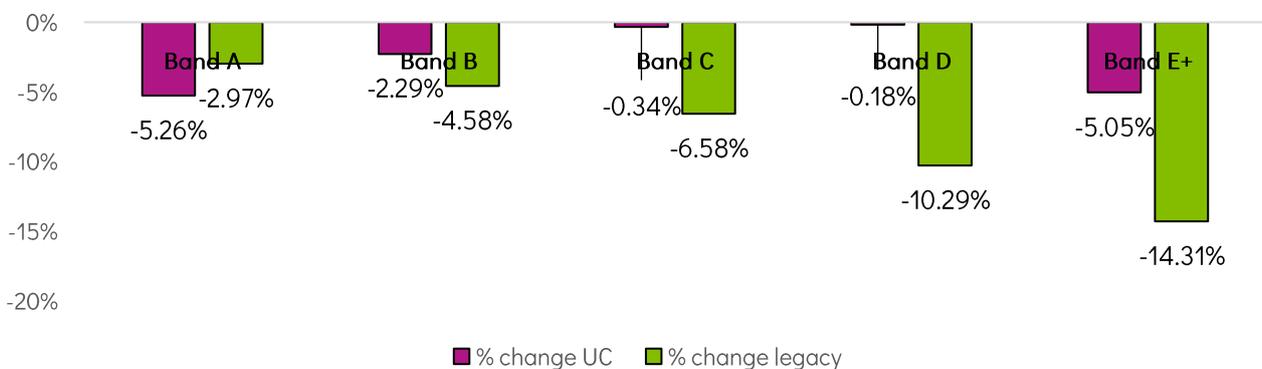
This section examines the groups that would be better or worse off **compared to retaining the current system into 2021/22**.

Council tax band

Among households in receipt of legacy benefits, there is a clear pattern of reduced support which deepens as council tax band increases. There is no discernible pattern among Universal Credit claimants, though those in the highest bands (E+) are among the most impacted. There is a clear overall pattern that Universal Credit claimants lose less support than those in receipt of legacy benefits.

As with Models 1 and 2, the difference in the pattern of change between households in receipt of legacy benefits and Universal Credit is due to comparison with the retention of the current scheme into 2021/22. By 2021/22 households in receipt of Universal Credit would expect to see lower support than those in receipt of legacy benefits. Therefore, in comparison, households in receipt of Universal Credit see a lower reduction in support under this income-banded model.

Percentage change in weekly CTR compared to current scheme retained into 2021/22, by council tax band



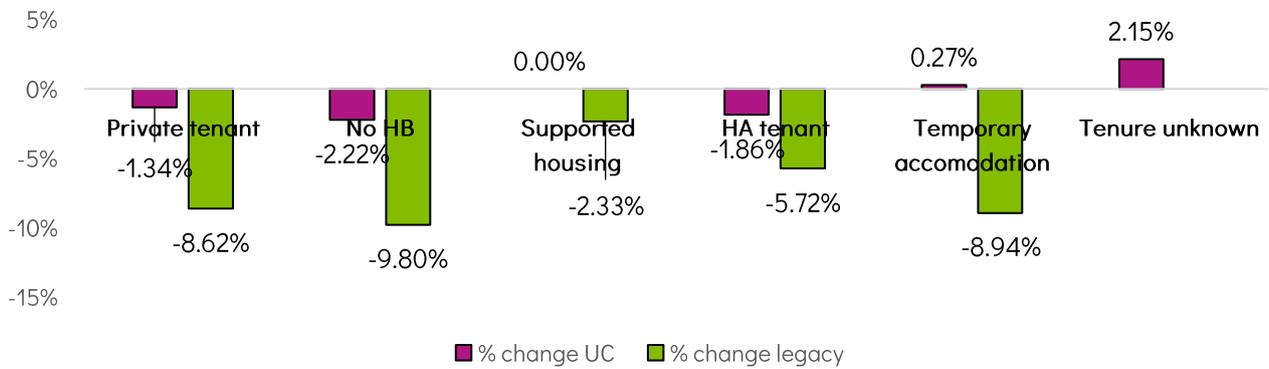
Model 3: Percentage change in support compared to retention of the current scheme into 2021/22, by CT band.

Tenure

As in Models 1 and 2, there is no discernible trend across tenure types. However, under this model Universal Credit claimants for whom tenure is unknown are the only tenure group to gain support.

Again, households in receipt of legacy benefits reflect a greater loss in support across all tenure types than those in receipt of Universal Credit.

Percentage change in weekly CTR compared to current scheme retained into 2020/21, by tenure type

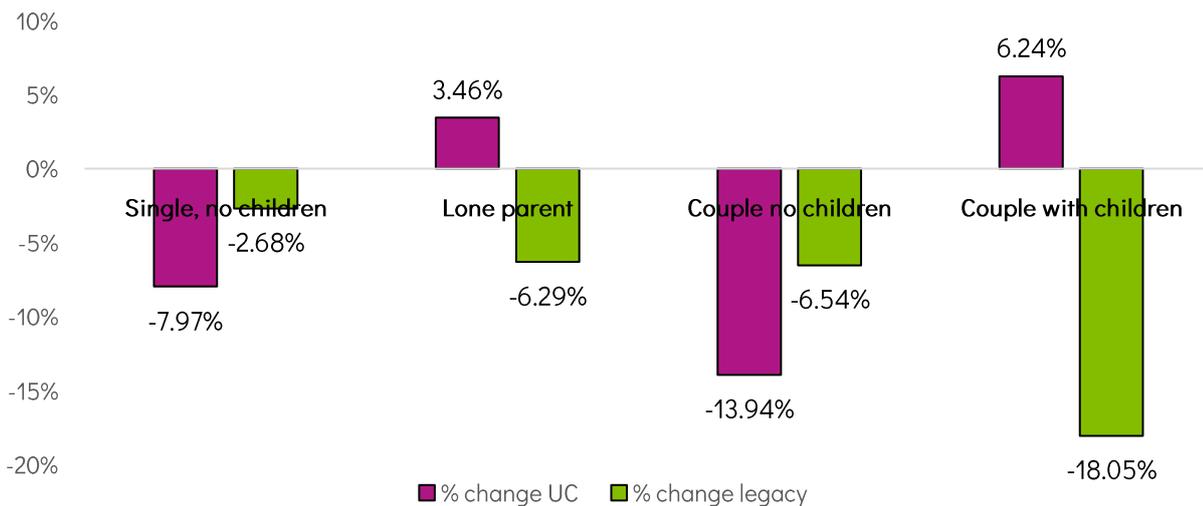


Model 3: Percentage change in support compared to retention of the current scheme into 2021/22, by tenure type.

Household compositions

As with Model 1, households with children see the greatest redistribution. Couples with children in receipt of Universal Credit see the largest average increase in support, of 6.24%, while couples with children in receipt of legacy benefits see the greatest decrease, of 18.05%.

Percentage change in weekly CTR compared to current scheme retained into 2020/21, by household type



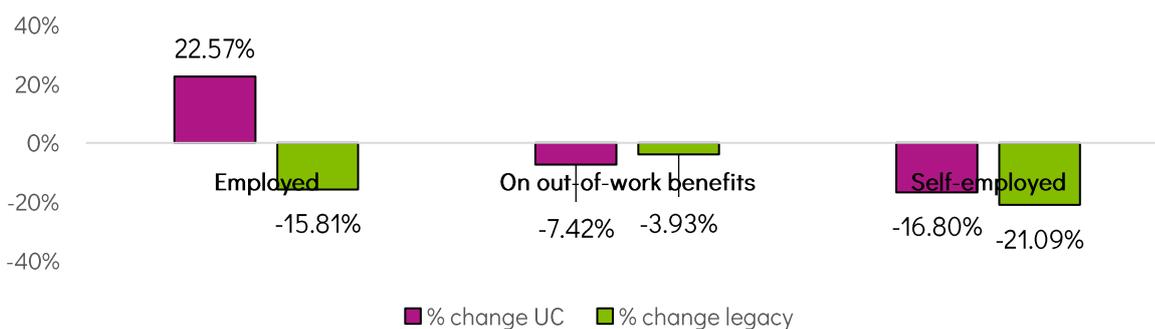
Model 3: Percentage change in support compared to retention of the current scheme into 2021/22, by household composition.

Economic status

Patterns among economic groups are similar to both Model 1 and 2. However, unlike the previous models, we see a reduction in support for those in receipt of out-of-work benefits, 7.4% among Universal Credit claimants and 3.9% among legacy claimants. This is due to the reduction for passported and maximum Universal Credit claimants who are not in receipt of disability or illness benefits.

As seen in each model, self-employed households lose support, 16.8% among Universal Credit and 21.1% among legacy households. This is very similar to Model 2 (16.6% and 21.0%) and slightly less negative than under Model 1.

Percentage change in weekly CTR compared to current scheme retained into 2020/21, by economic status



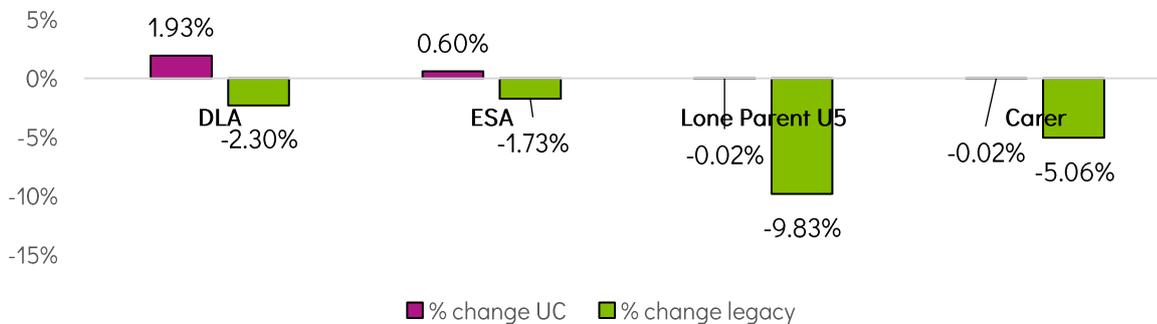
Model 3: Percentage change in support compared to retention of the current scheme into 2021/22, by economic status.

Barriers to work

Redistribution among households with disability or illness benefits remains the same as Model 2, as the maximum support for these households has not changed.

Outcomes are more negative than Models 1 and 2 for lone parents with a child under 5 and households with caring responsibilities. Those in receipt of legacy benefits see a greater reduction in support (9.8% for lone parents and 5.01% for carers). Those in receipt of Universal Credit see very similar support to the current scheme in 2021/22, whereas they had gained under Model 1 and 2.

Percentage change in weekly CTR compared to current scheme retained into 2020/21, by barriers to work



Model 3: Percentage change in support compared to retention of the current scheme into 2021/22, by household types with barriers to work

Households that are worse off: age, gender and disability

This section examines the groups that would be worse off **compared to retaining the current system into 2021/22**. Specifically, it considers whether particular groups of interest will be over-represented among those that lose all support.

Households that lose all support

Of the 25 households that lose all support:

- 8 are disabled households
- 4 are female single households
- 1 is a household in which the main claimant is aged between 60-65 inclusive

These households lose their support due to falling outside of their applicable earnings threshold.

MODEL 4 HEADLINE FIGURES: INCOME-BANDED

Model 4 is an income-banded model in which discounts are awarded based on household income, with an uplift for households in receipt of disability or illness benefits.

The bands are as follows:

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	70%
Band 2	Less than £316	Less than £387	Less than £441	65%
Band 2+				70%
Band 3	£316-£631.99	£387-£774.99	£441-£882.99	50%
Band 3+				55%
Band 4	£632-£947.99	£775-£1162.99	£883-£1324.99	25%
Band 4+				30%
Band 5	£948-£1263.99	£1163-£1550.99	£1325-£1766.99	10%
Band 5+				15%

Note: bands suffixed with a '+' relate to households subject to the 5%-10% uplift due to disability or illness (in receipt of DLA/PIP or ESA).

As with the three previous models, under Model 4 net monthly income is made up of net employment earnings. Childcare costs are disregarded from the earnings of eligible households.

The model also has the following characteristics:

- No tariff income
- Introduction of flat-rate non-dependant deductions:
 - Lower non-dependant deductions of £5/week
 - Higher non-dep deductions of £10/week
- A 5% uplift to maximum award for Bands 2-5 for households in receipt of disability or illness benefits (DLA/PIP or ESA).
 - For example, households in Band 2+ are households that fall into Band 2 (maximum award 65%) but receive an uplift of 5% (taking them up to 70%).

Model 4: cost

Annual Cost

Group	Model 4 cost	Comparison to cost of current scheme		Comparison to current scheme retained into 2021/22	
	£/annum	Change (£/annum)	Change (%)	Change (£/annum)	Change (%)
All working age	£4,692,168	-£140,318	-2.90%	-£549,847	-10.49%
UC	£1,996,515	£689,281	52.73%	-£122,154	-5.77%
Legacy benefits	£2,695,652	-£829,599	-23.53%	-£427,694	-13.69%
Pension age	£4,200,305	£373,737	9.77%	£0	0.00%
Total	£8,892,472	£233,419	2.70%	-£549,847	-5.82%

Model 4: Total cost of model (£/annum)

Weekly council tax support

Group	Average household support	Comparison to cost of current scheme		Comparison to current scheme retained into 2021/22	
	£/week	Change (£/week)	Change (%)	Change (£/week)	Change (%)
All working age	£16.62	-£0.49	-2.89%	-£1.95	-10.49%
UC	£16.77	-£0.05	-0.29%	-£1.03	-5.77%
Legacy benefits	£16.51	-£0.83	-4.78%	-£2.62	-13.69%
Pension age	£24.41	£2.17	9.73%	£0.00	0.00%
Total	£19.57	£0.51	2.70%	-£1.21	-5.82%

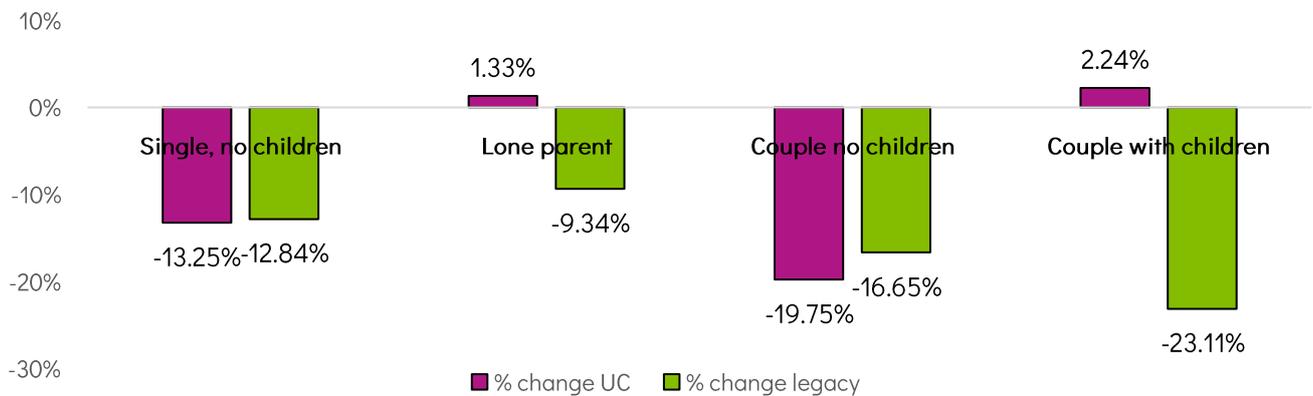
Model 4: Average weekly council tax support £/week

Distributional impact

This section examines the groups that would be better or worse off **compared to retaining the current system into 2021/22**.

Household compositions

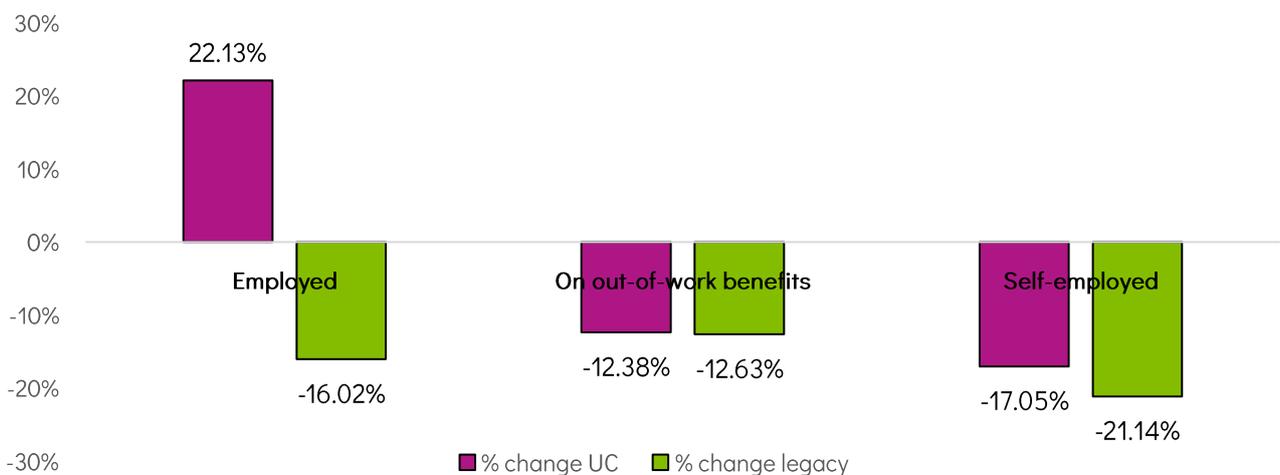
Percentage change in weekly CTR compared to current scheme retained into 2020/21, by household type



Model 4: Percentage change in support compared to retention of the current scheme into 2021/22, by household composition.

Economic status

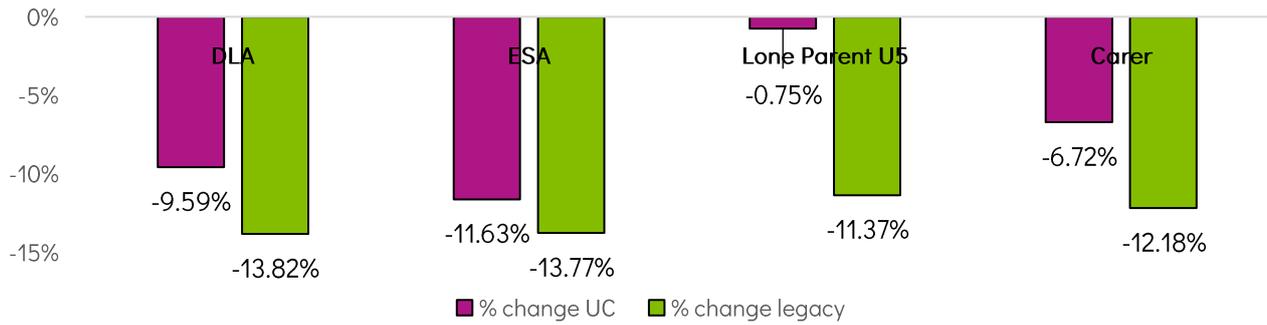
Percentage change in weekly CTR compared to current scheme retained into 2020/21, by economic status



Model 4: Percentage change in support compared to retention of the current scheme into 2021/22, by economic status.

Barriers to work

Percentage change in weekly CTR compared to current scheme retained into 2020/21, by barriers to work



Model 4: Percentage change in support compared to retention of the current scheme into 2021/22, by household types with barriers to work

DO THESE MODELS MEET THE COUNCIL'S OBJECTIVES?

Maidstone Borough Council provided scheme objectives for impact assessment and any future council tax support scheme. The council's objectives, together with an evaluation of how the models meet these objectives, is given below.

Objective: To maintain maximum level of protection and protect disabled households

Models 1 and 2 maintain the maximum level of support in line with the current scheme by making sure that support is based on 80% of CT liability for households in receipt of out-of-work benefits. Model 2 protects households living with an illness or disability in bands 2-5 by uplifting the basis of support by an additional 5% for households in which the claimant or partner receives DLA/PIP or ESA.

Model 3 reduces maximum level of support for non-protected households. However, disabled and sick households continue to receive maximum support in line with the current scheme (80%).

Objective: To simplify assessments and reassessments

All models will simplify assessments as they both require only basic household information to calculate the initial award compared to a more in-depth needs assessment. The 5% uplift under Model 2 increases support for households in receipt of disability benefits by means of a simple increase to maximum support.

All models also imply simplified re-assessments. This is because income-banded schemes only require reassessments when income crosses income-band thresholds.

Objective: To maintain costs in line with the current scheme into 2021/22

Model 1 keeps costs very much in line with the cost of the current scheme in 2021/22 (£9.43M compared to £9.44). Model 2 costs are also very similar; this time incurring an annual cost of £9.44M.

Model 3 reduces costs against the current scheme in 2021/22 from £9.4M to £9.19M.

Objective: To understand the impact on specific groups (age, gender and disability)

Female households are over-represented among the worse-off compared to male households. This is the same across all models, as only 25 households lose support in each case.

Disabled households and households aged 18-24 are under-represented in the worse-off group across models. This is because of the 5% uplift for disabled households and due to underlying demographics of households aged 18-24 (who have low earnings or are in receipt of out-of-work benefits). For disabled households this effect is stronger under Models 2 and 3 than under Model 1.

CONTACT

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Policy in Practice believes the welfare system can work better.

We were founded to help people towards financial independence. We're a policy led software and analytics business and we've built three core services to make the welfare system simple to navigate and understand.

Our award winning Benefit and Budgeting calculator is used by over 10,000 people every day. Our analytics services are used to design local support schemes and show the combined impact of different policies on individual households. Our LIFT Dashboard finds trends and relationships in data sets to uncover and visualise the drivers of poverty. We use our policy expertise to drive change via publications, media coverage and blog posts.

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Appendix 3 – Banded Schemes 1,2 and 3

Council Tax Reduction Scheme 2021-22

1. Income Banded Schemes

Income banded schemes award different levels of support based on set bands of income.

Three models have been considered when looking at an income-banded scheme.

Model 1 is a simple scheme made up of five income bands with maximum support of 80% as under the current scheme.

Model 2 is the same as Model 1 except for an additional 5% uplift to Council Tax Support for households in receipt of disability or illness benefits in respect of the claimant or their partner (subject to a maximum level of support of 80%).

The following objectives were considered:

- Maintain the maximum basis of award of 80% of liability
- Protect disabled households
- Simplify assessments and reassessments
- Maintain costs in line with the current scheme in 2021-22
- Understand the impact on specific groups based on gender, disability and age

Model 3 is a further model but with maximum support of 70%, except for households in receipt of disability or illness benefits which will have support uplifted to 80%.

2. Models 1, 2 and 3 v current scheme 2021-22

	Current scheme	Model 1	Model 2	Model 3
Cost	£9.44 million	£9.43 million	£9.44 million	£9.19 million
Claim numbers	5,340	75.5% of households fall into Band 1 with maximum support of 80% 25 households are no longer eligible due to their income being higher than the upper	75.5% of households fall into Band 1 with maximum support of 80% 25 households are no longer eligible due to their income being higher than the	75.5% of households fall into Band 1. 34.3% have 70% support. 41.2% have 80% support. 25 households are no longer eligible due to their income being higher than the

		<p>earnings threshold.</p> <p>286 households will see their support reduce by more than £5 per week including households in receipt of disability or illness benefits.</p> <p>505 households will gain more than £5 per week.</p> <p>Both losers and gainers tend to be larger households which are employed or self-employed.</p> <p>Legacy benefit households are more likely to lose compared to their Universal Credit counterparts.</p> <p>Employed households in</p>	<p>upper earnings threshold.</p> <p>268 households will see their support reduce by more than £5 per week. Those in receipt of disability or illness benefits will have an uplift of 5%.</p> <p>508 households will gain more than £5 per week.</p> <p>Both losers and gainers tend to be larger households which are employed or self-employed.</p> <p>Legacy benefit households are more likely to lose compared to their Universal Credit counterparts.</p> <p>The increase in support for</p>	<p>upper earnings threshold.</p> <p>281 households will see their support reduce by more than £5 per week.</p> <p>471 households will gain more than £5 per week.</p> <p>Fewer households gain because of the reduced maximum support</p> <p>Unlike the previous models, Model 3 reduces support across households in receipt of Universal Credit and households in receipt of legacy benefits. Universal Credit claimants remain less negatively impacted, however.</p>
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		<p>receipt of Universal Credit see the largest average increase in Council Tax Support, followed by lone parents and couples with children in receipt of Universal Credit.</p> <p>Households in receipt of legacy benefits will generally see a reduction in Council Tax Support.</p>	<p>couples with children is also slightly greater than under Model 1 reflecting that some of these households now benefit from the 5% uplift.</p> <p>Although the general pattern of redistribution from legacy households to Universal Credit households remains, the reduction among households in receipt of legacy benefits is generally smaller.</p>	<p>Employed households and couples with children in receipt of Universal Credit see and increase in Council Tax Support.</p> <p>More groups in Model 3 see a reduction in support. These include couples with no children in receipt of Universal Credit, couples with children in receipt of legacy benefits and households in receipt of out of work benefits, both Universal Credit and legacy.</p>
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3. Earnings breakdown under Models 1, 2 and 3

Band	No children	1-2 children	3+ children
Band 1	Passported/max UC	Passported/max UC	Passported/max UC
Band 2	Less than £316	Less than £387	Less than £441
Band 3	£316- less than £632	£387 - less than £775	£441 - less than £883
Band 4	£632 - less than £948	£775 - less than £1,163	£883 - less than £1,325

Band 5	£948 - less than £1,264	£1,163 - less than £1,551	£1,325 - less than £1,767
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4. Numbers of awards per household for Models 1, 2 and 3

	Band 1		Band 2		Band 3		Band 4		Band 5		Total
	Max Award	No.	Max Award	No.	Max Award	No.	Max Award	No.	Max Award	No.	
Model 1	80%	4,100	65%	270	50%	661	25%	268	10%	80	5,379
Model 2	80%	4,100	65% 70%	234 36	50% 55%	601 60	25% 30%	236 32	10% 15%	65 15)) 5,379
Model 3	70% 80%	1,863 2,235	65% 70%	234 36	50% 55%	601 60	25% 30%	236 32	10% 15%	65 15)) 5,377

5. Comparison of weekly support for Models 1, 2 and 3 to current scheme

Comparison of Council Tax Support (£/week) 2021-22				
	Current scheme	Model 1	Model 2	Model 3
All working age	£18.57	£18.51	£18.56	£17.68
Legacy benefits	£19.13	£18.38	£18.42	£17.84
Universal Credit	£17.80	£18.70	£18.74	£17.47
CT Band				
A	£14.97	£15.00	£15.02	£14.38
B	£17.28	£17.51	£17.53	£16.66
C	£19.14	£19.20	£19.25	£18.34
D	£21.04	£20.62	£20.70	£19.69
EFGH	£27.96	£25.98	£26.08	£25.02
Tenure type				
Private tenant	£17.41	£16.97	£17.03	£16.35
No HB	£19.09	£19.61	£19.65	£18.12
Supported housing	£18.10	£17.82	£17.87	£17.67
HA tenant	£18.74	£18.61	£18.65	£17.93
Temporary accommodation	£18.95	£18.10	£18.14	£17.30
Tenure Unknown	£16.66	£18.83	£18.83	£17.01

Household type				
Single	£17.93	£17.57	£17.59	£17.08
Lone Parent	£17.45	£18.53	£18.54	£17.11
Couple no children	£23.67	£21.70	£21.82	£21.46
Couple with children	£21.23	£19.90	£20.06	£19.37
Economic Status				
Employed	£12.75	£13.51	£13.65	£13.21
Out of work benefits	£20.41	£20.40	£20.40	£19.32
Self-employed	£18.84	£14.90	£15.08	£15.06
Barriers to work				
DLA or similar	£19.96	£19.62	£19.76	£19.76
ESA or similar	£20.60	£20.32	£20.36	£20.36
Lone Parent child under 5	£18.05	£19.13	£19.13	£17.13
Carer	£22.84	£22.85	£22.97	£22.02

6. How these models meet the Council's objectives

6.1 Maintain maximum level of protection

Models 1 and 2 maintain the maximum level of support in line with the current scheme of 80%.

Model 3 maintains the maximum level of support for households with an illness or disability of 80%

6.2 Protect disabled households

Model 2 protects households living with an illness or disability in bands 2-5. Support is increased by an additional 5% for households in which the claimant or partner receives DLA/PIP or ESA.

Model 3 protects households living with an illness or disability in all bands 1-5.

6.3 Simplify assessments and reassessments

Models 1, 2 and 3 only require basic household information to calculate the initial award. All models only require reassessments when income crosses income-band thresholds.

6.4 Maintain costs in line with the current scheme into 2021/22

Both Models 1 and 2 keep costs in line with the current scheme (£9.44 million).

Model 3 comes in under at £9.1 million.

6.5 To understand the impact on specific groups (age, gender and disability)

The report in the background papers gives full details of the impact on specific groups.

Female households are over-represented compared to male households.

Disabled households are under-represented in the worse-off group across models. This is because of the 5% uplift for disabled households.

Households aged 18-24 are under-represented where they have low earnings or are in receipt of out-of-work benefits.

Model 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%

Case A

£923 per month in earnings

No children

Not disabled

On the earnings of £923 would receive a CTRS award of 25% Band 4.

Case B

£923 per month in earnings

No children

Disabled

In addition to their earnings, receive disability payments

£386.32

£269.75

Total monthly income to £1,579.07.

Only earnings of £923 are taken into account. This means that they too will receive an award of CTRS of 25% Band 4.

Case C

In receipt of Universal Credit, disabled child x 1, 3 non disabled children

£2,421.72 - Not working, maximum Universal Credit per month

Will automatically go into band 1 with 80% award

The amounts shown below are the benefits paid to someone to help with some of the extra costs if they have a long term ill-health or disability.

Personal Independence Payment

Living Component

	Weekly	Monthly
Standard	£59.70	£258.70
Enhanced	£89.15	£386.32

Mobility component

	Weekly	Monthly
Standard	£23.60	£102.27
Enhanced	£62.25	£269.75

Disability Living Allowance

Care Component

	Weekly	Monthly
Higher	£89.15	£386.32
Middle	£59.70	£258.70
Lower	£23.60	£102.27

Mobility Component

	Weekly	Monthly
Higher	£62.25	£269.75
Lower	£23.60	£102.27

**Council Tax Reduction
Exceptional Hardship**

Policy

01 April 2021

to

31 March 2022



Revised November 2020

1. Background

1.1 An Exceptional Hardship Policy has been created by Maidstone Borough Council to assist residents who have applied for Council Tax reduction and who are facing 'exceptional hardship'. This is to provide further assistance where the level of support being provided by the Council does not meet their full Council Tax liability.

1.2 The main features on the policy are as follows:

- The operation of the policy will be at the total discretion of the Council;
- The policy will be applied by the Head of Revenues and Benefits on behalf of the Council;
- Exceptional hardship falls within s13(A)(1a) of the Local Government Finance Act 1992 and forms part of the Council Tax Reduction Scheme;
- Exceptional Hardship awards will only be available for a Council Tax liability from 1 April 2021 onwards and will not be available for any debt other than outstanding Council Tax;
- A pre-requisite to receive an award is that an application for Council Tax Reduction has been made;
- Where an Exceptional Hardship award is requested for a previous period, exceptional hardship must have been proven to have existed throughout the whole of the period requested and will only be backdated to the start of the financial year in which the claim is made;
- Exceptional Hardship awards are designed as short-term help to the applicant only; and
- All applicants will be expected to engage with the Council and undertake the full application process. Failure to do so may mean that no payment will be made.

2. Exceptional Hardship and Equalities

2.1 The creation of an Exceptional Hardship Policy facility meets the Council's obligations under the Equality Act 2010.

2.2 The Council recognises the impact changes to our Council Tax Reduction Scheme will have on our most vulnerable residents and therefore the importance this policy has in protecting those applicants most in need from exceptional hardship. It should be noted that an Exceptional Hardship Policy is intended to help in cases of extreme financial hardship and not support a lifestyle or lifestyle choices.

3. Purpose of this Policy

3.1 The purpose of this policy is to specify how Maidstone Borough Council will operate the scheme, to detail the application process and indicate a number of the factors which will be considered when deciding if an Exceptional Hardship payment can be made.

3.2 Each case will be considered on its merits and all applicants will be treated fairly and equally in both accessibility and decisions made.

4. The Exceptional Hardship Process

4.1 As part of the process of applying for an Exceptional Hardship payment, all applicants must be willing to undertake all of the following:

- Make a separate application for assistance;
- Provide full details of their income and expenditure, together with last 3 months bank statements;
- Where a person is self employed or a director of a private limited company, provide details of the business including the supply of business accounts;
- Accept assistance from either the Council or third parties (such as the Citizens Advice Bureau and Money Advice Service) to enable them to manage their finances more effectively – including the termination of non essential expenditure and seeking additional paid employment where possible ;
- Identify potential changes in payment methods and arrangements to assist them;
- Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted
- Maximise income through the application for other welfare benefits, cancellation of non essential contracts and outgoings and by identifying the most economical tariffs for the supply of utilities and services.

4.2 Through the operation of this policy the Council will look to:

- Allow a short period of time for someone to adjust to unforeseen short term circumstances and to enable them to “bridge the gap” during the time, whilst the applicant seeks alternative solutions;
- Help applicants through personal crises and difficult events that affect their finances;
- Help those applicants who are trying to help themselves financially;
- Encourage applicants to contact the Job Centre Plus to obtain and sustain employment.

4.3 An Exceptional Hardship award will not be considered in the following circumstances:

- Where the full Council Tax liability is being met by Council Tax Reduction;
- For any reason other than to reduce Council Tax liability;
- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken all reasonable steps to reduce them;
- To pay for any arrears of Council Tax caused through a failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly
- To cover previous years’ Council Tax arrears

5. Exceptional Hardship Award

- 5.1 The Council will decide whether or not to make an Exceptional Hardship award, and how much any award might be.
- 5.2 When making this decision the Council will consider:
- The shortfall between Council Tax Reduction and Council Tax liability;
 - Whether the applicant has engaged with the Exceptional Hardship process;
 - The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner, dependants and any other occupants of the applicant's home;
 - The difficulty experienced by the applicant, which prohibits them from being able to meet their Council Tax liability and the length of time this difficulty will exist;
 - The income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
 - All income received by the applicant, their partner and any member of their household irrespective of whether the income may fall to be disregarded under the Council Tax Reduction scheme;
 - Any savings, capital or investments that might be held or available to the applicant, their partner or any member of the household irrespective of whether the capital may fall to be disregarded under the Council Tax Reduction scheme;
 - Other debts outstanding for the applicant and their partner;
 - The exceptional nature of the applicant and/or their family circumstances that impact on finances, and
 - The length of time they have lived in the property
- 5.3 The above list is not exhaustive and other relevant factors and special circumstances may be considered.
- 5.4 An award of Exceptional Hardship does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.
- 5.5 An Exceptional Hardship award may be less than the difference between the Council Tax liability and the amount of Council Tax Reduction paid if it is deemed that the applicant could meet part of the remaining liability from their own resources.
- 5.6 The application may be refused if the Council feels that, in its opinion, the applicant is not suffering 'exceptional hardship' or where the applicant has failed to comply with the requirements of the Exceptional Hardship policy.

6. Publicity

- 6.1 The Council will promote the availability of the scheme through:
- Website
 - Social media
 - Signposting within Council Tax/Council Tax Reduction correspondence
 - Local advice agencies

7. Claiming an Exceptional Hardship Award

- 7.1 An application must be made using the form approved by the Council. The application form can be obtained by emailing the Council or printing a copy from the website.
- 7.2 Applicants can get assistance with the completion of the form from the Revenues and Benefits Service, Customer Services at the Council or advice agencies.
- 7.3 The application form must be fully completed and supporting information and evidence provided, as reasonably requested by the Council.
- 7.4 The claim should be made by the person claiming the Council Tax Reduction. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8. Changes in circumstances

- 8.1 The Council may revise an award of Exceptional Hardship where the applicant's circumstances have changed which either increases or reduces their Council Tax Reduction entitlement.

9. Duties of the applicant and the applicant's household

- 9.1 A person claiming an Exceptional Hardship payment is required to:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances (such as changes in income, moving from the property) that may be relevant to their ongoing claim within 21 days of the change

10. The award and duration of an Exceptional Hardship award

- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The maximum length of the award will be limited to the financial year in which the claim is received.

11. Payment

- 11.1 Any Exceptional Hardship award will be made direct onto the taxpayer's Council Tax account, thereby reducing the amount of Council Tax payable.

12. Overpaid Exceptional Hardship Payments

- 12.1 Should the claimant notify a change of circumstances or the Council receives new information that reduces the need for the exceptional hardship payment, an overpayment will be raised.

12.2 Any amounts to be recovered will be added back on to the applicant's Council Tax account, thus increasing the amount of Council Tax due. An amended bill will be issued.

13. Notification of an award

13.1 The Council will notify the applicant of the outcome of their application for an Exceptional Hardship award in writing/email, setting out the period and amount of award or reasons for refusal.

14. Appeals

14.1 Exceptional Hardship awards are granted under S13A (1a) of the Local Government Finance Act 1992 as part of the Council Tax Reduction scheme. As such the appeals process follows the same route. An appeal can be made at any time. The initial appeal should be made directly to the Council who will review their decision. If agreement cannot be reached the applicant will have a right of further appeal to the Valuation Tribunal.

15. Fraud

15.1 The Council is committed to protecting public funds by ensuring awards are only made to applicants who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Fraud Act 2006.

15.3 Where the Council suspects that such a fraud may have been committed, the matter will be investigated and where appropriate criminal proceedings instigated.

16. Complaints

16.1 The Council's complaint's procedure will be applied in the event of any complaint received about the application of this policy. However, it will not deal with a complaint about the decision itself as there is a separate appeals process for this.

17. Policy Review

17.1 This policy will be reviewed on an annual basis and updated as appropriate to ensure it remains fit for purpose. However, a review may take place sooner should there be any significant change in legislation.

**Equality Impact Assessment
Council Tax Reduction Scheme**

Authority:	Maidstone Borough Council
Date EqIA commenced:	July 2020
Date first stage EqIA finalised for pre-consultation decision:	August 2020
Date second stage EqIA finalised after consultation closed, prior to final decision being taken:	October 2020
Job titles of officers involved in completing the EqIA:	Head of Mid Kent Revenues & Benefits Partnership Equalities and Corporate Policy Officer

Summary of decision to be made

Since 1 April 2013 the Council has maintained a local Council Tax Reduction Scheme. The Council has the ability to determine the level of reduction given to working age applicants only. The scheme for pension age applicants is determined by Central Government and cannot be changed.

Each year 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, approved by Full Council. The current scheme (for working-age applicants) is means tested and all applicants, irrespective of their financial circumstances, are currently required to pay a minimum of 20% towards their Council Tax liability.

The Council is proposing to change the way in which it delivers its Council Tax Reduction Scheme from 1 April 2021 to bring it into line with welfare changes, in particular, Universal Credit.

3 models have been identified to fulfil the following objectives:

- Maintain the maximum award of 80% of the Council Tax due
- Protect disabled households
- Simplify assessments and reassessments
- Maintain costs of award in line with what the current scheme would have been in 2021-22
- Look at longevity of any new scheme

Scope of this equality impact assessment

- Review the proposed changes to the scheme from 1 April 2021 and identify areas of impact on groups with protected characteristics.
- Review impact of the scheme in line with results of public consultation.

How is the decision relevant to the three aims of the Public Sector Equality Duty?

- The need to ensure that the scheme is not unlawfully discriminatory is relevant to the first aim of the duty to eliminate discrimination, harassment and victimisation.
- The need to consider how we can take steps to meet the needs of people with protected characteristics and whether people with disabilities may need to be treated more favourably, in how the scheme is designed, is relevant to the second aim of the duty to advance equality of opportunity.
- The proposed service changes could also be relevant to fostering good relations with regard to maintaining the confidence and trust in the local authority by people with protected characteristics who may use our services.

New Scheme proposed, to be introduced from April 2021

The Council is looking to change its Council Tax Reduction Scheme from 1 April 2021.

The introduction of Universal Credit (UC) which is delivered by the Department for Works and Pension (DWP) has brought about a number of changes that mean the current scheme is now outdated.

Under the current scheme, Council Tax Reduction entitlement has to be recalculated each time a change is reported the DWP.

The 3 models proposed for public consultation seek to simplify the administrative burden placed on the claimant and the Council.

On average, 40% of UC claimants have between eight and twelve changes in entitlement per year which can lead to an adjustment of their Council Tax Reduction entitlement. Although full migration to Universal Credit is not expected before 2024, a 20% increase in Universal Credit applications is expected each year.

Each adjustment generates a letter to advise the claimant of their award and a new bill is sent advising of the revised Council Tax instalments.

The new 3 models proposed are income banded schemes. A number of councils have already changed their Council Tax Reduction schemes to income banded schemes with wide income bands to work with changes made.

A banded scheme has the following advantages:

- Simpler and easier to understand for existing claimants and new applicants with the reduction of adjustments to the award, which will reduce the need for revised bills to be issued with changes to the instalments due.
- Entitlement for every applicant will be maximised; the Council will automatically be advised by DWP when someone has made a claim for Universal Credit which will help to reduce the risk of applicants losing out on their entitlement.
- A simpler and less burdensome administration process will improve the speed of processing significantly because Council Tax Reduction will only be changed if income falls into the next income band which will in turn limit delays; only significant changes in income will affect the level of discount awarded.
- Collection rates will be maintained because the new scheme will avoid constant changes in entitlement and the need for revised bills to be issued with changes to the instalments due.

If a banded scheme is adopted by the Council, it is expected to provide a long-term solution to the scheme's administrative disadvantages, with minimal changes needed in the future.

In terms of fulfilling the Council's objectives in developing a new scheme, it is important that a future scheme maintains costs in line with the current scheme. Both Models 1 and 2 keep costs (award of support) in line with the cost of the current scheme in 2021/22 (£9.44 million). Model 3 costs are £9.1 million, offering a reduction in costs.

An important feature of the new scheme is the retention of the Exceptional Hardship Policy to protect those who may otherwise experience severe financial hardship.

The full impact of 3 models being presented for consultation was outlined in the consultation documentation.

It should be noted that claimant information is collected on disability (including carers), age and sex only as this information is relevant to the claim. These characteristics formed part of the modelling process.

All claimants, including those with protected characteristics and those without

- Models 1 and 2 maintain the maximum level of support for all claimants which is in line with the current scheme of 80%.
- Model 3 maintains the maximum level of support for households with an illness or disability benefit of 80%.
- Simplified assessments and reassessments that would benefit all claimants are offered by Models 1, 2 and 3 as they only require basic household earnings information to calculate the initial award. All models would only require reassessments when income crosses income-band thresholds.

Disability

- Model 1 protects households living with an illness or disability as the benefits received are not taken into account as income. Only employment earnings are taken into account.
- Model 2 gives further support for households living with an illness or disability in bands 2- 5. Support is increased by an additional of 5% for households in which the claimant or partner receives DLA/PIP or ESA in addition to the protection in Model 1.
- Model 3 maintains the maximum level of support for households with an illness or disability benefit of 80%
- Model 3 gives further support for households living with an illness or disability in all Council Tax bands across all bands 1-5.
- Disabled households are under-represented in the worse-off group across models. This is because of the 5% uplift for disabled households.

Age

- Pension age households will not be affected by the models proposed.
- Although the impacts may differ by age group, calculation of Council Tax reduction is not related to a person's age.
- Households aged 18-24 where they have low earnings or are in receipt of out-of-work benefits are under-represented.

Sex

- Female households are over-represented compared to male households.
- It should be noted that in terms of gender females are more likely to be the primary applicant and/or have dependent children.

Race

This information is not collected from claimants as it is not relevant to the calculation of council tax reduction. The Census (2011) shows no significant or notable difference that people from Minority Ethnic backgrounds are more likely to be economically active and less likely to be self-employed, than people from a White background. We have no evidence to indicate that working age people with different ethnic backgrounds would be affected differently. However, we will ask people to identify their ethnic group when responding to the consultation.

Armed Forces Community

This is considered in this equality impact assessment as part of the commitments within the Community Covenant. Armed forces personnel deployed on operations overseas, who normally pay council tax, benefit from a tax-free payment on the cost of council tax paid directly by the Ministry of Defence. Following the announcement by the Chancellor in his 2012 Budget statement, Council Tax Relief will be worth just under £600 (based upon 2012/13 council tax) for an average six-month deployment based on the average Council Tax per dwelling in England. This will continue to be paid at a flat rate to all eligible personnel. More information is available at www.mod.uk. We also disregard income from war disablement pensions, providing eligible claimants with a higher council tax reduction.

Other protected characteristics

We do not collect information about the following characteristics from claimants as it is not relevant to the calculation of council tax reductions:

- Religion or belief
- Sexual orientation
- Gender reassignment
- Marital or civil partnership status
- Pregnancy or maternity

Summary of initial findings prior to consultation

All working age claimants, including those with protected characteristics, receive a reduction in their benefit amount. Pension age claimants, who also have protected characteristics, do not fall into the proposed income banded scheme receive a

reduction as they are protected from any changes by Central Government. Claimants with a disability will maintain the maximum level of support under all models.

	Impact on protected characteristic (identified prior to consultation)		
Consultation option	Disability	Age	Sex
Model 1	No	Yes	Yes
Model 2	Yes	Yes	Yes
Model 3	No	Yes	Yes

(table 1)

Actions to mitigate any identified impacts

The Exceptional Hardship Policy will be retained as part of all 3 models under a new scheme to protect those who may otherwise experience severe financial hardship.

Findings following public consultation

Residents were consulted on proposed changes to Council Tax benefit between 31 July 2020 and 27 September 2020.

The impact on protected characteristics was considered prior to consultation. Claimant data includes disability (including carers), age and sex only. It does not include information on a claimant's ethnicity as it is not relevant to the collection of Council Tax but this does form part of the demographic information collected in the consultation. The response from these groups' forms part of the consultation report analysis.

Disability

Disabled respondents and non-disabled respondents ranked the proposed models in the same order. There were no notable differences.

Model 1 –Ranked second by disabled respondents and non-disabled respondents.

Model 2 –The preferred option for disabled and non-disabled respondents.

Model 3 - Ranked third by disabled respondents and non-disabled respondents.

Carers

Carers and non-carers ranked model 2 first in order of preference.

- **Model 1** - 37.5% of non-carers placed preferred Model 1 compared to 16.7% of carers, making Model 1 the second choice, in order of preference, for non-carers.

- **Model 2** - Carers and non-carers ranked model 2 first in order of preference.
- **Model 3** - The second choice for carers. 45.8% of carers selected model 3, compared to 29.9% of non-carers.

Age

Pension age households will not be affected by the models proposed, however there is a potential impact on other age groups.

Model 1

- The preferred option for those aged 35-44.
- The 65 years and over group had the lowest proportion of respondents ranking Model 1 as a preferred option at 19.4%.

Model 2 - The preferred option for the age groups **up to** 64 years.

Model 3

- The preferred model for the those aged 65 years and over with 50.0% of respondents in this age group selecting model 3.
- The 45 to 54 years had the lowest proportion of respondents selecting this model at 27.6%

Sex

Model 2 was the preferred model for both male and female respondents.

Model 1 – No notable findings.

Model 2 - The preferred model for both male and female respondents.

Model 3 - Male responders were more likely to rate model 3 first with 43.1% responding this way compared to 28.6% of female responders. However, male respondents were just as likely rank model 3 third or last (43.1%).

Armed Forces Community

There were no comments relating to the impact on the Armed Forces Community.

Other protected characteristics

Although information is not collected on the following characteristics from claimants as it is not relevant to the calculation of Council Tax reductions, some relevant points have been noted from the consultation:

- Race
- Religion of belief
- Sexual orientation
- Gender reassignment
- Marital or civil partnership status
- Pregnancy or maternity

Race – Race is included under the demographic information collected from respondents in their consultation response. However, there were only 8 responses from respondents from BAME communities so a meaningful assessment could not be made in terms of differences in response.

Household type is not a protected characteristic but there are correlations that can be made with marital status from the consultation findings. These are noted below:

- **Model 1** - Single persons had the greatest proportion ranking model 1 as first at 44.4%, this is significantly higher than the proportion responding the same who were in couples without children (23.9%).
- **Model 2** - Lone parents had a stronger preference for model 2 than couples without children.
- **Model 3** - 74.1% of lone parents ranked model 3 as third. This is significantly greater than the proportions responding the same from both groups containing couples.

Consultation summary

Prior to consultation, the only model that did not present a potential detrimental impact in terms of an equalities impact, based on the information presented, was Model 1 (see table 1 above).

As set out in the consultation documents, Models 1 and 2 maintain the maximum level of support for all claimants which is in line with the current scheme of 80% with both offering protection to disabled applicants.

It is model 3 that offers disabled applicants with a maximised level protection. However, disabled respondents to the consultation ranked Model 3 third in terms of their overall preference.

The table below summarises the consultation findings by model and protected characteristic.

The overall preferred option was Model 2 across all groups, with the exception of the 65 and older age group.

Pensioners are however protected under the scheme and make up the lowest proportion of applicants at 2%

The table below (table 2) summarises the consultation findings by model and protected characteristic.

Impact pre-consultation		Consultation findings			
Model	Features	Disability	Carers	Age	Sex
1	Households aged 18-24 where they have low earnings or are in receipt of out-of-work benefits are under-represented. Models 1 (and 2) maintains the maximum level of support for all claimants which is in line with the current scheme of 80%.	Ranked second by disabled respondents and non-disabled respondents.	The second choice for non-carers (37.5% of non-carers compared to 16.7%).	The preferred option for those aged 35-44. Lowest proportion 65 and over of respondents ranking Model 1 as a preferred option at 19.4%.	No notable findings.
2	Models 2 (and 1) maintains the maximum level of support for all claimants which is in line with the current scheme of 80%. Model 2 protects households living with an illness disability in bands 2-5. Support is increased by an additional of 5% for households in which the claimant or partner receives DLA/PIP or ESA.	Preferred option for Disabled respondents and non-disabled respondents	Carers and non-carers ranked model 2 first in order of preference	The preferred option for the age groups up to 64 years.	Preferred option for male and female respondents
3	Model 3 maintains the maximum level of support for households with an illness or disability benefit.	Ranked third by disabled respondents and non-disabled respondents.	The second choice for carers (45.8% of carers compared to 29.9% of non-carers).	The preferred model for the those aged 65 years and over with 50.0% of respondents in this age group selecting model 3. The 45 to 54 years had the lowest	Male responders were more likely to rate model 3 first with 43.1% responding in this way compared to 28.6% of female responders.

Appendix 6 - EQIA

				proportion of respondents selecting this model at 27.6%	Male respondents were just as likely rank model 3 third or last (43.1%).
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(table 2)

MAIDSTONE BOROUGH COUNCIL

COUNCIL

9 DECEMBER 2020

REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON 25

NOVEMBER 2020

DISCRETIONARY HOUSING PAYMENTS

Issue for Decision

The Council is provided with an annual Discretionary Housing Payment grant by the Department for Work and Pensions in order to provide additional financial support to that awarded through the Housing Benefit scheme.

Whilst the Council already has a Discretionary Housing Payment Policy in place, Appendix 1 to this report sets out an updated Policy to be approved.

Recommendation Made

That the Discretionary Housing Payment (DHP) Policy as shown in Appendix 1 to the report, be adopted.

Reasons for Recommendation

The Council is provided with an annual Discretionary Housing Payment grant by the Department for Work and Pensions in order to provide additional financial support to that awarded through the Housing Benefit scheme.

Discretionary Housing Payments operate outside the main benefit system but for ease of administration are normally paid alongside Housing Benefit.

The payments are limited to providing support with housing related costs for residents in receipt of Housing Benefit or the housing element of Universal Credit. Support is restricted to those within the rental sector and cannot support homeowners.

The budget available to Maidstone Borough Council in 2020-21 is £406,051, which includes additional funding because of the expected take up of Discretionary Housing Payments due to COVID19. Last year 2019-20 the budget was £302,510.

Whilst this represents a significant budget, demand for DHP is high with support targeted to help those households affected by welfare reform or who are homeless or at risk of homelessness.

Last year (2019-20), 354 residents benefitted from a DHP award which was given for reasons such as

- shortfall in rent whilst moving to a more affordable property
- removal costs as downsizing
- partner died, shortfall in rent whilst applying benefits

- possession order - paid to prevent eviction
- assist move from temporary accommodation

The Council already has a Discretionary Payment Policy in place which was approved by the Council in 2017. The Policy has been updated to provide clarity that:

- a DHP payment is a short-term emergency fund
- applications will only be accepted from a person within the Council's area
- provides a framework for officers to be guided in decision making whilst ensuring consistent treatment but allowing for sufficient discretion
- applications can be made by someone acting on behalf of someone else who is vulnerable or needs support
- the customer is expected to take responsibility such as taking tenancies at reasonable rents, seeks/receives appropriate housing advice, provides sufficient proof of debts/expenditure, shows evidence of job seeking activities (where not vulnerable)

On recommendation of Internal Audit, the Policy will be updated and approved on an annual basis in future.

The policy sets out the Council's aims in operating the DHP scheme and the types of situations that it will prioritise such as to:

- help alleviate poverty
- encourage employment
- prevent homelessness
- support vulnerable households
- provide support at a time of crisis

Alternatives Considered and Why Not Recommended

The impact of not adopting this revised policy means the council is working to an out of date policy.

Background Documents

None

Appendices

Appendix 1 – Discretionary Housing Payment Policy

Appendix 2 – Audit Report Discretionary Housing Payments

Appendix 3 – EqIA

Discretionary Housing Payments Policy



1. Introduction

This policy sets out how the Borough Council will operate its Discretionary Housing Payment (DHP) scheme.

DHP awards play an important part in helping people adjust to changes in the welfare system as well as for those who are struggling to meet a rent shortfall or need help with costs associated with moving to more affordable accommodation. DHP funding is limited and is seen as a short term emergency fund. Support will be considered through the DHP scheme whilst any underlying issues are addressed, such as:

- Taking up employment
- Moving to affordable or suitably sized accommodation
- Seeking help to address money and debt issues
- Avoiding an immediate threat of eviction

In administering the scheme and considering any application, the Council will expect those who are able to help themselves to do so. DHP should not be seen as a long term solution to mitigate the impact of Welfare Reform or as a way around benefit legislation.

A DHP payment will only be made for a person within the authority's area.

2. Objectives of the Scheme

The Council will consider making a DHP to households who meet the criteria outlined in this policy. We look at all claims on their individual merits, along with other associated policies.

We will work with other departments (such as housing departments) and other organisations (such as advice agencies, landlords and social services), for the purpose of signposting and giving assistance to :

- Help alleviate poverty
- Encourage employment
- Prevent homelessness
- Support vulnerable households
- Provide support at a time of crisis

Discretionary Housing payments can only be made to help with housing related costs. DHP's are means tested, taking account of the applicants full income and essential expenditure. Each application will be looked at on an individual basis taking into account all relevant circumstances. A DHP cannot be paid to cover other costs such as service charges or Council Tax.

3. The DHP scheme

The DHP scheme is intended to be flexible and can cover a range of different housing related costs or scenarios.

This list is not exhaustive, but gives some examples of how the scheme can help:

- Where a rent would be deemed as unaffordable but the property has been especially adapted to meet the needs of a disability and it would be impractical for the applicant to move
- Where the customer has planned to move to more affordable accommodation and needs some short term financial help until they move into their new home
- Where the property is currently classed as too big for the household but the circumstances are expected to change e.g. expecting a baby, awaiting placement of a foster child or taking in a lodger
- Where the customer is struggling to pay their rent because of other debts but can show that they are seeking help or have made lifestyle changes to enable them to pay the shortfall in the future
- Where the applicant is in arrears and is at immediate risk of eviction
- Where the customer needs help with the cost of removals to move to suitable accommodation
- Where the customer wants to move to a more suitable property for their needs and requires some help to pay the rent in advance and/or deposit
- Where the customer has to pay rent on two properties for a short period and it cannot be met by Housing Benefit e.g a person fleeing domestic violence

DHP's are made at the discretion of the Council and are not governed by the same rules as Housing Benefit.

To qualify the person making a claim must be receiving or have an entitlement to Housing Benefit or the housing costs element of Universal Credit.

This policy provides a framework by which officers are guided in their decision making, ensuring consistent treatment of customers but allowing for sufficient discretion on the merits of each case.

The starting point of any application will also be to consider whether there is a need for a DHP or if the amount can be met through the other income and savings within the household.

The Council will also look where appropriate to see what action the applicant is taking to help themselves.

4. Claiming a DHP

A claim for a DHP will generally be made using the form provided by the Council on-line (or paper format). An application in most cases will be from the person who is receiving Housing Benefit or Universal Credit.

However, an application can be made by someone acting on their behalf e.g appointee or advocate, if the person is vulnerable and requires support.

The form asks for details of all income and expenses, as well as details of any other circumstances, which the Council needs to be aware of to make an informed decision.

In considering an application the Council may request evidence to support the application or take steps to check the information provided to ensure it is accurate.

5. Customer responsibilities

A core element of this policy is that customers are expected to act responsibly by taking tenancies at reasonable rents and ensuring they seek and receive appropriate housing advice before taking on or renewing tenancies.

Customers seeking to demonstrate vulnerability or hardship to support their claim will need to provide sufficient proof of any medical factors and / or breakdown of all relevant debt and expenditures.

Customers who are not considered vulnerable will need to provide evidence of job seeking activities and specifically liaison with partner agencies including job centre plus and other employment support bodies.

6. Period of Award

The period of award will depend on the individual circumstances and whether the award is to help to meet a one off cost, a temporary shortfall or a longer term need.

At the point of making a decision the Council will set the period of award which will be notified along with the decision. Awards may be backdated if there is a good reason why the claim could not have been made sooner and the circumstances continued throughout that period.

7. Changes of Circumstances

In receiving a DHP the customer agrees to notify the Council of any change in the circumstances that might affect their award. The Council may review and recover any DHP that is overpaid where the applicant's circumstances have changed.

8. Payment

The Council will decide the most suitable person or organisation to pay based on the circumstances of each case. This could include paying:

- the claimant
- their partner
- an appointee
- their landlord (or an agent of the landlord); or
- any third party to whom it might be most appropriate to make payment.

Payments will either be made by bank transfer or with on-going benefit.

9. Notification

The Council will aim to advise claimants of the outcome of their claim within 14 days of receipt of their claim as long as all evidence requested has been received. The decision letter will include;

- the weekly amount of DHP awarded
- the lump sum being paid for arrears, rent advances / deposits or other one off payments
- the income and expenditure used in the calculation
- the period of award
- to whom it will be paid and
- the requirement to report a change of circumstances.

10. Review of Decisions

The Council will operate the following process, in dealing with a request for a decision to be reviewed about a refusal to award a DHP, the amount or period of award.

- A request for a review should be in writing/by email within one month of the date of the decision, stating why the decision is believed to be wrong and providing any additional evidence.
- The decision, along with any new evidence from the claimant, will be reviewed by a different officer, who will aim to either make a new decision or confirm the earlier decision within 14 days.
- The claimant will be notified of the outcome in writing/by email. If the claimant is not happy with the decision they can ask for it to be looked at again by the Head of Revenues and Benefits.
- The Head of Revenues and Benefits will review the decision and write/email to confirm the outcome within 14 days. That decision will be final with no further right of review.

11. Publicity

The Council will promote the availability of DHPs when notifying individuals of their Housing Benefit entitlement, when communicating any change or restriction in Housing Benefit awards and through the information made available online and at customer access points.

There will also be targeted take up for households in crisis where they have been identified in analysis of the impact on Welfare Reform.

12. Information Sharing

The Council will use the information provided within the application and any supporting evidence for the purpose of verifying benefit entitlement and making a decision on the claim. In addition it may share information with other departments within the Council and partner organisations for the purpose of planning and delivery of services or fraud prevention in accordance with the requirements of the Data Protection Act and the General Data Protection regulations.

13. Review of DHP Policy

The Policy will be reviewed annually.

MID KENT AUDIT

Discretionary Housing Payments

FINAL AUDIT REPORT

MAY 2020

FINAL

Audit Code	X20-AR10	Service	Revenues & Benefits
Lead Auditor	Martin Wright (Mazars)	Sponsor	Sheila Coburn
Audit Reviewer	Dave Phillips (Mazars)	Director	Steve McGinnes



MID KENT AUDIT

Summary Report

The Discretionary Housing Payments policy provides an outline to how the Councils operate the DHP scheme. Although the policy provides the specification, it is ultimately up to the discretion of the business support team's officers to process and award claims based on eligibility criteria. Staff have high levels of autonomy when processing claims; there is no system of management authorisation of claims, even for those of higher value. Audit testing confirmed that all necessary forms of supporting documentation were retained on the document filing system, Anite.

A budget report is run from the Academy system on a monthly basis, however, through testing a sample of six months only two months' worth of budget reports could be provided. Furthermore, the budget reports available displayed no indication of management sign-off or meaningful analysis.

Next Steps

In this report we describe the 2 recommendations arising from our work, and responses from management. We note the service has agreed to carry out the recommendations. We will follow them up as they fall due in line with our usual approach.

We have prioritised our recommendations as below:

Critical (Priority 1)	0
High (Priority 2)	0
Medium (Priority 3)	0
Low (Priority 4)	2
Advisory	1

We provide the definition of our recommendation priorities at appendix II.

Independence

We are required by Public Sector Internal Audit Standard 1100 to act at all times with independence and objectivity. Where there are any threats, in fact or appearance, to that independence we must disclose the nature of the threat and set out how it has been managed in completing our work.

We have no matters to report in connection with this audit project.

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Acknowledgements

We would like to express our thanks to Liz Norris (Technical Support Manager) and all other officers who helped completion of this work.

Distribution

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Detailed Findings

This detailed report sets out our results and findings from testing each agreed objective, risk and control.

Objective 1 - To review the effectiveness of controls for ensuring that claims are assessed and processed in a correct manner.

Legislative, Organisational and Managerial Requirements

Both Maidstone Borough Council (MBC) and Tunbridge Wells Borough Council (TWBC) benefits web pages provide information to the public on how to apply for a discretionary housing payment (DHP). The web pages also provide a link to the standard DHP application form that is required for submission in all instances.

The DHP policy applicable to both MBC and TWBC claims provides an overview of procedures including the objective of the scheme, the eligibility criteria, and how claims are processed. Through examination of the policy and the activities undertaken as part of the audit we established that the policy accurately reflects existing practices. However, we identified that the policy had not been reviewed and approved by the Members since March 2017 at MBC and August 2017 at TWBC. **R1**

Receipt and Assessment of Applications

The assessment of DHP cases begins with the receipt of an application form. The form requires the applicant to indicate the nature of the applicants' financial hardship and the period of payment requested. The application also asks for a summary of weekly income and expenditure. We tested a sample of 15 DHP awards across both MBC and TWBC and found all had an application form present on Anite.

As evidence to support the income, expenditure and rental arrears/payments declared, a bank statement and rent statement or tenancy agreement are required. If the applicant claims a means tested benefit (i.e. Job Seekers Allowance or Universal Credit) a bank statement is not required as part of the application. Our testing identified all 15 cases had a bank statement or screenshot of jobseeker's allowance award as well as either a rent statement or tenancy agreement available on Anite.

Using income and expenditure values declared by the applicant, the business support team use the DHP Calculation Sheet to determine the shortfall of income to expenditure which determines the value of the final award. The calculation sheet is also used to compare

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expenditures to market rates. With such an analysis, Business Support are able to suggest areas where the applicant can save on their weekly expenditure.

For our sample, we found 12 had a completed DHP calculation sheet available to view on Anite. In the remaining three cases the application was either an emergency, or the award was used to aid expenditure savings (i.e. to clear arrears in preparation for the applicant to downsize). Furthermore, in all cases tested applicants were notified of the outcome of their claims including the value of payment awarded.

Discussion with the Technical Support Manager and the wider team established that officers have high levels of autonomy in processing and approving DHP awards. Although caseloads are monitored by the Technical Support Manager, high value claims, that increase the Council's exposure to risk, have no system of formal review or authorisation before being paid out. **R2**

DHPs should only be awarded as assistance for rent, deposit or removal costs. Furthermore, claimants should be able to evidence either a clear shortfall in income to expenditure, or significant rent arrears. For our sample we identified all cases tested had met this eligibility criteria based on evidence retained on Anite.

Payments

Payments to DHP claimants can either be set as a one-off amount or as weekly sums. We found that all weekly claims sampled had a payment stop date programmed into Academy. Furthermore, the payee module on Academy demonstrated that in 13 out of the 15 cases tested, payment had been made directly to the landlord. The Technical Support Manager advised that due to some landlords not accepting occupants in receipt of housing benefits, DHPs cannot be paid directly to the landlord in all cases. We confirmed this was the situation for the remaining two cases tested.

Conclusion: We found DHP claims are being administered in line with current policy and procedures, however there is opportunity to strengthen existing controls in relation to DHP policy and the approval of higher value claims.

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Objective 2 – To assess the effectiveness of the information management and management reporting arrangements.

Budgetary Control

Each month a report is run on Academy calculating the DHP totals paid out for the year to date and the remaining funding left in the annual DHP budget. This budget provides a means for the business support team to review their approach to awarding claims. We requested budget reports for the six months between July and December 2019, but only two were provided. The Technical Support Manager advised that it is not current practice to retain the budget report for previous periods.

The December 2019 reports showed a remaining budget of £105,803 against a budget of £302,510 for MBC and a remaining budget of £43,377 against a budget of £163,575 for TBWC. We found no sign-off by the Technical Support Manager, or evidence of commentary on the budget position. **R3**

Management Reporting

A log of DHP awards, non-awards and reconsiderations is maintained via spreadsheets by the service for each Council. The logs are available for update by all business support officers and is monitored by the Technical Support Manager. Informal ad-hoc team meetings are held within the business support team to discuss developments and issues, while joint meetings across Revenues and Benefits, and Business Support are held twice a year.

The DWP year-end 2018-19, mid-year 2019-20 and year-end 2019-20 estimate returns were evidenced as calculated and signed off by the s151 Officer at each site.

Conclusion: DHP awards are being adequately monitored and team meetings held. However, not all monthly DHP budget reports are being retained. Furthermore, there was no evidence of meaningful analysis to the monthly budget reports obtained.

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Recommendations and Action Plan

01 - Review & Approve DHP Policy	Low (Priority 4)
<p>Finding Description: The policy was last reviewed in February 2017.</p> <p>Cause: Ineffective arrangements to trigger policy review.</p> <p>Effect: Implementation of this recommendation would ensure the DHP policy remains current and effective.</p> <p>Recommendation: Review the DHP policy, submit for approval by Members and establish a policy review interval.</p>	
Management Response	
<p>Response Type: Agreed</p> <p>Response Comments: None</p>	
Agreed Action	
<p>DHP policy will be reviewed on an annual basis, a designated officer will be responsible for the policy and the policies within.</p>	
<p>Responsible officer: Sheila Coburn</p>	<p>Implementation date: 07 May 2020</p>

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02 - Management Authorisation of High Value Claims	Low (Priority 4)
<p>Finding Description: High value DHP claims are not subject to separate management approval and staff have high levels of autonomy for processing and approving claims.</p> <p>Cause: Control design does not distinguish secondary checks for high value claims where the risk exposure to the Councils is greater.</p> <p>Effect: Implementation of this recommendation would provide assurance on high value claims meeting eligibility requirements.</p> <p>Recommendation: Review and authorise DHP awards exceeding a predetermined value.</p>	
Management Response	
<p>Response Type: Agreed</p> <p>Response Comments: This has been identified previously and officers currently check with their line manager for any payment over 2k, unfortunately there is no audit trail of these discussions.</p>	
Agreed Action	
<p>Officers will discuss with their line manager any case that payments are expected to reach £2,000 or over, the discussion will be confirmed in an email. The line manager will either allow or refuse payment in an email which will be filed in a named folder on the Business Support Team site.</p>	
<p>Responsible officer: Sheila Coburn</p>	<p>Implementation date: 07 May 2020</p>

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03 - Management Commentary on Budgetary Position	Advisory
<p>Finding Description: In response to a request for budget reports for the six month period July to December 2019 only two monthly reports could be provided. There was no evidence of the monthly budget reports being signed off to evidence review or with a commentary on the budgetary position.</p> <p>Cause: Control design does not require retention of monthly budget reports or review.</p> <p>Effect: Implementation of this recommendation will facilitate effective management of the DHP budgets.</p> <p>Recommendation: Retain monthly budget reports and document progress against budget, noting and explaining any variances.</p>	

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Appendix I: Audit Brief (As Originally Issued)

About the Service Area

Discretionary Housing Payments (DHPs) are an emergency fund to be used to alleviate hardship and to allow applicants time to find alternative solutions to housing issues and/or shortfalls in income.

The DHP scheme was introduced on July 2001 and granted all local authorities power to make a discretionary award to top up the Housing Benefits and Universal Credit (HB/UC) statutory schemes.

Maidstone Borough Council and Tunbridge Wells Borough Council operate a shared service of assessing DHP applications and processing DHP payments under the guise of Mid Kent Revenues & Benefits.

About the Audit

This audit is an **operational review** meaning that we will focus on the objectives and risks of the service and the effectiveness of associated controls.

This audit seeks to provide assurance over the adequacy and effectiveness of the management and operation of processes and procedures exercised by the Revenues and Benefits Service specifically in relation to Discretionary Housing Payments.

Our findings in this review will contribute towards the **internal controls** aspect of the Head of Audit Opinion, to be issued in July 2020.

Evaluation Criteria

Management currently base their assessment on performance of the service on

- Discretionary Financial Assistance Regulations 2001
- Internal criteria (Council's policies and procedures)

We are satisfied this is appropriate criteria and so will use the same to guide our review.

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Audit Objectives

1. To review the effectiveness of controls for ensuring that claims are assessed and processed in a correct manner.
2. To assess the effectiveness of the information management and management reporting arrangements.

Audit Testing

Audit Tests	Sample Size
Obtain and review the policies and procedures that relate to the Discretionary Housing Payments function, and information available to the public. Establish whether they <ol style="list-style-type: none"> a) Provide adequate guidance; b) Are regularly updated, and c) Have been communicated to relevant staff and the public. 	-
Test a sample of processed DHP claims between November 2018 and October 2019 and establish whether the <ol style="list-style-type: none"> a) Application has been fully completed on the standard application form; b) Applicants provide supporting documentation to prove eligibility, and where appropriate, copies are retained; c) All details are recorded on the benefits service software system (Capita); d) Applications have been approved by an appropriate officer; and e) Applicants have been informed of the outcome of assessments. 	15
Test a sample of DHP payments and confirm that <ol style="list-style-type: none"> a) The customer meets the DHP eligibility criteria and b) Payments cease on DHP end date. 	15
Check that exception reporting is conducted to ensure compliance with policy, confirmation that changes in BACS payment details are valid, and to identify duplicate payments.	-
For a sample of months occurring between November 2018 and October 2019, confirm that <ol style="list-style-type: none"> a) A budget monitoring exercise has been conducted, and 	6 months

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Audit Tests	Sample Size
b) Remedial action has been taken on any variances identified.	
Confirm that the mid-year and year-end return DHP monitoring forms have been completed and submitted to the DWP	-
Verify that there are performance management procedures in place, potentially including but not limited to, periodical team meetings and monitoring reports.	-

Audit Resources

Based on the testing identified we expect this review will need 12 days of audit time.

Audit Timeline

- Fieldwork Begins: w/c 02/12/2019
- Draft Report Issued: w/c 05/05/2020

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Appendix II: Assurance & Priority level definitions

Assurance Ratings

Full Definition	Short Description
<p>Strong – Controls within the service are well designed and operating as intended, exposing the service to no uncontrolled risk. There will also often be elements of good practice or value for money efficiencies which may be instructive to other authorities. Reports with this rating will have few, if any, recommendations and those will generally be priority 4.</p>	<p>Service/system is performing well</p>
<p>Sound – Controls within the service are generally well designed and operated but there are some opportunities for improvement, particularly with regard to efficiency or to address less significant uncontrolled operational risks. Reports with this rating will have some priority 3 and 4 recommendations, and occasionally priority 2 recommendations where they do not speak to core elements of the service.</p>	<p>Service/system is operating effectively</p>
<p>Weak – Controls within the service have deficiencies in their design and/or operation that leave it exposed to uncontrolled operational risk and/or failure to achieve key service aims. Reports with this rating will have mainly priority 2 and 3 recommendations which will often describe weaknesses with core elements of the service.</p>	<p>Service/system requires support to consistently operate effectively</p>
<p>Poor – Controls within the service are deficient to the extent that the service is exposed to actual failure or significant risk and these failures and risks are likely to affect the Council as a whole. Reports with this rating will have priority 1 and/or a range of priority 2 recommendations which, taken together, will or are preventing from achieving its core objectives.</p>	<p>Service/system is not operating effectively</p>
<p>Note for reports issued during the COVID-19 Emergency</p> <p>During this period we have temporarily moved away from giving a single word assurance rating back to a narrative conclusion balancing the strengths and weaknesses of controls in a service. The aim is to streamline discussion at the point of closing a review and allow the discussion to move swiftly on to implementing the agreed actions.</p>	

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Recommendation Ratings

Priority 1 (Critical) – To address a finding which affects (negatively) the risk rating assigned to a Council strategic risk or seriously impairs its ability to achieve a key priority. Priority 1 recommendations are likely to require immediate remedial action. Priority 1 recommendations also describe actions the authority **must** take without delay.

Priority 2 (High) – To address a finding which impacts a strategic risk or key priority, which makes achievement of the Council’s aims more challenging but not necessarily cause severe impediment. This would also normally be the priority assigned to recommendations that address a finding that the Council is in (actual or potential) breach of a legal responsibility, unless the consequences of non-compliance are severe. Priority 2 recommendations are likely to require remedial action at the next available opportunity, or as soon as is practical. Priority 2 recommendations also describe actions the authority **must** take.

Priority 3 (Medium) – To address a finding where the Council is in (actual or potential) breach of its own policy or a less prominent legal responsibility but does not impact directly on a strategic risk or key priority. There will often be mitigating controls that, at least to some extent, limit impact. Priority 3 recommendations are likely to require remedial action within six months to a year. Priority 3 recommendations describe actions the authority **should** take.

Priority 4 (Low) – To address a finding where the Council is in (actual or potential) breach of its own policy but no legal responsibility and where there is trivial, if any, impact on strategic risks or key priorities. There will usually be mitigating controls to limit impact. Priority 4 recommendations are likely to require remedial action within the year. Priority 4 recommendations generally describe actions the authority **could** take.

Advisory – We will include in the report notes drawn from our experience across the partner authorities where the service has opportunities to improve. These will be included for the service to consider and not be subject to formal follow up process.

Stage 1: Equality Impact Assessment

1. What are the main aims purpose and outcomes of the policy change and how do these fit with the wider aims of the organization?

The Council receives an annual grant from the Department of Work and Pensions to provide additional financial help to households in receipt of Housing Benefit or receiving the housing costs element of Universal Credit.

Additional short to medium term financial help is then made available via the Council's Discretionary Housing Payments (DHP) scheme which is targeted at households affected by welfare reform or are homeless or at risk of homelessness.

The policy was adopted in 2017 to make clear the Council's approach and priorities for DHP awards. It was developed in collaboration with the multi - agency welfare reform group that it hosts, with representation from voluntary sector, social landlords, Job Centre Plus, Kent County Council and MBC housing team. The policy seeks to help address underlying issues which includes the following:

- Help alleviate poverty
- Encourage employment
- Prevent homelessness
- Support vulnerable households
- Provide support at a time of crisis

The Policy reflects the Council's strategic vision and will also help achieve the strategic action 'a home for everyone' as set out in the Strategic Plan.

The Policy has been updated to provide clarity that:

- a DHP payment is a short term emergency fund
- applications will only be accepted from a person within the Council's area
- provides a framework for officers to be guided in decision making whilst ensuring consistent treatment but allowing for sufficient discretion
- applications can be received by someone acting on behalf of someone else who is vulnerable or needs support
- the customer is expected to take responsibility such as taking tenancies at reasonable rents, seeks/receives appropriate housing advice, provides sufficient proof of debts/expenditure, shows evidence of job seeking activities (where not vulnerable)
- that the DHP policy will be reviewed annually in future.

Title: Revised Discretionary Housing Payments Policy.

Date Completed: November 2020

2. How do these aims affect our duty to:

- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The revisions to Housing Benefit under the Welfare Reform Act 2012 offered a number of protections to those with protected characteristics including those with a disability and the elderly, to prevent inequality.

The DHP scheme is open to all Housing Benefit claimants, making no distinction between those with protected characteristics and those without. It is therefore non-discriminative in its aims.

DHP advances equality of opportunity for both claimants who share a

Title: Revised Discretionary Housing Payments Policy.

Date Completed: November 2020

protected characteristic and those who do not.

The policy should contribute to fostering good relations with people with protected characteristics and those who do not, who access our services.

3. What aspects of the service change including how it is delivered or accessed could contribute to inequality?

The DHP policy continues to provide clarity on the approach the Council takes with DHP awards.

The scheme itself is flexible and covers a range of housing costs or scenarios. The scenarios listed in the policy are not exhaustive but demonstrate numerous changes in housing circumstances which could affect those with protected characteristics and those without.

The policy is intended for departments and external agencies providing financial/housing advice.

The availability of DHP is promoted through customer service, housing staff, registered social landlords, private sector landlords and local advice agencies. It will also be promoted when the council notifies individuals on their Housing Benefit entitlement or when communicating any change or restriction in Housing Benefit awards and through the information made available online and at customer access points.

Claims for DHP are generally made in writing. If the customer would rather discuss their circumstances in person or they are unable to complete a form a private interview will be arranged.

4. Will the policy have an impact (positive or negative) upon the lives of people, including particular communities and groups who have protected characteristics? What evidence do you have for this?

The policy makes the Council’s approach clear for DHP awards.

When the Policy was developed Census 2011 population data and DHP claimant data used to ensure it was reflective and representative of Maidstone’s population and those who were most vulnerable.

The revised policy is intended to be more accessible, consistent and transparent and will be kept under annual review to ensure it is reflective of current needs.

Appendix 3 – EqIA

Title: Revised Discretionary Housing Payments Policy.

Date Completed: November 2020