

Democratic Services

Guildhall, High Street, Bath BA1 5AW

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 394358 Fax: 01225 394439

Web-site - <http://www.bathnes.gov.uk>

Date: 5 November 2014

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Council

Chief Executive and other appropriate officers
Press and Public

Dear Member

Council: Thursday, 13th November, 2014

You are invited to attend a meeting of the **Council** to be held on **Thursday, 13th November, 2014 at 6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Refreshments will be available for Councillors from 5pm in the Aix-en-Provence Room (next to the Banqueting Room) on Floor 1.

Yours sincerely



Jo Morrison
Democratic Services Manager
for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative	Brunswick Room, Ground Floor
Liberal Democrat	Kaposvar Room, Floor 1
Labour	Small Meeting Room, Floor 2
Independent	Independent Group room

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jo Morrison who is available by telephoning Bath 01225 394358.
2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above. Papers are available for inspection as follows:

Public Access points:- Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

For Councillors and officers, papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders, who are Councillors Paul Crossley (Liberal Democrat Group), Tim Warren (Conservative Group), John Bull (Labour Group) and Dave Laming (Independent Group).
5. **Attendance Register:** Members should sign the Register, which will be circulated at the meeting.
6. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme can be obtained by contacting Jo Morrison as above.
7. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

8. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

9. **Presentation of reports:** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 7.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

4. MINUTES - 11TH SEPTEMBER 2014 (Pages 9 - 16)

To be confirmed as a correct record and signed by the Chair(man)

5. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

If there is any urgent business arising since the formal agenda was published, the Chairman will announce this and give reasons why he has agreed to consider it at this meeting. In making his decision, the Chairman will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

7. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Democratic Services Manager will announce any submissions received under the arrangements set out in note 5 above. The Council will be invited to decide what action

it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

8. GETTING AROUND BATH - A NEW TRANSPORT STRATEGY FOR BATH (Pages 17 - 84)

A new Transport Strategy for Bath was approved by Cabinet for consultation in May 2014. The Strategy has been well received and supported by the majority of those who responded and is now recommended for Adoption by Council.

9. LICENSING ACT 2003 - REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY (Pages 85 - 190)

Section 5 of the Licensing Act 2003 ("the Act") requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the Authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the five year period the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate. The Council last reviewed its policy in 2010.

This report identifies the findings of the consultation exercise carried out on the proposed revision of the Council's Statement of Licensing Policy and the introduction of a Code of Best Practice for Licensed Premises.

10. LOCAL COUNCIL TAX SUPPORT SCHEME (CTS) 2015-16 (Pages 191 - 336)

To consider a proposal for continuation of the Local Council Tax Support scheme (LCTS) into its third year, with the policy to incorporate uprating of national personal allowances and benefits as necessary.

11. TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2014 (Pages 337 - 352)

In February 2012, the Council adopted the 2011 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report after the end of each financial year.

This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2014/15 for the first six months of 2014/15.

12. MOTION FROM THE INDEPENDENT GROUP - HOUSES IN MULTIPLE OCCUPATION (Pages 353 - 356)

An officer briefing note is attached.

13. MOTION FROM THE LABOUR GROUP - LIVING WAGE (Pages 357 - 358)

An officer briefing note on this issue will follow.

14. MOTION FROM THE LABOUR GROUP - FINANCIAL TRANSACTION TAX (Pages 359 - 360)

15. REFERRAL FROM RESOURCES POLICY DEVELOPMENT & SCRUTINY PANEL (Pages 361 - 372)

Resources PDS Panel considered a call-in on 29th September 2014 on the policy loan for Wilmington Farm solar array. The call-in was dismissed. The Panel asked for a report to go to Council on the Panel's deliberations, for information only.

An officer briefing note and the Panel's minutes are attached.

16. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 11th September, 2014

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, David Dixon, Peter Edwards, Michael Evans, Charles Gerrish, Ian Gilchrist, Francine Haeberling, Alan Hale, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Robin Moss, Paul Myers, Douglas Nicol, June Player, Vic Pritchard, Liz Richardson, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Douglas Deacon, Paul Fox, Andrew Furse, Terry Gazzard, Loraine Morgan-Brinkhurst MBE and Bryan Organ

24 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure as set out on the agenda.

25 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson declared an 'other' interest in item 10, "Youth Justice Plan 2014-2015" as trustee of the Radstock Youth Partnership.

26 MINUTES - 10TH JULY 2014

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was

RESOLVED that the minutes of 10th July 2014 be approved as a correct record and signed by the Chairman.

27 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chairman made the customary announcements regarding mobile phones and the meeting being webcast.

He also asked the Council to stand in silence as a mark of respect following the recent death of former Councillor Alan French.

28 URGENT BUSINESS - KELSTON ROAD LANSLIP REPAIRS - UPDATED POSITION

The Chairman informed Council that, following consultation with Group Leaders, he had agreed to take as an item of urgent business, a report concerning the funding of remedial works at Kelston road.

He explained the reason why he considered it necessary for the report to be dealt with at this meeting so that the necessary funding, over and above the approved budget, is identified and the necessary commitments made. This would ensure that the revised programme of works could be commenced without delay and the project completed at the earliest opportunity.

During debate, Councillors wished to pass their thanks to Kelvin Packer and his team for their work on this challenging project.

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was

RESOLVED

1. That a virement of £0.66m from the Bath Transport package capital budget to the Kelston Road Capital budget be approved, taking the total approved budget for this project to £2.66m;
2. To instruct the Cabinet to continue to lobby government directly, and through our local MPs, for funding to help with the repairs of Kelston Road; and
3. To amend and replace paragraph 3.3 of the report to read;

“As part of the management of Approved Capital Programme, all existing scheme programmes will be reviewed to establish if there are any further potential underspends that could be utilised to reduce the need for Corporately Supported Borrowing for this project. This review should not delay, cancel or impact on any projects within the 2014/15 Transport Capital Programme or Structural Maintenance Programme. The Council should also continue to seek financial assistance from Government for the repair work required to reopen Kelston Road, even if retrospectively.”

[Notes;

1. *Resolution 2 above was proposed by Councillor Caroline Roberts and accepted into the substantive motion by the mover and seconder.*
2. *Resolution 3 above was proposed by Councillor Charles Gerrish and accepted into the substantive motion by the mover and seconder.*
3. *The resolutions were passed unanimously.]*

29 REPORT OF CHIEF OFFICER URGENT DECISION

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was

RESOLVED to note that, in accordance with the rules within the Constitution concerning Chief Officer's action (Urgency, Part 4G, rule 3), the Chief Executive has taken the following decisions since the last meeting of Council;

1. To approve an increase from 217 million to 229 million of the authorised borrowing limit for 2015/16 and from 183 million to 195 million of the operational budget for 2015/16 to enable the Council to be in a position, if it is considered to be financially beneficial, to finance an element of the capital costs of the enhancement of the Council's leisure facilities; and
2. To approve the virement of £800,000 of capital funding from the approved capital contingency for the Keynsham Development Project to enable the acquisition of land and rights over land to facilitate future redevelopment at Manvers Street.

[These decisions were taken following consultation with Political Group Leaders, the Chief Financial Officer and the Monitoring Officer.]

30 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

A question had been submitted by Nicolette Boater. The question and response can be viewed in the attached document.

Statements were made by the following people;

Marian McNeir MBE, Co-Chairman of the Bath Area Cultural Forum, made a statement on behalf of the Forum and the Child Friendly City Steering Group asking for Council support in seeking UNICEF accreditation for Bath and North East Somerset as a Child Friendly city/area. In response to a question from Councillor John Bull about the parish and town councils' roles in children's facilities, the need to work with them and yet the title having the word 'city', Mrs McNeir responded that it was a tricky one as the UNICEF title was 'city' but the idea was clearly to encompass the whole of the Authority. The Chairman referred the statement to the Cabinet Member for Early Years, Children and Youth. A copy of the statement has been linked to the online minutes and placed on the Council's Minute book.

David Redgewell made a statement regarding various transport issues. In response to a question from Councillor Eleanor Jackson about cuts in bus services to Paulton and Writhlington, Mr Redgewell responded that they did need to be reviewed with officers costing options for continuity of service. The Chairman referred the statement to the Cabinet Member for Transport. A copy of the statement has been linked to the online minutes and placed on the Council's Minute book.

Peter Duppa-Miller, Secretary of the B&NES Local Council's Association, made a statement in support of the work done thus far by the working group on the Bath community governance issues and offering assistance from the Association in any relevant aspects of its future work. The Chairman referred the statement to the Leader. A copy of the statement has been linked to the online minutes and placed on the Council's Minute book.

Nicolette Boater made a statement on the Bath community governance issues. She suggested various aspects of approach that the working group should incorporate to progress its future work. The Chairman referred the statement to the Leader. A copy of the statement has been linked to the online minutes and placed on the Council's Minute book.

31 OPTIONS TO STRENGTHEN COMMUNITY REPRESENTATION AND CIVIC GOVERNANCE WITHIN BATH

The Council considered the interim report of the working group established to consider options to strengthen community representation and civic governance within Bath.

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was

RESOLVED

1. To note the interim report of the working group to strengthen community representation and civic governance within Bath and thank its members for their work so far;
2. To agree that the working group continue its work, based on the next steps set out in paragraph 5.8 of the report, to provide an evidence base for the newly-elected Council in May 2015 to determine this issue; and
3. To agree to extend the life of the working group, as currently comprised, to deliver the remit set out in 2 above.

[Notes; The above resolution was passed with one abstention from Councillor Nicholas Coombes, all other Councillors voted in favour.]

32 YOUTH JUSTICE PLAN 2014 - 2015

The Council considered a report presenting the Youth Justice Plan 2014-15, which sets out work to be undertaken to prevent youth offending and re-offending across Bath and North East Somerset.

On a motion from Councillor Dine Romero, seconded by Councillor Michael Evans, it was

RESOLVED

1. To agree that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998 and can therefore be submitted to the national Youth Justice Board;
2. To agree that the Youth Justice Plan is adopted as part of the Council's Policy and Budget framework and can be accommodated within the Council's budget; and

3. That the relevant Policy Development and Scrutiny Panel oversees progress and performance.

33 CORPORATE AUDIT COMMITTEE ANNUAL REPORT

The Council considered the annual report of the Corporate Audit Committee which details its work over the last year. Members thanked the Committee members and service officers for their work on this Committee.

On a motion from Councillor Gerry Curran, seconded by Councillor Dave Laming, it was

RESOLVED to note the annual report of the Corporate Audit Committee.

34 REFERRAL FROM WELLBEING POLICY DEVELOPMENT & SCRUTINY PANEL - "HALVE IT" CAMPAIGN

The Council considered a referral from the Wellbeing Policy Development and Scrutiny Panel on 25th July 2014 on this issue.

On a motion from Councillor Vic Pritchard, seconded by Councillor Sarah Bevan, it was

RESOLVED to sign up to the *Halve It* campaign to reduce the proportion of people undiagnosed, or diagnosed late with HIV, through policy reform and good practice.

35 MOTION FROM THE CONSERVATIVE GROUP - PUBLIC TOILET CLOSURES

On a motion from Councillor Tim Warren, seconded by Councillor Geoff Ward, it was

RESOLVED as set out below;

This Council:

- Welcomes investment to modernise public toilet provision within Bath and North East Somerset as part of the contract with Healthmatic, but has a number of serious concerns about some of the planned changes as set out below.
- Believes that the closure of a number of public toilets within Bath and North East Somerset, as well as the planned reductions in capacity in many of the Council's remaining public toilets, has been handled in a way which has caused unnecessary and avoidable anger and opposition amongst many of the communities impacted.
- Is concerned that the Cabinet have denied the public any opportunity to have their views heard on this matter, with no consultation on the planned closures and alterations to public toilets with service users or residents.
- Is deeply concerned at the way in which the Cabinet has ignored the requests contained within a number of petitions which have called for the Council to

rethink the reductions in toilet cubicles, in particular in parks and busy family areas.

- Is deeply concerned at the lack of democratic accountability which has surrounded the process of toilet closures and alterations, with no Cabinet decision relating to the closure of public toilets that can be democratically challenged and called-in by Councillors.
- Strongly disapproves of the way in which Cabinet has acted in a manner which is not in the spirit of the February Budget resolution, which included £120,000 to meet the cost of delaying the reduction in public conveniences for up to a year 'to provide further time to consider opportunities for alternative provision', as well as a further £100,000 of capital expenditure to 'develop concessionary opportunities alongside public toilets to increase use of Council assets, minimise liability and retain local toilet provision'.
- Believes that through its actions, the Cabinet has demonstrated contempt for the views of residents on this matter and has shown a complete unwillingness to listen to alternative points of view.

Council resolves:

1. To place on record its strong disapproval for the way in which the closures and changes to public toilets have been undertaken to date.
2. To request that Cabinet instruct Healthmatic to pause any further alterations to public toilets which it is responsible for, whilst an up-to-date review is undertaken of the toilet capacity needed at each location, this time including a full consultation which takes into account the views of residents and users of the public toilets, and that similar reviews and consultation exercises are undertaken at locations where a reduction in cubicle numbers has already taken place.
3. To request that Cabinet hold further discussions with Healthmatic to seek options to increase toilet capacity at locations where the consultation mentioned in (2) reveals it to be necessary.
4. That in the case of toilets recently shut by the Council, Cabinet is asked to revisit and abide by the resolutions contained within the Council motion passed in September 2013 in relation to public toilets (which was passed unanimously by Council), as well as the subsequent Budget resolution of February 2014.

[Note; The above resolution was carried with 33 Councillors voting in favour, 26 against and no abstentions.]

36 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

Councillor Cherry Beath made a statement supporting the Child Friendly City initiative. She invited Councillors to an event on 1st October and to contact her for

further information. The statement was referred to the Cabinet Member for Early Years, Children and Youth. A copy of the statement is attached to the minutes online and has been added to the Council's Minute book.

The meeting ended at 7.25 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council		
MEETING	Council	
MEETING	13 th November 2014	
TITLE:	Getting Around Bath – A New Transport Strategy for Bath	
WARD:	All Bath Wards	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Getting Around Bath Transport Strategy Bath Transport Strategy Consultation Findings		

1 THE ISSUE

- 1.1 A new Transport Strategy for Bath was approved by Cabinet for consultation in May 2014. The Strategy has been well received and supported by the majority of those who responded and is now recommended for Adoption by Council.

2 RECOMMENDATION

- 2.1 That the Council adopt the Getting Around Bath Transport Strategy as approved by Cabinet at its meeting 12th November 2014.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The Getting Around Bath Transport Strategy will support the growth proposed in the Council's Adopted Core Strategy and the Master Plan for the Bath City Riverside Enterprise Area. Its implementation will draw on a number of funding sources and decisions on individual projects will subject to the Council's annual budget process. In addition the development of individual sites including those within the Enterprise Area will contribute to the Strategy by being part of an integrated/co-ordinated development to reduce the impact of traffic on the city and where appropriate, making financial contributions to particular infrastructure needs.
- 3.2 The Getting Around Bath Transport Strategy will be delivered through a wide range of projects which will be funded from various funding sources principally, but not exclusively, the Integrated Transport Capital grant (received annually from Government) and bids for additional monies from the Single Growth Fund managed by the West of England Local Enterprise Partnership; importantly the strategy will ensure that other funding opportunities can also be targeted. Funding associated with other key strategies which support the actions within 'Getting Around Bath' may also be targeted, if approved through the annual budget process.

- 3.3 Council in February gave provisional approval to £5.2m for the development of a new Park & Ride to the east Bath funded by Corporate borrowing. This £500k is the first element of the £5.2m. The annual profiling of expenditure is different from originally anticipated and this is reflected in the sum requested.
- 3.4 There is a small revenue reversion risk in the case that a capital project does not go ahead.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Equalities, Sustainability equalities, planning, human rights and public health.

5 THE REPORT

5.1 Introduction

- 5.2 The Cabinet at its meeting in April 2013 agreed that a new Transport Strategy should be prepared for Bath in the light of the housing and economic growth proposed in the Council's Draft Core Strategy and the emerging Bath City Riverside Enterprise Area. The strategy is needed to support this growth agenda but also to improve the environment within the city itself which is damaged by the impact of traffic and congestion. The Strategy is designed to set out an agreed long term vision for Transport which will have broad and enduring agreement. The longevity of the Strategy is key to providing a consistent vision for the city and to accommodate the ambitious housing and jobs targets set out in the Core Strategy. The Transport Strategy is being prepared in tandem with the Placemaking Plan in light of the interrelationship of the two initiatives.
- 5.3 The Strategy was subject to public consultation during the early summer, details of the results of this consultation have been independently analysed by Mott MacDonald, who prepared the Strategy, and are summarised in Appendix 1. The public consultation was launched by Sir Peter Hendy, chair of the Bath Transport Commission on 26th June. The strategy had been reviewed by the Transport Commission at several meetings and has received their support. Sir Peter Hendy has offered to provide an endorsement for the Strategy which could be included as a Forward when published.
- 5.4 The Strategy builds upon existing initiatives including:
- the Bath Transport Package such as the expanded Park and Ride Sites and Variable Message Signs;
 - the Better Bus Area funding by introducing further bus priority measures; and
 - the opportunities offered by Network Rail Electrification of Great West Mainline.
- 5.5 **Vision:** The Strategy encompasses the following vision for transport in Bath:

"Bath will enhance its unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core. This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people

- 5.6 This vision was well received during the public consultation and it is not recommended that this is changed.
- 5.7 The Strategy has considered, in broad terms, the impact of the growth in the Core Strategy and taken forward in the Enterprise Area. It recommends a co-ordinated approach to manage the growth in travel which is going to take place over the next 20 years. Robust parking standards and improvements to public transport will be important in accommodating this growth. Key to this will be accommodating the increase in commuting into the city from surrounding areas. Both the Metro West project, which will improve local rail services, and the electrification of the Great Western Mainline, which will improve regional services, will provide improved public transport into the city. This will be complemented by other measures such as new and expanded Park and Ride.
- 5.8 Within the city walking and cycling with improved bus services will be priorities. Off-street parking will remain important to supporting a strong city centre economy and a balanced approach is recommended. The Strategy proposes a review of public off-street parking to ensure the proposal to retain 500 parking spaces is sufficient to maintain the vitality of the city centre economy and to encourage modal shift.
- 5.9 The majority of the recommendations within the draft Strategy were supported in the consultation (see Appendix 2). The following are the main changes that Cabinet are asked to endorse in agreeing the final Strategy.
- 5.10 **Access for All:**
- 5.11 The Strategy proposes that we establish an expert panel to provide advice on how those with special needs can be accommodated in through the transport Strategy. This issue will continue to emerge as elements of the Strategy are brought forward and have been considered in detail in the recent designs for Stall Street and Seven Dials. Part of this work will involve an independent review of how the city centre is accessed, building on best practice from York.
- 5.12 **Air Quality:** Improving air quality will be key to the future of the city. Almost all of the measures within the Strategy should help with this objective. The Strategy recommends we continue to investigate the potential for a Low Emission Zone.
- 5.13 **Walking and Cycling:** One headline in the Strategy is that we aim to make the city of Bath Europe's most walkable city and this will be one of the most important messages we will need to promote. In addition, cycling will be an essential element of this aim. Sustrans have recently completed a review of cycling routes within the city and the proposed routes for improvement have been incorporated into the Strategy. This study will be used to prioritise future expenditure on cycle network and will be integrated into projects as they emerge.
- 5.14 **Coaches:** The Strategy recognises that Coaches are an essential part of the transport network which services the city. An interim coach park is recommended at Weston Island to allow the North Quays redevelopment to be taken forward. There are 2 outstanding areas of work which will still need to be concluded. A longer term permanent coach park and an alternative coach drop-off within the city centre.

- 5.15 **Environmental improvements:** The Strategy suggests that we develop a programme of environmental improvements to reduce the impact of traffic within the city centre building on the approach set out in the Public Realm and Movement Strategy and developed subsequently.
- 5.16 **P&R:** The Strategy confirms the need for a new Park and Ride to the east of Bath as an essential complementary measure to accommodate the increased demand for travel from within the Enterprise Area. The Strategy recognises that there are many advantages to a rail based Park and Ride but the time that this might take to be brought forward may mean that an interim bus based Park and Ride may be necessary. Work to identify if this is the case is currently underway. In addition the traffic modelling and environmental work to establish which site could be brought forward and how many spaces it might contain is also in progress and the budget to finance this is identified in the previous sections of the report. This will allow a preferred site to be identified during the summer of 2015 and promoted through the Placemaking Plan.
- 5.17 There may, in addition, be a need to expand the existing Park and Ride sites at some point in the future should demand continue to grow and be required and to minimise the impact of traffic generated by the development proposed by the Core Strategy and within the Enterprise Area.
- 5.18 **Through Traffic:** The inadequate nature of the national road network east of Bath has long been recognised and the Council has a long standing wish to remove 'through traffic', and in particular HGVs, from the city. The Air Quality benefits of this simple measure are well understood. The Strategy recommends that the Council work with Wiltshire Council and the Highways Agency to develop a solution to the problems of through traffic. This work is already underway as well.
- 5.19 **Off Street Parking:** As already mentioned a balanced approach is recommended regarding the off-street car parks within the Enterprise Area. Business interests recognise the benefits of other improvements recommended in the strategy but do not want these introduced at the expense of maintaining an adequate supply of parking for shoppers and visitors.
- 5.20 **Other measures:** The strategy recognises the important role of travel plan, city car clubs and other measures, many of which are being implemented by the Council at the moment. There are specific recommendations for taxi. Finally the Strategy highlights to potential to use the river more.
- 5.21 As proposals emerge to deliver the outcomes identified by the Strategy they will be subject to a detailed appraisal (which will include a funding analysis) on an individual basis.
- 5.22 **Rail:** The Strategy recognises that the increase in the capacity of both local and regional rail, delivered by the Metro West project and the electrification of the GW Mainline respectively, will provide improvements to the public transport network. These improvements, particularly the ½ hourly services to Oldfield Park, will support the development of the Enterprise Area making it accessible to non-car users. The Council has recently received a report on the feasibility of re-opening a railway Station in Saltford which could provide a more sustainable way for residents to travel into Bath. Officers are still considering this work which will be reported to a future Cabinet meeting.

6 RATIONALE

- 6.1 The draft strategy has emerged following extensive research and discussion with stakeholders last year. It has built on the representation made at the initial conference held in September 2012. The proposals are based on current policies and the approach contained within the Joint Local Transport Plan. The authority now wishes to approve the strategy to inform and support both the Enterprise Area Masterplan and the Core Strategy and other key initiatives.

7 OTHER OPTIONS CONSIDERED

- 7.1 The strategy has emerged following extensive research and consultation which considered a wide range of options. A report on the consultation is attached to the report for information and the background report is available as a background document.

8 CONSULTATION

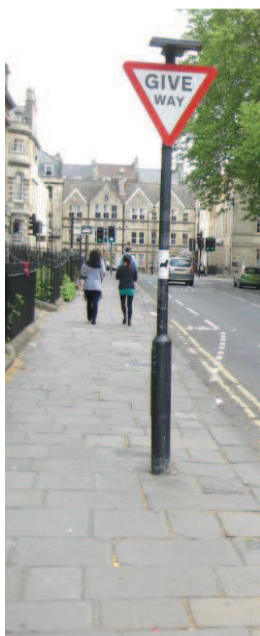
- 8.1 Strategic Management Team, Section 151 Officer, Cabinet member for Transport, PTE Scrutiny, Stakeholders and the Bath Transport Commission. In addition there was a period of public consultation in June/July this year the results of which are summarised in the final Strategy itself.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Peter Dawson 01225-395181
Sponsoring Cabinet Member	Councillor Caroline Roberts
Background papers	Supporting Strategy Report revD Oct14
Please contact the report author if you need to access this report in an alternative format	

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Getting Around Bath

A Transport Strategy for Bath

Final Draft

November 2014



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Foreword

Getting about is important to all of us. This document, 'Getting Around Bath', sets out the Transport Strategy for the city following a high level review of existing transport policies and commitments carried out by Mott MacDonald in the light of the Council's commitment to housing and economic growth within the city. It develops a set of policies to support this growth.

'Getting Around Bath' sets out an agreed long term vision for transport which needs broad and enduring agreement. It will cover the period up to 2029 to reflect the period for the Council's agreed Draft Core Strategy. It will support the preparation of the Council's Placemaking Plan and the Master Plan for the Bath City Riverside Enterprise Area.

The aim of the Strategy is to support this growth agenda and also improve the environment within the city itself, both of which can be damaged by the impact of traffic and congestion. The longevity of the Strategy is key to providing a consistent vision for the city and to accommodate the ambitious housing and employment aspirations.

The Strategy builds upon existing initiatives, including those delivered through the Bath Transport Package (such as the expanded Park and Ride Sites and Variable Message Signs), the EU funded Civitas Renaissance programme (such as the Urban Freight Consolidation Project and Better Bus Area funding), whilst also recognising the importance of Network Rail's electrification programme for the Great Western Main Line.

Following a period of consultation, broad agreement has been reached on the following vision:

"Bath will enhance its unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core. This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people".

The strategy is also driven by the Public Service Board vision which is:

"Bath and North East Somerset will be internationally renowned as a beautifully inventive and entrepreneurial 21st Century place with a strong social purpose and a spirit of wellbeing, where everyone is invited to think big – a 'connected' area ready to create an extraordinary legacy for future generations".

The reduction of the impact of vehicles is vital in this unique UNESCO World Heritage city and will require a combination of measures. These can be summarised as follows:

- A walking/cycling strategy to make Bath the UK's most walkable city;
- Improved accessibility for people with mobility impairments;
- A parking strategy to support the economic growth but at the same time reducing the amount of off-street spaces within the city centre;
- Supporting greater use of public transport to reduce the number of cars entering the city;
- Continue to expand our existing Park & Ride sites where we can to help reduce the demand for parking spaces within the city;

- Better management of Heavy Goods Vehicles within the city;
- Finding a new location for coaches to park once they have dropped visitors off in the city centre.

The Council wishes to particularly thank those who have responded to the engagement process and have helped the Council to develop this key strategy for the City of Bath.

The Council would also wish to acknowledge the work of the Bath Transport Commission chaired by Peter Hendy. The Commission considered the emerging strategy on several occasions giving valuable advice and guidance to help its development.

We need to put the foreword as quotes from Caroline and the Leader and put their photos at the end

We also need to get the endorsement from Peter Hendy in here as well

1. Vision

1.1 Context

Transport is fundamental to the successful economy and wellbeing of the city, its residents and visitors. It also contributes to the unique environment of the city but the volume and impacts of vehicles are undermining the fabric of buildings and air quality. Consequently, the historic core of Bath and key arterial routes are suffering from the intrusion of cars and the quality of life throughout the city is being adversely affected.

The strategy is needed to provide the framework within which individual proposals can be considered and assessed against the objectives. A number of initiatives have been delivered including three Park and Ride sites, an ongoing parking strategy, Local Sustainable Transport Fund measures and using Better Bus Area funding. The strategy will also support delivery of the Core Strategy, enabling growth. It will also build on the policies and measures included in successive Joint Local Transport Plans.

This report outlines the proposed strategy and the evidence that lies behind the proposals is included in a separate report.

1.2 The Vision

There are some strong issues that are shared by the key stakeholders in that they all recognize the importance of transport to the local economy and the wellbeing of the city, its residents and visitors. It is also evident that inappropriate traffic levels are eroding historic buildings and adversely affecting air quality and consequently the quality of life.

In developing a vision, it is important to set it in the context of progress made to date through various initiatives promoted through successive Joint Local Transport Plans and other funding sources. In addition, the emerging Core Strategy reflects the changes in the planning system manifest through the National Planning Policy Framework that supports the principles of sustainable development.

A strategy needs a vision, in effect a statement that outlines the main aims. In this context, the proposed transport vision reflects the wider vision for a healthy, prosperous and unique city:

Bath will enhance its unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core.

This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people.

1.3 Objectives

There is considerable common ground evident from the documentation available and discussion undertaken. This provides a good starting point for the strategy. There appears to be a shared view on the following which provide the objectives:

- Supporting and enabling economic growth, competitiveness and jobs;
- Improving air quality & health, reducing vehicle carbon emissions
- Promoting sustainable mobility;
- Widening travel choice;
- Widening access to opportunities: jobs/learning/training;
- Safeguarding and enhancing the unique historic environment and World Heritage Site status; and
- Improving the quality of life in the city.

1.4 Coverage

The strategy covers the city of Bath and its immediate environs (but not the whole of the Bath and North East Somerset administrative area). For the purposes of this strategy, the central part of the city is regarded as being the area from The Circus (north) to the river (south) and from Charlotte Street (west) to London Street (east).

Parking in particular is a key issue and progressive reductions in the supply of public on- and off-street parking to support a shift to the provision of long stay parking at Park and Ride sites have been implemented in recent years. This policy needs to be strengthened and extended to create more long stay capacity at the periphery, in tandem with further constraints on parking in the central area. Some reductions in capacity will occur as a result of flood alleviation but parking policy is an essential element of delivering the Enterprise Area. The consequences are better air quality, less vehicle intrusion (noise and street impacts), maintaining the built environment, better visitor experiences, accessibility for people with mobility impairments and a healthy economy.

2. Engagement

2.1 Key Findings

Following the publication of the Draft Transport Strategy for Bath, consultation was undertaken with members of the public and stakeholders to explore opinions of the proposals set out within the document.

A total of 208 responses were received to the consultation questionnaire, with 156 online and 52 paper based submissions. From these responses, the consultation report produced by Mott MacDonald, identified the following Key findings:

The Strategy

Over two thirds of respondents agreed with the vision for Bath underpinning the Draft Transport Strategy (67%)

There was strong support for increasing sustainable transport options within the city of Bath, including walking (93%), train (91%), bus (89%) and cycling (81%).

Reducing Congestion in Bath

Over three quarters of respondents (77%) agreed with the development of a Park/Rail and Ride facility to the east of Bath, with a view to reducing congestion in the city.

Reducing the Impact of Heavy Traffic

Over three quarters of respondents (76%) also felt that the development of a new road linking the A4(Batheaston Bypass) with the A36 would be a good way of reducing through-traffic within Bath.

The majority of respondents (86%) felt that preventing HGVs from entering the city centre during peak hours, and the use of a Freight Consolidation Centre with electric vehicles, was a good idea.

Over 80% of respondents (83%) also indicated that they would support the redirection of vehicles from London Road and Cleveland Bridge in order to address issues of congestion on these key through-routes within the city.

Simplifying Road Layouts

Almost two thirds of respondents (65%) felt that the removal of selected one-way road layouts within the city was a good idea in order to simplify road layouts and reduce the impact of traffic on nearby buildings.

Rail Travel

There was significant support for improvements to rail services including cheaper fares (91%), more frequent services (90%) and better trains (89%).

The majority of respondents (83%) also agreed that proposed developments in Bath, particularly surrounding Oldfield Park Station, and consequent enhanced service provision would make travelling from this station more attractive to potential rail users.

Parking

Around three quarters of respondents (74%) agreed with plans to increase Park and Ride facilities in Bath.

Walking and Cycling

The implementation of pedestrian schemes, in line with the strategy's objective to make Bath the UK's 'most walkable city', was supported by the majority of respondents (85%).

Three quarters of respondents (75%) supported the prioritisation of cycling along the river corridor, with radial routes into the city centre.

Tackling Air Quality

Around three quarters of respondents (74%) supported proposals to increase facilities for electric vehicles within the city.

Buses

Around three fifths of respondents (58%) thought that increasing the number of bus lanes within Bath was a good idea.

Coaches

Around 80% of respondents supported proposals to find new locations for coaches to drop off visitors before parking elsewhere (81%) and to expand park and ride sites to include coach waiting areas (78%).

Just less than half of respondents (47%) agreed with the proposal to develop a new site within close proximity to the city centre where coaches could park.

3. Adopting a Structured Approach

3.1 Key Issues

A number of key issues have been identified; these have complex inter-relationships but some common strands have been used as the basis for a transport strategy that will enhance the city and maintaining its attractiveness whilst supporting economic growth. Each of the key strands is set out below together with an indication of the data sources. A large amount of data has been compiled as part of the process of developing the Strategy and this has been used as supporting evidence.

Bath has all the pre-conditions to be an exemplar sustainable transport city with strong public transport, a cycling culture (taking into account the topographical constraints) and a high proportion of walking trips. This, coupled with the unique built environment and development site potential, presents significant opportunities to transform the city from one where sustainable transport takes a dominant role and where traffic movement is managed more effectively. This does not mean that the Strategy is anti-car but instead rebalances transport options against the economic and environmental needs of the city. Car use will continue to be important and in some cases the only option but containing the number of journeys made by car will benefit everyone in terms of health, environment and local economic activity. A range of measures are proposed which, in combination, will address the objectives of the strategy.

The strategy needs to be durable in that delivering measures will be longer than any single administration and hence it should be supported by all political interests. It is important as it enables the Core Strategy to be delivered and is vital for the Enterprise Area which is likely to take many years to complete.

3.2 Reducing the Impact of Vehicles

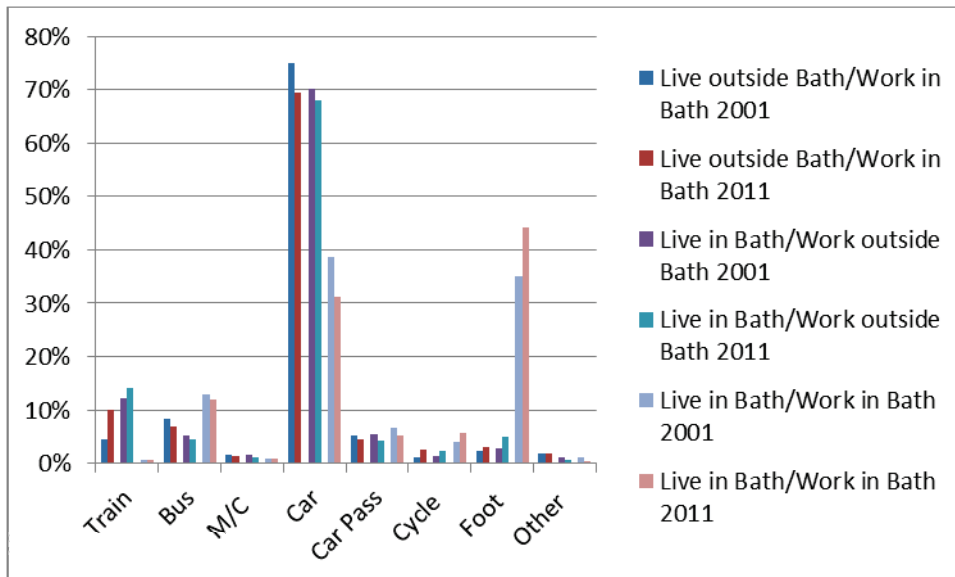
Bath has a unique city centre environment of World Heritage status. This attracts substantial numbers of visitors but has many constraints. These constraints are accentuated by too many cars in the central area. A key strand of the Strategy is to reduce the impact of vehicle movements through a combination of measures including better traffic management, comprehensive parking controls, expansion of park and ride and enabling people to walk, cycle and use trains and buses. All these contribute to reducing in car journeys and addressing the problems manifest in the Air Quality Management Area.

Parking in particular is a key issue and progressive reductions in the supply of public on- and off-street parking to support a shift to the provision of long stay parking at Park and Ride sites have been implemented in recent years. This policy needs to be strengthened and extended to create more long stay capacity at the periphery, in tandem with further constraints on parking in the central area. Some reductions in capacity will occur as a result of flood alleviation but parking policy is an essential element of delivering the Enterprise Area. The consequences are better air quality, less vehicle intrusion (noise and street impacts), maintaining the built environment, better visitor experiences, accessibility for people with mobility impairments and a healthy economy.

A good starting point is the mode share – how many people move by which means. Some data is available on this from Census journey to work figures and local monitoring as shown in Figure 3.1

Figure 3.1: Mode Share

Figures 2.1 and 2.2.



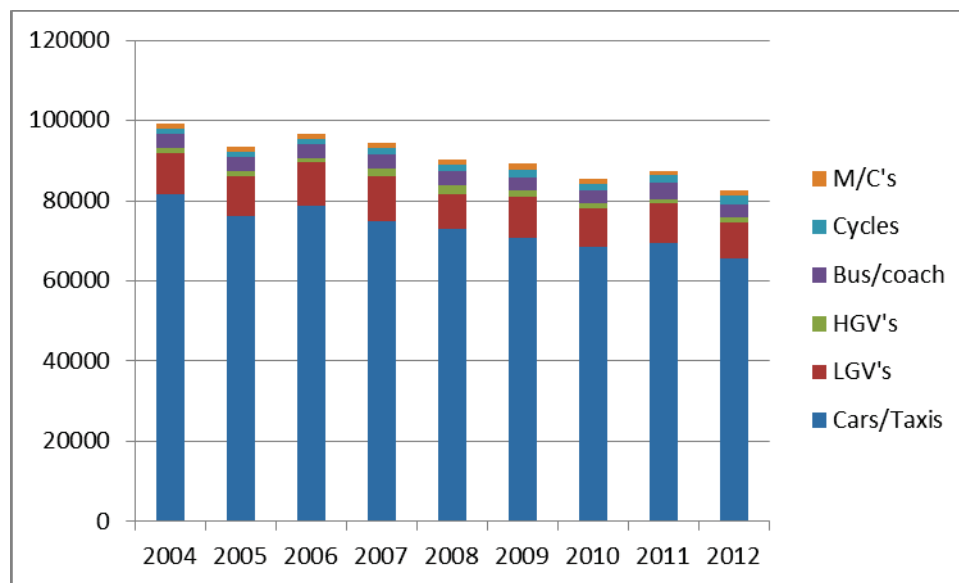
The increasing and high proportion of walking of around 44% for journeys to work by Bath residents working in Bath, shows that walking is a primary means of travel in Bath and indicates the potential to expand and improve walking opportunities further, substituting some short car journeys.



Traffic levels have been declining consistently over a number of years, evidenced by the traffic count data collected at various locations around the city (see Figure 3.2). While some of this may be attributable to the wider economic situation, it demonstrates that traffic reductions occur and provide the opportunity to accommodate additional traffic from development sites if required. Some count data is available to show the composition of traffic, indicating that much of it is cars and that the proportion of heavy vehicles is comparatively low.

Some data on traffic distribution is also available from recent counts, indicating that around 12% of movements in the city centre are through trips i.e. do not have an origin or destination in the centre.

Figure 3.2: inner Cordon Daily 12hr Traffic Flows 2004 to 2013



Source B&NES count data

Minimising the volume of vehicle movements entering the city centre will contribute to improved air quality (and therefore health) as well as reducing congestion. It will also address the intrusion of traffic in the historic setting – noise, visual intrusion and severance (particularly affecting people with mobility impairments) – all of which contribute to the visitor experience and economic vitality.

Air quality is important for health with particular impacts on respiration-related illnesses. Much of this can be attributed to vehicle emissions but also emissions from rail rolling stock and other sources. A number of locations in the city currently exceed legal nitrogen dioxide levels as shown below. Particulates and other pollutants also affect the Bath stone used for much of the city's built environment.

An Air Quality Management Area has been declared for the city centre and its approaches, reflecting the effect that road traffic has on the built and natural environment and the health of people in the city. Slow moving traffic is a particular concern while reducing the levels of traffic would help improve the problem. Air quality data is collected continuously but relating changes to traffic conditions is difficult. However, monitoring is important in relation to the AQMA, even if the designation is removed through changes in the legislative requirements, to understand how addressing transport issues can help improve community health and help preserve the fabric of the city.

The results of Nitrogen Dioxide monitoring show that in 2013 the annual average objective was exceeded at the following locations in Bath:

- Argyle Terrace
- Bathwick Street
- Beckford Road
- Broad Street
- Charlotte Street
- Cleveland Place West
- Dorchester Street
- Gay Street – Top
- George Street
- High Street/Guildhall
- James Street West
- Lambridge

- Lansdown Crescent
- Little Stanhope
- London Road
- Manvers Street
- Morley Terrace
- Newbridge Hill
- Newbridge Road
- Paragon

- St James' Parade
- Upper Bristol Road
- Victoria Buildings
- Walcot Terrace
- Wells Road
- Wells Road/Upper Oldfield Park
- Widcombe High Street
- Windsor Bridge Road

Overarching Policy GABP1: That a strong emphasis should be given to reducing the impact of vehicles by supporting trips that are made by means other than car, particularly walking and cycling with more people using improved bus and rail networks.

3.3 Walking – a Walking-Friendly City

Walking is central to the Strategy. Many people choose to walk because it is relatively direct and quick and the city's layout is conducive to good walking experiences. However, the infrastructure needs to be improved – better footways, crossings, public spaces and higher priority than at present. The scope for daytime pedestrian priority can be considered, enabling vehicle access at other times.

Walking journeys are reliable in that they have predictable journey times, promote healthier living, reduce traffic levels (many car journeys are short enough for walking to substitute) and promote social interaction and vibrant communities.

Adopting a strategy based around walking is entirely appropriate for a constrained, historic city. Promoting Bath as a highly walkable city is a radical move, delivering walking as a priority with appropriate levels of investment in infrastructure to improve the walking experience. This can include better street lighting, surfacing, road crossings, seating, signing, etc. Enabling more people to walk more often also involves an element of information to identify suitable and safe routes and to understand the options available. The health benefits are likely to be considerable both directly to individuals and also collectively, contributing to fewer car journeys and better air quality.

The Public Realm and Movement Strategy provided a helpful framework for improving the walking experience in the city centre and highlighting the importance of streets and spaces. These principles could be extended to the whole city, focusing on core walking routes and overcoming conflicts with vehicle movements, identifying pleasant and safe routes.

Accessibility for people with mobility impairments (walking difficulties, visual and hearing impediments) should feature when walking routes are considered. Improvements should include level surfacing, dropped kerbs at junctions, careful consideration of street furniture,



effective lighting and clear crossing arrangements.

Shared use of space by walking and cycling should be encouraged. This is necessary in some locations due to the limited space available but creates a good ambiance with minimal signing and road markings. There is no evidence to suggest that sharing space generates accidents and cycle speeds will be low where pedestrian levels are high. Best practice from Europe supports shared use applications.

Walking routes are often rendered difficult by one or more specific locations, such as a road crossing, unlit route or poor surfacing. Many people do not realise that journey times can be

short and routes are attractive when compared with other options. Evidence has been obtained from the Public Realm and Movement Strategy, discussions with stakeholders and on-street observations.

An improved walking network will decrease the number of pedestrian casualties recorded and support a shift towards walking from motorised modes.

To achieve a walking-friendly city, the strategy will:

- Enable walking to the centre and within the city;
- Define the walking network – utility and leisure routes
 - Effective maintenance;
 - New infrastructure: crossings, shared space, lighting;
 - Contribute to health and accessibility;
- Engender a cultural shift to walk as the first choice for many journeys.

Walking

Policy GABP2: That walking be given highest priority in the strategy. It creates a healthier population, an ambience to the historic core of the city and reduces the number of local car journeys. Bath should be an exemplar walking city demonstrating commitment to sustainable transport at a European level.

Action GABA1: Review pedestrian network and in particular the quality of the routes

Action GABA2: Develop a programme for environmental improvements in the city centre

Action GABA3: Continue to follow the principles of the Public Realm and Movement Strategy to guide improvements for individual streets.

3.4 Access for People with Mobility Impairments

A significant proportion of people have some form of mobility impairment, either some form of infirmity, visual or hearing problems and others, such as those with shopping or pre-school children, may encounter difficulties walking around the city or using other transport such as buses. Improved engagement with organisations representing these groups will be important.

Potential measures will include:

- Undertaking an access audit on key walking routes;
- Reducing street clutter



Inclusion and access for all

Policy GABP3: That consideration for the needs of people with mobility impairments is regarded as a core element of the strategy and the measures included within it.

Action GABA4: The needs of disabled people will be proactively considered whenever policy decisions are taken

Action GABA5: Establish an expert panel on disability issues to guide policy decisions

Action GABA6: Commission an access and inclusion audit of the city centre to recommend reasonable adjustments to our plans for movement including transport in the city

3.5 Traffic Management and Improving Air Quality

Traffic management does not necessarily imply more engineering. Making traffic flow more easily may involve new approaches with fewer junction controls and a subtle approach that suits the settings. However, managing traffic is also linked with where people want to go for which parking is a key determinant. Hence rearranging the supply of parking will influence the decision to drive. Additional parking in the core of the city is not really an option because space is scarce and more traffic would be undesirable. Instead, parking within walking distance of all the main destinations should be available. The Council have shown that a comprehensive approach to parking is effective and forms a sound approach for future measures.

Many of these measures, as with others in the Strategy should have a positive impact on Air Quality which continues to be one of the most serious issues facing the city. We will continue to lobby the Government to give us the appropriate powers to address this problem.

Measures to restrict traffic, such as that using Pulteney Bridge, can be highly effective. Such measures need to be considered in the wider context to understand the implications for other parts of the city. Accordingly, a Traffic Management Plan for the city centre is proposed that will provide the context for management measures and to co-ordinate individual initiatives. The Plan will set out co-ordinated measures including traffic signal control, parking management through signing and the parking policy of reducing the supply of central area spaces, accommodating walking and cycling more conspicuously and other measures to improve traffic flow while deterring vehicle movements for which an alternative is available.

Through traffic is perceived to be a problem. This includes traffic with both an origin and destination outside the city which has no purpose in Bath and should use other routes. There is also an element of internal through traffic i.e. vehicle movements that start on one side of the city and finish on another and so use the city centre, estimated to account for 12% of all city centre traffic. These journeys contribute to congestion and some could be made by other means.

For streets to function effectively, enforcement of regulations needs to be effective. This includes loading and parking controls and ensuring that Blue Badge holders can access designated parking spaces.



Technology can be deployed to direct motorists to parking spaces (extending the existing variable message signing), to manage traffic signals in a coordinated way and to inform transport users about current conditions on trains, buses and roads. Managing information can be a useful tool, particularly when there are events such as sports fixtures.

Car sharing can be initiated through workplace travel plans. This reduces the number of vehicle movements, reduces pressures on parking and reduces travel costs for individuals.

Traffic delays occur where demand exceeds the road space available and is often associated with motorists seeking parking spaces, an obstruction or similar incidents. Some detailed junction analyses have been undertaken which show the delays incurred to traffic and other road users, particularly pedestrians. Improving options to avoid driving into the central area will help to reduce traffic levels.

In the longer term additional road links could be considered to overcome the limited options presented by the current road network. . A comprehensive approach to traffic management will help make journeys more reliable, evidenced through traffic speed data and user satisfaction surveys.

Measures will include:

- Development of a city centre traffic management plan;
- Setting principles
 - Removing gyratories ;
 - Removing traffic signals where possible;
 - Creating shared spaces ;
- Addressing strategic and local 'through traffic' (around 12% of volume) especially heavy vehicle enforcement; and
- Traffic management related to development sites e.g. Enterprise Area.

Traffic Management and Air Quality

Policy GABP5: Vehicle movement should be better managed to reduce traffic impact and emissions, particularly in the city centre where there is less space available.

Action GABA10: Develop options for a Low Emission Zone to improve air quality in the city and press Government for appropriate enforcement powers to make such a zone effective if implemented.

Action GABA11: Continue to support car clubs and other measures to encourage alternatives to car use particularly in the city centre.

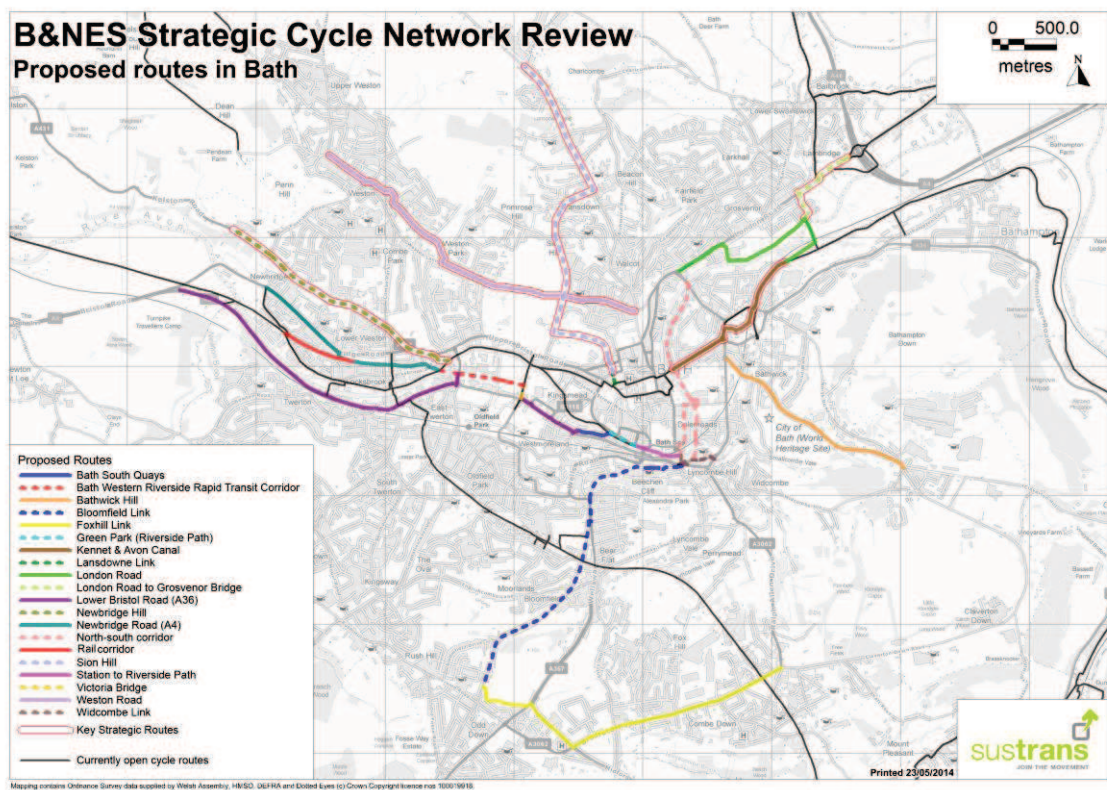
Action GABA12: Develop a programme to remove traffic from the central areas of the City and reduce its impact in other areas e.g. Queen Square, Manvers Street, Dorchester Street.

3.6 Cycling – Building on Potential

Cycling is having a huge resurgence across the country. There is a network of routes around the city which need to be coordinated to form a coherent network, ironing out conflicts with vehicular traffic and attracting new cyclists. The topography of parts of the city is a deterrent to some would-be cyclists but many corridors are more conducive to regular cycling. It is also a healthy means of travel which also contributes to improved air quality if cycling can substitute for car journeys. A riverside route through the Enterprise Area would be very suitable for cycling.

Figure 3.3 below shows cycle routes identified by Sustrans that should be considered as priorities for improvement, to complement the existing routes and those being implemented, to create a basic network of high quality routes. This work will need to be reviewed as individual proposals are brought forward and subject to consultation.

Figure 3.3 Proposed Cycle Routes



Measures to increase the number of cycling trips and to improve quality of the cycling experience include schemes at specific junctions, designated routes, direction signing, secure cycle parking and training for new or returning cyclists. In addition, the provision of shower facilities at workplaces as travel plan measures will support regular cyclists. The use of cycles to access other modes is becoming increasingly important. Extensive cycle parking is available at Bath Spa station but is less evident at other stations and security is a key issue. Enabling cyclists to use secure parking at bus stops should also be considered; this would extend the journey possibilities for many who do not wish to cycle longer distances or for whom it is impractical to do so.

The number of cyclists is increasing (shown by mode share surveys) but journeys can be very individual. Improvements need to involve route audits where appropriate and local knowledge from users, building on the dialogue that is taking place and developing an extensive network of routes. Further mode share surveys, user satisfaction surveys and casualty records will indicate the effectiveness of the measures proposed.

Specific measures will include:

- Linking together existing and planned cycle schemes to give a basic network of high quality routes in the short term e.g. A new bridge at linking North and South Quays, and a reopened pedestrian/cycle bridge at Roseberry Place to link Bristol to Bath and Two Tunnels National Cycle Routes
- Develop the network in the medium to long term, taking into account the recent review undertaken by Sustrans;
- Overcoming problem locations e.g. junctions where cyclists are vulnerable;
- Reducing traffic levels on certain routes to create an environment that is conducive to cycling;

Cycling

Policy GABP4: That cycling be promoted through better cycling routes with appropriate infrastructure where needed, building a cycling culture for people of all abilities.

Action GABA7: Build on the recent Sustrans review of cycling routes and develop a programme to enhance the network.

Action GABA8: Develop segregated cycle routes where possible, particularly along the river corridor where a safe and welcoming riverside walk would complement the Skyline Walk

Action GABA9: Develop opportunities to enhance the existing walking and cycling network e.g. A new bridge linking North and South Quays (through developer contributions), and a reopened pedestrian/cycle bridge at Roseberry Place (through planning the redeveloped site) to link the Bristol to Bath and Two Tunnels National Cycle Routes.

3.7 Development Requirements – Promoting Sustainable Development

A number of development options are being presented. The emerging Core Strategy is identifying the **locations where development can take place, refining this through the Placemaking Plan to specific sites**. These can be designed to add to the economic success of the city and reflect its heritage. Inevitably, there are concerns that new development will generate more traffic but this is not necessarily the case; other means of travel are available, travel demand can change and some journeys will involve relocation. New activities can be the stimulus for better transport, particularly if they make buses more viable and add to the walking and cycling options.



The Enterprise Area (EA) is a major opportunity to develop sustainable transport by design, linked to the city by walking routes, cycling routes and bus links and containing the demand for travel by car. This is likely to focus on walking as the prime means of access to employment at the city centre parts of the area, supported by new river bridges. Bus access will also be needed along the east-west axis (possibly linking to parking at the periphery) and a network of cycle routes will help people to make journeys. Containment within the site or within the city, enabling people to live and work within one community, will reduce the demand for longer distance travel, particularly by car, although this will depend on the type of jobs available. Transport is a fundamental consideration in the delivery of the Economic Strategy. Without coherent and attractive transport links, Bath will not be an attractive location for development. Striking a balance between car use and other access will influence the design of developments and there is a strong case for proposing high quality mixed development with a strong emphasis on access by walking, rail, bus and cycling. This would be appropriate in the Bath context and offer office, retail and residential accommodation that is different in quality and experience from locations elsewhere.

The process of master planning for the EA is at its early stages but discussions have taken place regarding its likely form and content. Evidence from previous Transport Assessments is helpful and further technical analysis will help to define the development in terms of the number of trips that it is expected to generate, their distribution and the modes of transport that could be expected to provide access. Evidence will be obtained from traffic flows, surveys of the number of pedestrians, cyclists and bus users and the extent to which travel plans have been effective. The planned EA includes a variety of land uses including office, retail and residential. It is expected that the office component will be at the eastern end of the site nearest the city centre, enabling many journeys to be made by walking or cycling to the

centre and Bath Spa rail station, adding to the walking network and becoming part of an extended central area.

As other development takes place along the river, notably housing, the creation of riverside walking and cycling opportunities and new crossings of the river will create new connectivity. A new bus service will connect those parts of the EA furthest from the centre. Developing the office and employment activities initially would help establish the area as part of the city centre and hence its timing is closely related to that of Park and Ride expansion. Determining the wider parking strategy with the creation of additional Park and Ride spaces is an essential requirement for the EA. Developing housing progressively within the EA will allow travel patterns to develop incrementally.

Specific measures will include:

- Ensuring that development sites have sustainable transport options through design, planning conditions such as travel plans and limited car parking;
- Designing for sustainable transport in the Enterprise Area: strong and attractive walking and cycle routes to the city centre and Bath Spa and Oldfield Park stations, secure cycle parking, good links to bus services;
- Integrating new sites within the city by incorporating routes that link to established routes and destinations;
- Proportionate and complementary parking provision in new developments: link to off-site P&R capacity; and
- Developing appropriate parking standards.

Enterprise Area

Policy GABP6: The Enterprise Area is developed as part of an integrated approach with strong sustainable transport links to the city centre and rail stations. The development will focus initially on office and related development at the eastern end of the site and have limited car parking. Subsequent housing development will also focus on accessibility by non-car modes.

Action GABA13: The Master Plan for the Enterprise Area will develop proposals for a network of walking and cycling links from surrounding communities into the city centre.

Action GABA14: Access to Bath Spa and Oldfield Park Station will be reviewed and improved to maximise the use of these facilities by those working and living in the Enterprise area.

Action GABA15: Effective travel plans will be developed to deliver reduced traffic from the enterprise area and this will be a key feature of the Master Plan. This approach will be followed when considering other developments within the city.

Action GABP16: Traffic generated by developments in the Enterprise Area will be managed by effective parking standards to minimise the impact of traffic on the network

3.8 Car Parking – Managing Supply

Parking is a key determinant of journeys and can be managed accordingly. It is proposed to continue the progress made in Bath to relocate long stay parking at Park and Ride sites, thus reducing vehicle movements into the constrained city centre. This underlies the efforts to reduce the impact of traffic and, while Park and Ride alone will not provide the solution, it is a valuable component of the wider strategy. It enables long stay spaces to be relocated at the periphery which creates options for the central area – converting long stay to short stay spaces or reducing capacity in favour of other land uses while reducing traffic levels. This works in favour of economic activity and is a more efficient use of scarce space in the centre, presenting opportunities to improve the walking environment. The overall supply of parking can be maintained with increases in Park and Ride capacity offsetting reductions elsewhere.

A large number of parking spaces have been taken away or relocated from the city centre over the years, with complementary expansion of the Park & Ride sites. This includes over 3,000 long stay on-street spaces as part of the residents parking schemes introduced in 2000/2001 and the 320 spaces at Royal Victoria Park no longer being available for free all-day parking (introduced in 2013).

This has not been detrimental to the local economy and has helped to reduce traffic levels and shows that parking resources can be managed more effectively. It will be desirable to withdraw more off-street spaces over time in tandem with expansion of the Park and Ride offer. The closure of Avon Street car park will mean that over 600 spaces are displaced, whilst the reduction in the city centre could be higher if other car park sites are developed as part of the Enterprise Area.

The increase in parking demand in the future has been estimated based on the predicted number of additional jobs and houses that will be created in the city. The calculation of demand is outlined in Table 3.1 which is based on estimating the increase in car commuting trips into the centre.

Table 3.1: Estimated Increase in Commuter Parking Demand

	Bath Residents		External trips	Total
	Centre	Outer Area		
New housing	3,000	4,000		7,000
Employees per dwelling	0.9	1.03		
Residents who work in centre	69%	32%		
New employees in centre	1,863	1,318	3,819	7,000
Car mode share to centre	12.4%	24.6%	63.8%	
New car trips to centre	231	324	2,436	2,992
Travel to work on average day	80%	80%	80%	
Parking demand	185	259	1,949	2,393

Allowance has also been made for an increase in non-commuting parking demand in the future (retail, tourist and visitor trips). Car park surveys in 2009 showed that around 13% of vehicles using city centre car parks and 43% using Park and Ride were commuters. By

applying these figures to the total transactions for each type of car park, an estimation of the number of spaces occupied by commuters was made as shown in Table 3.2 (based on interview surveys and assuming that all commuters would be parked at the time of peak occupancy).

Table 3.2: Existing Peak Weekday Occupancy (November 2011)

Location	Total Users	Spaces used by Commuters	Spaces used by Non-Commuters	Total Spaces used
City Centre	3,380	439	1,346	1,785
Park & Ride	2,496	1,073	643	1,716
Total	5,876	1,513	1,988	3,501

If a 10% increase in non-commuting demand is allowed for, this results in the demand for an additional 199 spaces, giving a total expected increase of 2,592 spaces.

However, it is expected that increased use of non-car modes, will reduce the overall parking demand in the future. Allowing for a 10% reduction in the additional future demand (259 spaces) and 10% reduction in existing commuting demand (151 spaces) gives an estimated net increase in demand of 2,182 spaces.

From the November 2011 parking surveys, the maximum occupancy was higher on Saturday than on weekdays, with a total of 3,998 spaces occupied (in the centre and at Park & Ride) representing 87% of the available capacity. By comparison, the maximum weekday occupancy was 3,482 spaces. If it is considered that the figure for Saturday represents the effective capacity of the car parks, there is spare capacity of 516 spaces on a weekday (when car parks operate at over 85% of capacity, congestion starts to occur due to vehicles searching for a space).

Since 2011, increased capacity has or will be provided by expansion of the existing Park & Ride sites:

- 390 spaces at Lansdown (completed February 2013);
- 230 spaces at Odd Down (completed November 2012);
- 248 spaces at Newbridge (planning permission received November 2013);
- 868 additional spaces in total.

However, as part of the planned redevelopment of sites for the Enterprise Area some city centre parking spaces may be displaced. Their replacement in the city centre will need to be considered within the strategy as a whole.

With the possible reduction in city centre parking capacity, greater use of Park & Ride will need to be made and encouraged, particularly for those staying three hours or more. However, good provision for shorter stays should remain in the city centre, whilst aiming to reduce traffic levels in the centre itself. All car trips into the city centre requiring parking could then be directed to the nearest car park on the edge of the centre, based on their incoming route:

- Southgate for trips from the south and east;
- Podium for trips from the north; and

- Charlotte Street for trips from the west.

With the above system, the need for traffic to pass through and circulate around the city centre should be reduced.

It may also be desirable to support 'informal' Park and Ride where car users can park at peripheral locations and use existing bus services to complete their journeys. This could be developed through workplace travel plans to inform people about the options, working with the owners of potential car parks such as pubs or supermarkets where spaces may be available during the day and gaining the support of bus operators.

Other parking issues include enforcement of regulations, a necessity to avoid obstruction of streets and to ensure that spaces are available to as many users as possible. Residents' parking schemes also form part of the picture.

Car park user surveys have been used to provide origin information and also show qualitative aspects of the parking offer. These have covered both central area car parks and Park and Ride and indicate the origins of users and their views on the parking offer. This baseline data can be compared with future survey data to assess the impacts of the parking strategy, particularly in terms of user satisfaction.

Off Street Parking

Policy GABP7: Car parking is a central feature of the strategy, enabling other components to take effect. The policy of reducing central area public parking and expanding long stay capacity at Park and Ride sites should continue, enabling greater emphasis to be given to walking, cycling and bus services in the historic core and on key corridors. Reduction of city centre parking will not take place until alternatives are in place.

Action GABA17: Undertake a further analysis of parking requirements to ensure that the proposal to retain 500 public parking spaces within the Enterprise Area is sufficient to maintain the vitality of the City Centre economy and to encourage modal shift.

3.9 Park and Ride – Providing Long Stay Parking Capacity

Park and Ride is well-established with three sites in operation for the city. These are popular as evidenced by high levels of use and help to reduce vehicle movements into the city centre. Relocating long stay parking from the centre to park and ride is achievable although there is a revenue implication if Park and Ride is priced at a lower level than central area parking and the supply of the latter declines. A site to the east would complete the picture, allowing people to choose not to drive into the centre and thus contribute to a better city environment. Data shows that many trips originate from the east and that some motorists choose to use the Park and Ride facilities at Odd Down and Lansdown in the absence of a facility to the east. A designated site will need to be adopted, enabling bus and/or rail links to serve the city centre. The three existing park and ride sites may need to be expanded further; work has recently commenced on the expansion of the Newbridge facility. There may be scope to reassess journey patterns, for example taking account of the expanded Newbridge provision, orientating some Park and Ride services to the hospital (as the Odd Down P&R buses do) or other destination rather than or in addition to the city centre.



The established Park and Ride sites are well used and often full. Data shows that most users use the site nearest to their approach to the city but that some may divert from Lansdown and Odd Down to a new site to the east if available. Users comprise commuters and visitors/shoppers and collectively account for around 1.2 million vehicle trips every year (to and from the city centre). Evidence has been obtained from surveys of current Park and Ride users including identification of their journey origins. Traffic count data has been used to assess the effects of Park and Ride on radial routes. It is suggested that further work is needed to identify how the additional demand can be accommodated.

Park and Ride

Policy GABP8: Establish the need for increased Park and Ride capacity as part of a wider parking strategy and to undertake a detailed assessment of sites to the East of the City, with an initial bus based facility if needed while a railway site is developed.

Action GABA18: Identify need for increased Park and Ride capacity and detailed assessment of sites through the 'Placemaking Plan as part of a wider parking strategy.

3.10 Bus Services – Making Better Use of Services

Bus services in and around the city are numerous and generally of good quality. The new bus station provides a focus for a wide range of services and many buses are accessible to everyone. Improving bus services is about much more than the buses themselves – it is about understanding how, when and why people travel and providing buses to meet those needs. One bus can substitute for many car journeys in the city. Working with bus operators will determine the most appropriate ways to build the market through straightforward ticketing, new information provision and services that meet the needs of local people during the day and into the evenings.

The apparently declining core market for buses is a concern which will need to be addressed given that bus is the most realistic option for many journeys beyond reasonable walking or cycling distance, or for those people who are unable or unwilling to walk or cycle. The Greater Bristol Bus Network is a concerted effort to generate growth in bus use through improved services supported by new infrastructure, the principles of which could be applied to Bath.

A number of initiatives have aimed to improve the quality of bus services in terms of journey reliability and punctuality but problems of unpredictable traffic conditions and high fare levels persist alongside negative perceptions of the bus offer which will need to be overcome if demand is to be stimulated. Measures that can help include the widespread availability of real time service information and journey planning tools. Funding from the Department for Transport's Better Bus Areas scheme is enabling the introduction of measures to help bus movements in the London Road corridor. There are also plans to introduce a bus lane on the A36 Lower Bristol Road on its approach to Windsor Bridge Junction. The recent experimental changes in Dorchester Street are designed to ensure that buses are not delayed entering and exiting the Bus Station. The widespread adoption of smartcard and other forms of easy payment will help show how bus travel can be made more attractive and also provides valuable data for operators about users' travel habits.



The number of bus users has remained relatively constant in recent years – based on data for the number of users – but the number of concessionary users has increased. This indicates that the number of regular fare-paying users has declined, despite the improvements to services and infrastructure introduced through the Bath Transport Package.

Specific measures will include:

- Bus network improvements including infrastructure e.g. evening services;
- Better multi-media service information (joint initiative between operators, the Council and users);
- Smart ticketing, as being introduced currently and mobile phone ticketing;
- Revised fares structures, especially for inter-urban services; and
- Scope for additional priority measures e.g. at junctions.

Bus Network

Policy GABP9: Improved bus services, with ticketing and other improvements and measures to improve reliability, will provide alternative travel options to car use, promoted through travel plans and comprehensive marketing.

Action GABA19: Prioritise funds to improve the reliability of bus travel and continue to engage with bus companies.

Action GABA20: Build on the improvements implemented by the Bath Transport package and support Real Time Information, Smartcard and review of bus routes to develop enhanced and more frequent services with the aim of an ½ hourly service on cross city routes.

Action GABA21: Provide new dedicated facilities for buses when developments allow e.g. from Bath Riverside adjoining Green Park Station into the city centre.

Action GABA22: Encourage bus operators to adopt Euro 6 standard engines and take opportunities to run electric or hybrid buses.

3.11 Travel Plans

Travel plans can contribute to people understanding their travel options and moving towards sustainable modes. Workplace travel plans for major education and workplaces including those in the Enterprise Area will need to identify sustainable transport options. This may include better travel information to widen choice, changing the opening times of shops, offices and businesses to help spread peak demand and measures to enable the uptake of public transport use.

The impact of travel plans can be demonstrated by lasting changes in travel behaviour, supporting sustainable travel choices and reducing peak time car travel. Information has been obtained regarding existing travel plans and experience from other parts of the country indicates how travel plan initiatives can be successful in reducing car dependency. For example, the University of Bath's travel plans show a reduction of 7.5% in staff sole occupant car trips in two years.

Specific measures will include promoting travel plans through a travel forum:

- Workplaces;
- Education establishments;
- Healthcare and Royal United Hospital catchment issues;
- Rail stations/neighbourhoods.
- Provide additional secure cycle parking at workplaces, leisure facilities, rail stations, city centre locations; and
- Workplace shower facilities; and an inclusive training programme

Travel Plans

Policy GABP10: Travel plans will be promoted for all main activities in the city to support a move from car use to other means of travel and will be built into the planning process;

Action GABA23 Existing plans will be refreshed for workplaces, universities and other education establishments;

Action GABA24: Travel need for healthcare, particularly the Royal United Hospital will be considered;

Action GABA25: Travel plans will be developed working with transport providers: train and bus operators, cycle shops, etc.

Action GABA26: Support implementation of school travel plans to reduce impact of 'school run'

Action GABA27: Continue to develop and promote its own travel plan to be one of the best in the district.

3.12Taxis and River Taxis

Hackney Carriage and Private Hire vehicles are a vital part of the available public transport network. They provide an immediate and flexible option for all users and are particularly important in providing a service that is not covered by conventional bus or rail services. Hackney Carriage and Private Hire vehicles can and do assist the rail and bus networks by acting as feeder services and by providing a fall back service in the event of rail or network issues, thereby providing a vital link in the chain of available public transport. They provide an essential door to door service, which can be a vital lifeline for people with mobility impairments, or persons who need a flexible transport solution. Hackney Carriages and Private Hire vehicles are also used extensively by the local authority to provide a transport solution for schoolchildren and social care clients.

Licensed vehicles are a valuable asset for tourists and visitors to the local area who are unfamiliar with the location and rely on the specialist knowledge of the local drivers to deliver them to their required destination. They provide an invaluable contribution to the vibrancy of the night time economy of the area and are often the only form of local public transport available in the early hours of the morning. Hackney Carriages and Private Hires' are a key element of the overall public transport framework and as such the Council recognises their value and contributions to transportation throughout the area of Bath & North East Somerset Council. The Council will continue to support the licensed trade by providing Hackney Carriage Stands where demand and space allows and will continue to review the Hackney Carriage fare structure annually. The Council will continue to support Private Hire Operators through the licensing regime to allow businesses to deliver an effective and competitive transportation package.

Taxis and River Taxis

Policy GABP11: Maintain the taxi network as part of the wider range of transport options

Action GABA28: Review the location of taxi ranks within the city to distribute them to more effective locations.

Action GABA29: Encourage low emission vehicles for Taxis and Private Hire Vehicles

3.13 Rail – New Services and Opportunities

Options for train travel are expected to widen as changes are made to rail infrastructure and services. For journeys to Bristol, the Wiltshire towns and beyond, rail will be a more attractive option. Improved access to the local stations will become more important. Consequently existing provision within Bath will need to be reviewed to determine if it can meet potential future need and is accessible.

Given the scope of the rail network, it is possible that improvements outside the area will support more train travel such as the creation of new stations in Wiltshire (including Corsham) or the Bristol area, enabling people to access rail services more easily.

The timing of changes to the rail network is critical in that electrification of the Great Western Main Line from London to Bristol and beyond presents the opportunity for future options to be included, provision for which will not be possible subsequently. Given the high cost of rail infrastructure, plans need to be fully justified and robust. Changes to routes with two trains per hour diverted from Bristol Temple Meads to London Paddington via Bristol Parkway and two per hour via Bath Spa opens up new capacity. In addition, the proposed MetroWest network envisages the upgrading of services across a wide area with more frequent trains between Bath and the Bristol area. Rail and ride opportunities need to be considered as part of this process

Continued co-operation between local authorities will help maximize the benefits of the substantial changes to the rail network. Improved links with the Bristol area will support the growth of Bath while working with Wiltshire Council and train operators will help to improve services between Bath and Bradford on Avon, Trowbridge, Warminster, Chippenham and Westbury.

The number of rail users is at an all-time high and more people can be expected to use the local network when wider journey options become available, such as the West of England Metro for which some information is available. Business cases including demand and revenue forecasts will be needed to justify proposals on the rail network.

Specific measures will include:

- Improved walk/cycle/bus access to Bath Spa and Oldfield Park, including from the Enterprise Area;
- Service improvements and journey opportunities on electrified main line and MetroWest network;
- Increasing capacity of existing trains e.g. Trowbridge line;
- Further work is required to examine the potential for new stations and rail and ride options or improvements to existing stations; and
- Station capacity management e.g. event days.

Rail

Policy GABP12: The growth in rail capacity and the range of services available as part of the Great Western Main Line electrification scheme and the development of MetroWest will support significantly more rail journeys to Bristol. Better services will be promoted to link Bath with the west Wiltshire towns. Access to local stations need to be improved and new stations may be appropriate.

Action GABA30: Continue to support and develop the introduction of MetroWest services.

Action GABA31: Continue to investigate how improvements to the rail network to the east could help with the development of a Park and Rail facility.

Action GABA32: Support extending improved services to Westbury and reopening of Corsham Station

3.14 Coaches – Supporting the Economy

Visitor coaches are a strong contributor to the economy. The Roman Baths is a key destination with over 350,000 visitors arriving by coach each year. The need to close the Avon Street coach park requires both a short term solution and a permanent solution. This also needs to consider options for loading/unloading coaches in the city centre. Orange Grove has been altered to create a high quality public realm and accommodates some bus services including tours hence is no longer available for large numbers of coaches

The Bath Christmas Market attracts visitors in considerable numbers, many of whom arrive by coach; the summer season also sees a rise in the number of coaches visiting the city. Over 80 may arrive in a single day and accommodating this number has been difficult. With the relocation of the coach park, ample space needs to be available to accommodate peak demand or other options will need to be considered such as the suspension of on-street car parking bays in some locations to enable overflow coach parking at certain times.

Many coaches originate in London/South East as shown by survey data and all require access in the city within a short distance of the main attractions. Avon Street coach park has insufficient space for the number of coaches arriving and at least five bays are required in the city centre. Dialogue with visitor attractions indicates that coaches are a major component of their success but that an easily accessible unloading point in the city centre is essential, which is linked to a more remote coach parking facility where coaches will park up after dropping the visitors within a City Centre location.

Specific measures will include:

- Identification of City centre coach set-down/pick-up facilities;
- Identification of replacement coach parking facilities;
- Management of pre-booked arrivals;
- Peak demands for market / festivals / events may need additional capacity.

Coaches

Policy GABP13: Coaches will continue to be promoted as an important means of bringing visitors to the city. The use of Weston Island as an initial alternative to Avon Street Coach Park is supported pending the development of a more permanent solution.

Action GABA33: A replacement coach park should be provided at either Weston Island or Odd Down Park and Ride site.

Action GABA34: Develop an additional site where Coaches can drop off visitors e.g Manvers Street/Avon Street.

Action GABA35: Find an additional coach parking site near to the city centre to complement the use of Weston Island.

Action GABA36: Investigate measures to restrict coaches from driving into the city without contributing to the local economy.

3.15 Freight Movements – Better Management

Freight movements are essential to keep the economy moving. A consolidation centre has been established for city centre retailers which has reduced vehicle movements dramatically but more businesses could be involved which would enable it to operate without subsidy. From the initial involvement of around 30 businesses, several hundred will be needed to make the scheme a commercial proposition. This could be supported through further dialogue with potential users but also an understanding of possible traffic management and enforcement changes such as restrictions on loading and unloading, emissions standards or vehicle size/weight limits. Electric delivery vehicles and cycle delivery of parcels could be promoted for the city centre.



Loading and unloading restrictions are in place but are contentious – businesses cannot always specify delivery times or incur additional costs to meet the on-streets constraints. While many businesses operate with specific delivery arrangements, problems can result from smaller delivery vehicles, notably the expansion in parcels and courier services and also one-off activities such as builders' vehicles which can cause obstructions. These are difficult to manage but a permit scheme limiting access to pre-defined times and locations may be desirable if the problem becomes widespread.

Food and other retail deliveries are becoming more popular as internet access increases. This has generated delivery van activity but not necessarily a reduction in visits to shops as people view potential purchases before the transaction is made from home, particularly for one-off purchases. However, the timing of retail visits may be changing as internet shopping becomes more widespread.

Although overall the number of heavy vehicles is small, their impact can be considerable so enabling the use of smaller vehicles has significant benefits. Evidence has been sought from city centre management, representing retail activities in particular. However, large vehicles such as those on London Road do not wish to negotiate the city's streets unless they have a particular need to be there.

Specific measures will include:

- More cycle deliveries;
- Consolidation centre used for more businesses;
- Possible out-of-hours deliveries;
- P&R retail collection points;
- Working partnership with businesses and operators;

- Press the Highways Agency to take measures to remove heavy lorries from the city and,
- Restricted unloading hours with enforcement.

Heavy Goods Vehicles

Policy GABP14: That freight movements be considered more fully, particularly to promote consolidation of deliveries and reduce the impact of HGV's.

Action GABA37: Work with the Highways Agency, Wiltshire and other authorities to develop proposals and strategies to remove through traffic and HGV's in particular, from Bath.

Action GABA38: Work with businesses and operators to better manage loading and unloading arrangements.

Action GABA39: Continue to support Freight Consolidation Centre and review potential for additional centres.

Action GABA40: Develop 'Leave & Collect' points for shopping, with drop offs at P&R sites.

Action GABA41: Consolidate home delivery services

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3.16 River and Leisure uses

The river is an underused resource within the city. The Enterprise Masterplan will put this resource at the heart of the regeneration of this part of the city. Transport on the river will not deliver particularly quick journeys however its use could enhance visitor experience and provide a new 'offer' for the city. The Transport Strategy will allow the continued development of the River to enhance the city for residents and visitors.

River

Policy GABP15: Allow the continued development of the use of the river for tourism, and leisure uses and other uses e.g. Taxi services.

Action GABA42: To support initiatives to improve access to and use of the river.

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4. Delivering the Strategy

4.1 Priorities and Programme

The Strategy is intended to generate significant changes in travel behaviour and mode share. It also needs to be deliverable. Generating major benefits for the economy, community and environment is achievable in the spirit of the vision and offers the potential to make Bath an exemplar city for sustainable transport.

Walking is a major component of the strategy with widespread benefits and requires an extensive programme of works including signing, lighting, footpath and footway improvements, better lighting and improved crossings. Parking and traffic management measures will require a phased approach while development sites may take many years to complete.

Ideally all proposed measures should be progressed together. However, some proposals are easier to deliver than others and will involve more procedures such as Traffic Regulation Orders or planning consent. Some proposals may have long lead times which require extensive planning. However, some have been given a high rating for priority, reflecting their extent of their expected benefits. Detailed costings are unavailable at this stage but some schemes will have wide coverage even if the component schemes are relatively small; for example, a programme of walking route improvements may involve a large number of small schemes throughout the city.

4.2 Monitoring and Key Performance Indicators

A comprehensive set of base data will need to be collected prior to any measures being put in place in order to allow detailed before and after studies to be undertaken. The impacts of the strategy will need to be measured on a regular basis and assessed for their contribution towards the objectives. A comprehensive series of data will need to be collected on a regular basis that will indicate changes over time, although more specific assessments may be needed in response to particular measures.

Specific KPIs will include:

- Number of vehicles/delays/traffic growth;
- User satisfaction;
- Air quality;
- Increases in walking, cycling and bus and train use;
- Parking demand and distribution; and
- Successful delivery of development sites.

A Delivery Plan has been developed with a five year profile against which continuous improvement can be demonstrated (see Appendix 1). This will be subject to annual review and the complementarity of measures will also be considered.

Biennial Report

Action GABA43: A biennial report should be prepared of actions and projects implemented in the delivery of this strategy.

4.3 Outcomes

Delivering this Strategy will address the defined objectives through improved travel choice to reduce the number of car journeys, hence reducing the impact of traffic and improving air quality. The local economy will be enhanced through easier access on foot and cycle and to improve the visitor experience. Quality of life will be improved with a more attractive city, supporting a culture of sustainable travel enabled by a comprehensive programme of community engagement. This will enable investment and development to take place, building on sustainable travel throughout the city.

All the measures outlined above need to be delivered in combination to address the strategy objectives – there are no individual or simple solutions.

If delivered effectively, it will achieve the following:

Improved travel choices;

- More business opportunities and higher productivity;
- Fewer car journeys, healthier lifestyles;
- Reduced carbon emissions, addressing climate change;
- Better air quality, improved safety and health;
- Sustainable development and delivery of Core Strategy – Placemaking Plan; and
- Improved experience for residents and visitors

The implementation of the measures proposed will influence Bath in a positive way over a number of years – changing the culture of the city to be a leading proponent of walking and sustainable transport is a shift requiring behavioural change. However, the effects could be transformational with a new emphasis on the historic fabric and layout of the city, enabled by a strong walking tradition supported more cycling and better use of trains and buses. The city pre-dates cars but vehicles have gradually come to dominate the streets to the detriment of the environment and the economy. Bath should be Europe's prime example of a sustainable transport culture.

4.3 Targets and Supporting Indicators

Setting targets requires confidence that the measures planned will be delivered and that they are realistic ambitions. Given the continuing growth in sustainable transport modes, it is reasonable to assume levels of walking, cycling, bus and rail use will increase by 2020. The target for each of these modes is shown in Table 4.1 below.

Table 4.1 Targets

	Target	Comment
Walking	8% Increase by 2020 from 2015 baseline	
Cycling	22% increase by 2020 from 2015 baseline	Using annualised index (B&NES wide)
Bus passengers	2.5 % increase by 2020 from 2015 baseline	Growth in patronage (B&NES wide)
Rail passengers	16% increase by 2020 from 2015 baseline	ORR data for Bath Spa and Oldfield Park Station usage

Table 4.2 sets out our 5 Supporting Indicators. We will measure our performance in improving bus satisfaction and it is also important to monitor our progress on tackling congestion, improving air quality, reducing CO₂ emissions and availability of car parking in city centre and park and ride sites.

Table 4.2: Supporting Indicators

Congestion (B&NES wide)
CO ₂ emissions (B&NES wide)
Air Quality in Bath City Centre AQMA
Bus satisfaction (B&NES Wide)
Traffic reduction crossing Bath central cordon
Availability of parking in Central Area and P&R sites

We will use a traffic light system for monitoring our indicators. Green means performance is improving, amber no change whilst red means performance is slipping. This is a simple but cost effective approach providing direction of travel.

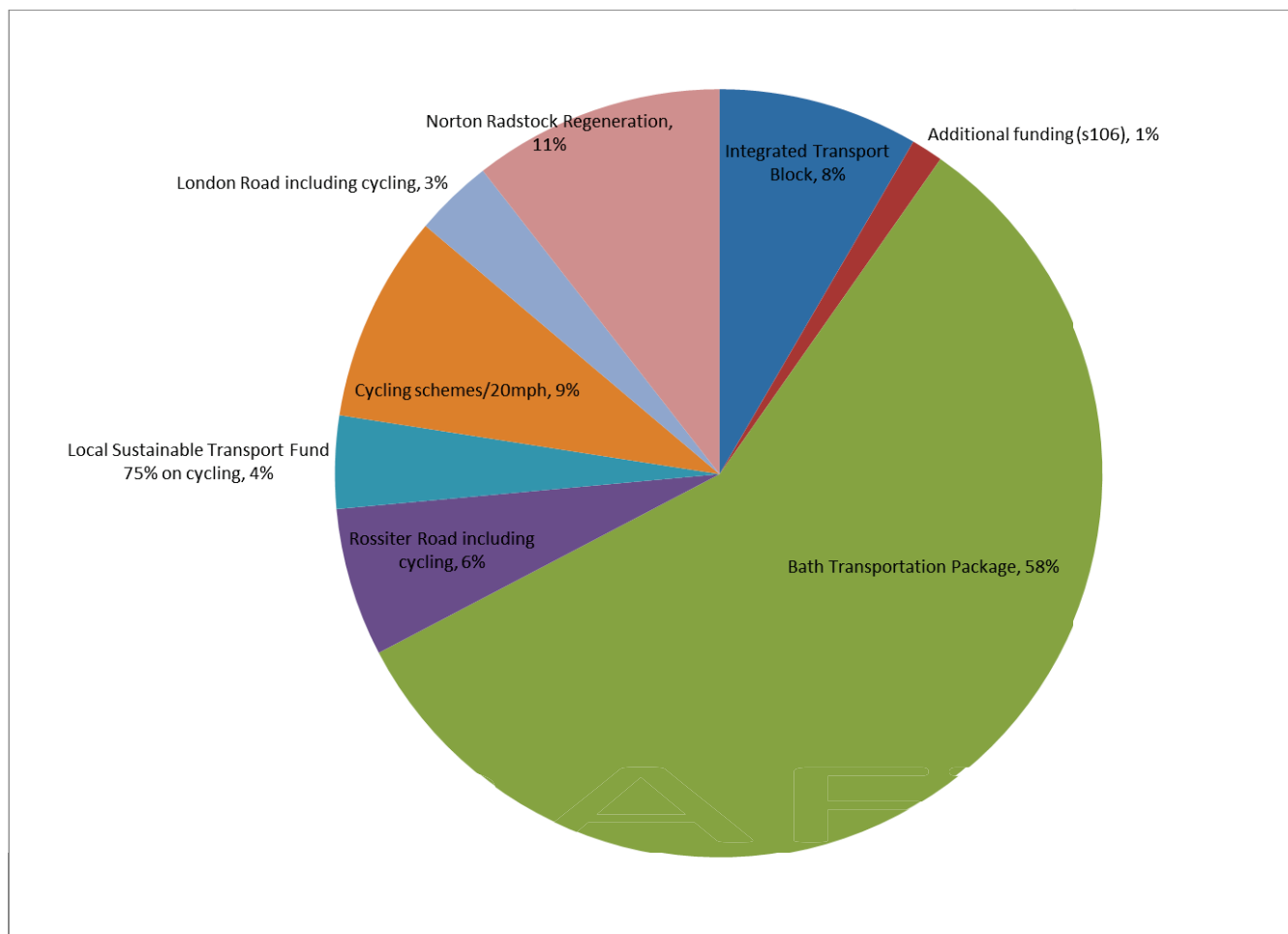
Our indicators and targets will help track how our schemes are doing. Where progress looks to be falling short we will consider what additional prioritisation and/or measures will be appropriate to get it back on track.

Benchmarking our performance with neighbouring authorities will be undertaken using National Highways and Transport Public Satisfaction Survey data.

4.4 **Delivery and Funding**

The delivery of the Bath Transport Strategy will be dependent on available resources from Council own budget, private developments through Community Infrastructure Levy, bids to Government and other resources particularly the Local Enterprise Partnership. In addition the planning of the city through the Core Strategy should help delivery many elements of the strategy and area or sites come forward for redevelopment. The Bath City Riverside Enterprise Area Masterplan will be key to delivering many aspects of the Strategy.

The following chart shows, for the current financial year (2014/15), how the Council is spending its budget of £20.2m on transport improvements.





Getting Around Bath: Consultation Findings

A Transport Strategy for Bath

October 2014

Bath and North East Somerset Council

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Executive Summary

Key Findings

Following the publication of the Draft Transport Strategy for Bath, consultation was undertaken with members of the public and stakeholders to explore opinions of the proposals set out within the document.

The key vision underpinning the Draft Transport Strategy for Bath is that:

Bath will enhance its unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core.

This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people.

A total of 208 responses were received to the consultation questionnaire, with 156 online and 52 paper based submissions. Key findings to emerge within these responses included:

The Strategy

- Two thirds of respondents agreed with the vision for Bath underpinning the Draft Transport Strategy (67%)
- There was strong support for increasing sustainable transport options within the city of Bath, including walking (93%), rail (91%), bus (89%) and cycling (81%)

Reducing Congestion in Bath

- Over three quarters of respondents (77%) agreed with the development of a Park/Rail and Ride facility to the East of Bath, with a view to reducing congestion in the city

Reducing the Impact of Heavy Traffic

- Over three quarters of respondents (76%) also felt that the development of a new road linking the A4 (Batheaston Bypass) with the A36 would be a good way of reducing through-traffic within Bath
- The majority of respondents (86%) felt that preventing HGVs from entering the city centre during peak hours, and the use of a Freight Consolidation Centre with electric vehicles, was a good idea
- Over 80% of respondents (83%) also indicated that they would support the redirection of vehicles from London Road and Cleveland Bridge in order to address issues of congestion on these key through-routes within the city

Simplifying Road Layouts

- Almost two thirds of respondents (65%) felt that the removal of selected one-way road layouts within the city was a good idea in order to simplify road layouts and reduce the impact of traffic on nearby buildings

Rail Travel

- There was significant support for improvements to rail services including cheaper fares (91%), more frequent services (90%) and better trains (89%)
- The majority of respondents (83%) also agreed that proposed developments in Bath, particularly surrounding Oldfield Park Station, and consequent enhanced service provision would make travelling from this station more attractive to potential rail users

Parking

- Around three quarters of respondents (74%) agreed with plans to increase Park and Ride facilities in Bath

Walking and Cycling

- The implementation of pedestrian schemes, in line with the strategy's objective to make Bath the UK's 'most walkable city', was supported by the majority of respondents (85%)
- Three quarters of respondents (75%) supported the prioritisation of cycling along the river corridor, with radial routes into the city centre

Tackling Air Quality

- Around three quarters of respondents (74%) supported proposals to increase facilities for electric vehicles within the city

Buses

- Around three fifths of respondents (58%) thought that increasing the number of bus lanes within Bath was a good idea

Coaches

- Around 80% of respondents supported proposals to find new locations for coaches to drop off visitors before parking elsewhere (81%) and to expand Park and Ride sites to include coach waiting areas (78%)
- Just less than half of respondents (47%) agreed with the proposal to develop a new site within close proximity to the city centre where coaches could park

1 Introduction

Following the development of the Draft Transport Strategy for Bath¹, a consultation exercise was undertaken to gauge public and stakeholder opinions on this document. This consultation was co-ordinated by Bath and North East Somerset (BANES) Council, with Mott MacDonald technical staff on hand to provide information on the proposals set out within the strategy. The findings from the consultation were independently analysed by Mott MacDonald's Public Consultation Team and are presented within the following report.

1.1 Draft Transport Strategy – Vision and Objectives

The Draft Transport Strategy for Bath sets out a long term vision for transport in and around the city of Bath, with proposals set out to improve and address key transport issues facing the city over the next 15 years, up to 2029.

In addition to addressing practical transport issues such as connectivity, accessibility and sustainability, the strategy also links to wider city ambitions of growth and development.

The document recognises the vital role that transport plays for both local residents and visitors, with the latter a fundamental aspect of the local economy. The historic nature of Bath, and the need to preserve this in the interests of both residents and visitors, is also acknowledged and emphasised throughout the strategy document.

Considering these points, the core vision underpinning this Draft Transport Strategy is that:

Bath will enhance its unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core.

This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people.

In order to achieve this vision, the strategy document has a number of key objectives, including:

- Supporting and enabling economic growth, competitiveness and jobs;
- Promoting sustainable mobility;
- Widening travel choice;
- Widening access to opportunities: jobs/learning/training;
- Improving air quality & health, reducing vehicle carbon emissions;
- Safeguarding and enhancing the unique historic environment and World Heritage Site status; and
- Improving the quality of life in the city.

1.2 Consultation

A consultation exercise was undertaken with local residents and stakeholders in order to evaluate the content of this Draft Transport Strategy document and to ascertain whether the proposals made within this meet the long term needs of the city and surrounding areas. The methods used within this consultation and the key findings to emerge from this are explored within subsequent sections of this report.

¹ Getting Around Bath - Draft Transport Strategy April 2014 -
http://www.bathnes.gov.uk/sites/default/files/siteimages/getting_around_bath_-_vision_and_strategy_launch_document.pdf

1.3 Report Structure

This report is structured as follows:

- **Chapter 2** – Methodology
- **Chapter 3** – Profile of Consultees
- **Chapter 4** – Main Findings
- **Appendix A** – Consultation Questionnaire
- **Appendix B** – Summary of Additional Stakeholder Comments

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2 Methodology

This section of the report outlines the research methods employed within the Draft Transport Strategy consultation exercise.

2.1 Consultation Design

The consultation questionnaire was developed by BANES Council in order to capture public and stakeholder views on the Draft Transport Strategy for Bath. This was administered in both a paper and online format, to enable maximum participation in the consultation process. A copy of this questionnaire is provided in Appendix A.

The consultation was live for around one month from late June to late July 2014.

2.2 Consultation Questionnaire

The consultation questionnaire contained questions relating to the following key areas which are covered within the Draft Transport Strategy and invited respondents to provide their views.

Key topics within the questionnaire included:

- **The Strategy** - The core vision and key objectives underpinning the strategy, particularly sustainability and the increase of walking, cycling and public transport use
- **Reducing Congestion in Bath** - Park/Rail and Ride proposals and potential usage
- **Reducing the Impact of Heavy Traffic** - Link road proposals, changes to HGV access to city centre and vehicle redirection from existing through-routes
- **Simplifying Road Layouts** - Proposals to remove one-way restrictions on selected city roads
- **Rail Travel** - Rail service improvements and impact of local developments on how attractive rail services are to passengers
- **Parking** - Proposals to increase Park and Ride facilities around the city of Bath
- **Walking and Cycling** - Proposals to implement pedestrian schemes, how these schemes should be delivered and the introduction of priority cycling routes along the river corridor with radial routes into the city centre
- **Tackling Air Quality** - Proposals to increase facilities for electric vehicles
- **Buses** - Proposals to increase bus lanes and establishing what would encourage respondents to use bus services more often
- **Coaches** - Proposals to improve existing coach facilities, including the introduction of drop off locations, inclusion of coach waiting areas within Park and Ride sites and introduction of new coach parking facilities near to the city centre
- **Additional Comments** - Any further comments on the proposed strategy
- **Demographics** - Home Postcode Location, Age, Gender, Disability.

Paper copies of the questionnaire were distributed at consultation events and a link to the online survey was available on the Council's website, as well as being printed on consultation materials such as leaflets.

2.3 Consultation Events

A series of events were held in order to engage with the public and stakeholders, to present relevant information relating to proposals and obtain feedback on the Draft Transport Strategy. These events were publicised on the Council's website, plus through word of mouth amongst stakeholder groups. Details of the full programme of consultation events are outlined in Table 2.1 below:

Table 2.1: Programme of Consultation Events

Event	Date	Venue	Attendance
Stakeholder Workshop	Thursday 26 th June 2014	Bath Royal Literary and Scientific Institute	49
Public Exhibition/ Consultation	Monday 30 th June 2014 - 6pm-9pm	Bath Royal Literary and Scientific Institute	19
Public Exhibition/ Consultation	Friday 11 th July 2014 - 2pm -5pm	Guildhall	57

2.4 Response

A total of 208 responses were received to the consultation questionnaire, comprising 156 online and 52 paper based submissions.

2.5 Data Processing and Analysis

Responses received to both the online and paper based questionnaire were collated and analysed using SPSS, a specialist statistical analysis software.

Open text comments received in response to the consultation questionnaire (Questions 1a, 4, 5a, 6a, 7a, 8a, 11a, 12a, 12b, 13a, 14a, 16, 17a, 17b, 17c, 18) were thematically coded to capture emergent and recurring themes within the data.

2.6 Additional Stakeholder Responses

In addition to the consultation questionnaire, stakeholders were invited to submit any additional comments both during consultation events and via email. A summary of key points contained within the 19 additional comments received can be found within Appendix B of this report.

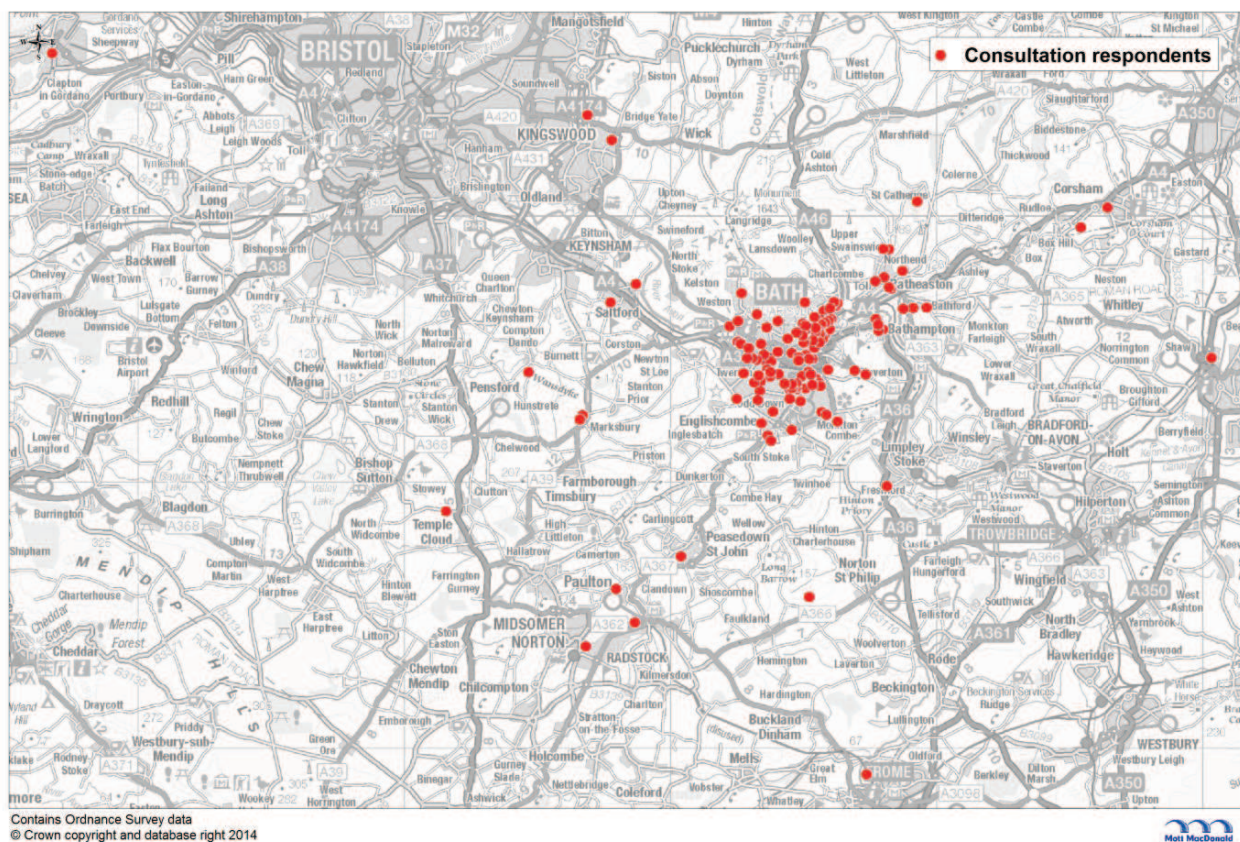
3 Profile of Consultees

The following section of this report outlines the demographic profile of those who completed the consultation questionnaire.

3.1 Location

Figure 3.1 below indicates the home postcodes of respondents:

Figure 3.1: Home Postcode Locations of Respondents



Base: 156 valid addresses (138 unique postcodes)

Most respondents can be seen to be located in and around the city of Bath, with a small number living in surrounding areas such as Kingswood, Frome, Paulton and Midsomer Norton.

3.2 Age

Respondents were asked to indicate which age category they belonged to, as outlined in Table 3.1 below:

Table 3.1: Age

Age Category	%
18 - 24 years	5%
25 - 34 years	7%
35 - 44 years	15%
45 - 54 years	16%
55 - 64 years	30%
65 years plus	28%

Base: 198 valid responses

Over half of the sample was aged 55 or over (58%).

3.3 Gender

Of the 188 respondents who provided details of their gender, a greater proportion of males (69%) than females (31%) responded to the consultation questionnaire.

3.4 Disability

The majority of respondents indicated that they did not consider themselves to have a disability (89%).

Those who indicated that they did consider themselves to have a disability (11%) were then asked to provide details of this, as outlined in Table 3.2 below:

Table 3.2: Nature of Disability

Disability	Number of respondents
Physical/mobility impairment	16
Speech, hearing or eyesight	5
Ability to recognise physical danger	1
Learning disability	1
Other	4

Base: 27 valid responses (some responses indicated more than one disability)

Over half of respondents who considered themselves to have a disability indicated that this was a physical or mobility related impairment (16 respondents).

4 Main Findings

This section of the report presents the main findings from the consultation questionnaire.

4.1 The Strategy

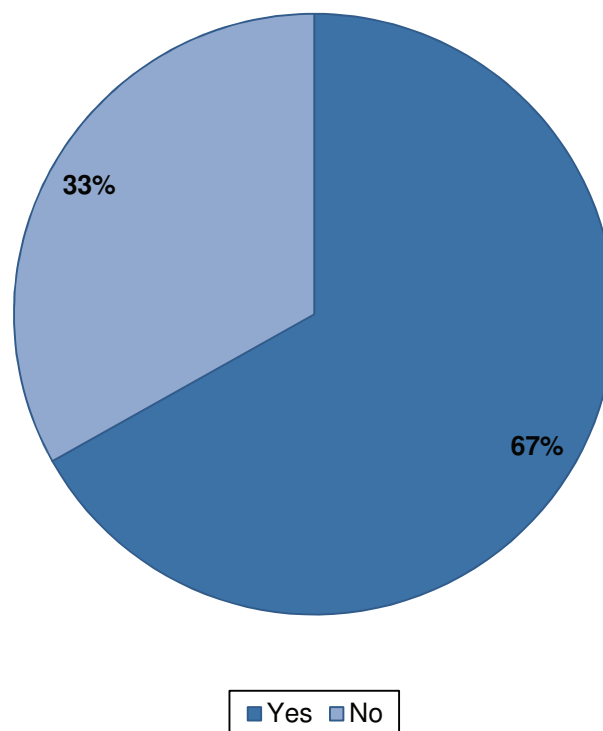
As previously outlined, the Draft Transport Strategy has a vision for Bath, which is that:

Bath will enhance its unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core.

This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people.

Respondents were therefore initially asked whether they felt that this vision was right for the city of Bath:

Figure 4.1: Is [the Draft Transport Strategy vision] right for the city?

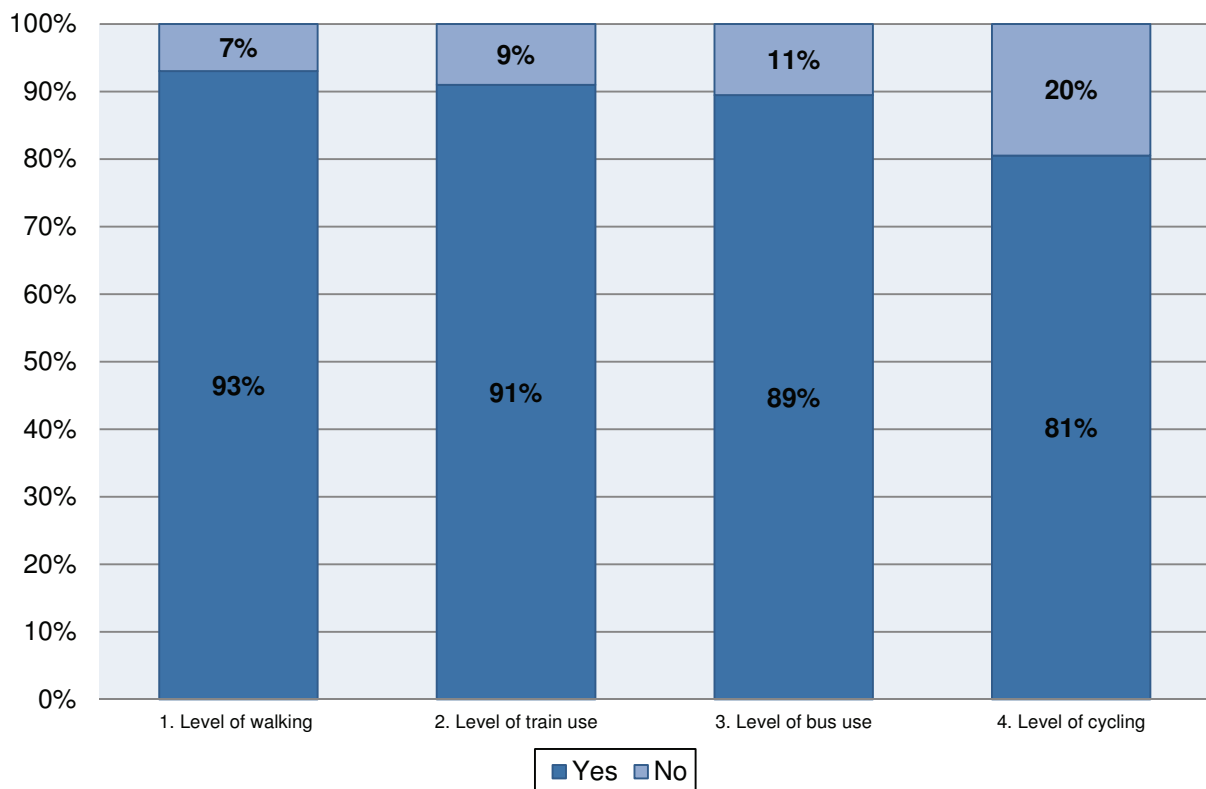


Base: 169 valid responses

Over two thirds of respondents (67%) agreed with this proposed vision for the city.

The strategy also contains objectives to increase a range of sustainable transport options; including walking, cycling, bus and train use. Respondents were asked whether they agreed with each of these objectives:

Figure 4.2: Increasing Public and Sustainable Transport Objectives – Do you agree?



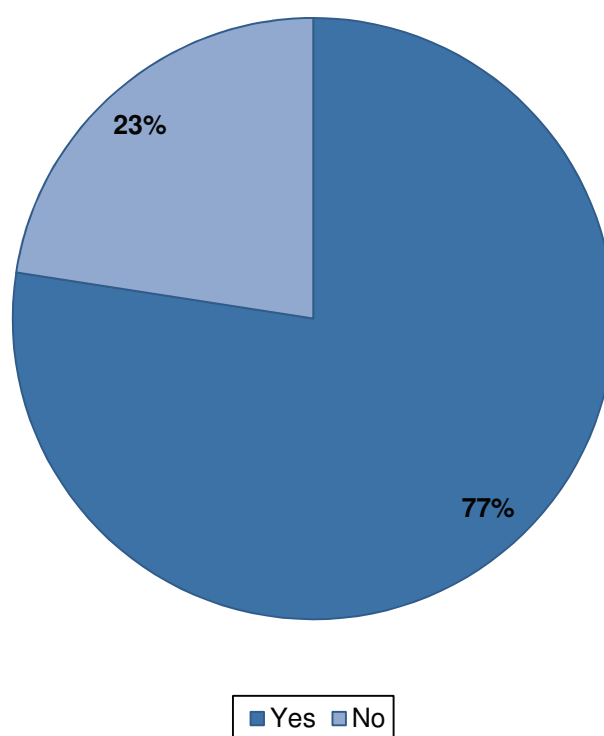
Base: 1: 203; 2: 203; 3: 202 4: 203 valid responses

The majority agreed that increasing walking (93%), train (91%) and bus use (89%) should be key aims of the Draft Transport Strategy.

4.2 Reducing Congestion in Bath

The introduction of a Park/Rail and Ride service to the East of Bath is a key proposal within the Draft Transport Strategy in relation to reducing congestion in the city. Figure 4.3 overleaf presents the extent of agreement with this proposal amongst respondents:

Figure 4.3: The strategy proposes that there should be a new Park/Rail & Ride to the East of Bath. Do you agree?



Base: 204 valid responses

Over three quarters (77%) of respondents agreed with the development of a new Park/Rail and Ride facility to the East of Bath.

Those who would use a Park/Rail and Ride to the East of the city were asked to indicate where they would be travelling from to access this site, as presented in

Table 4.1 below:

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Table 4.1: If you would use a Park/Rail and Ride East of Bath could you indicate where you would be travelling from?

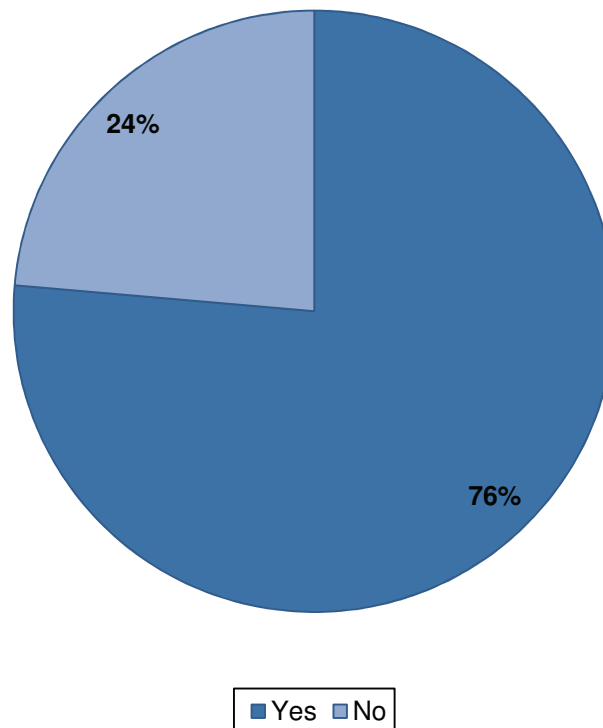
Location	No.
Batheaston	6
Bathampton	5
London	4
Corsham	3
Colerne	3
Bathford	2
Melksham	2
Surrounding A roads (A46/A4/A36/A383)	1
Bear Flat	1
Biddestone	1
Northend	1
Temple Cloud	1
Keynsham	1
Weston	1
Newbridge	1
North St Philip	1
Bath Spa	1
Dorset	1

Base: 32 valid responses

4.3 Reducing the Impact of Heavy Traffic

The negative impact of heavy traffic upon the historic city of Bath, and the need to act in order to reduce this, is recognised within the Draft Transport Strategy. A number of ideas and solutions to this are outlined within the document, including a new road linking the A4 Batheaston Bypass with the A36. Opinions relating to this particular proposal were sought within the consultation questionnaire, and are presented within Figure 4.4 below:

Figure 4.4: Would a new road linking the A4 Batheaston Bypass with the A36 be a good way of reducing city through traffic?



Base: 199 valid responses

This proposal was supported by over three quarters of respondents (76%).

Amongst those who disagreed with the development of a new link road, key reasons for this objection included:

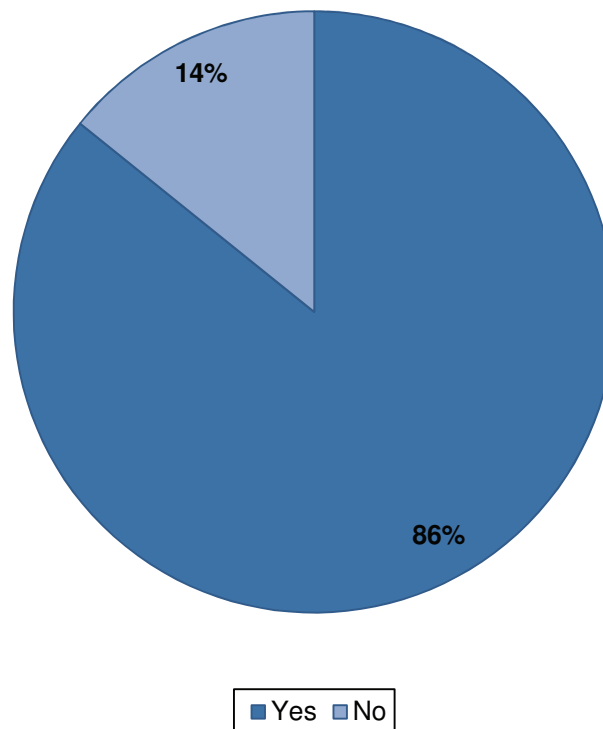
- Increase in traffic due to new road (15 respondents)
- Environmental concerns (9 respondents)
- Preference for alternative solutions (9 respondents)
- Cost (7 respondents) and;
- Negative impact upon the local area (6 respondents)

Some respondents who did agree with the proposal also provided additional comments, which included:

- View that this scheme is essential (7 respondents)
- Use of bypass should be mandatory for HGVs (5 respondents)

Preventing heavy goods vehicles (HGVs) from entering the city of Bath during peak times, and the use of an alternative Freight Consolidation Centre with access to electric vehicles is another proposal within the Draft Transport Strategy aimed at reducing the impact of heavy traffic and preserving the city's heritage. Respondents' views of this proposal are presented in Figure 4.5 below:

Figure 4.5: The Draft Transport Strategy proposes that HGVs should be prevented from accessing the city centre at busy times and businesses encouraged to use a Freight Consolidation Centre which used an electric vehicle. Do you think this is a good idea?



Base: 204 valid responses

The majority of respondents agreed with this proposal to divert deliveries out of the city centre during peak business hours (86%).

Of those who disagreed with this proposal, key reasons cited included:

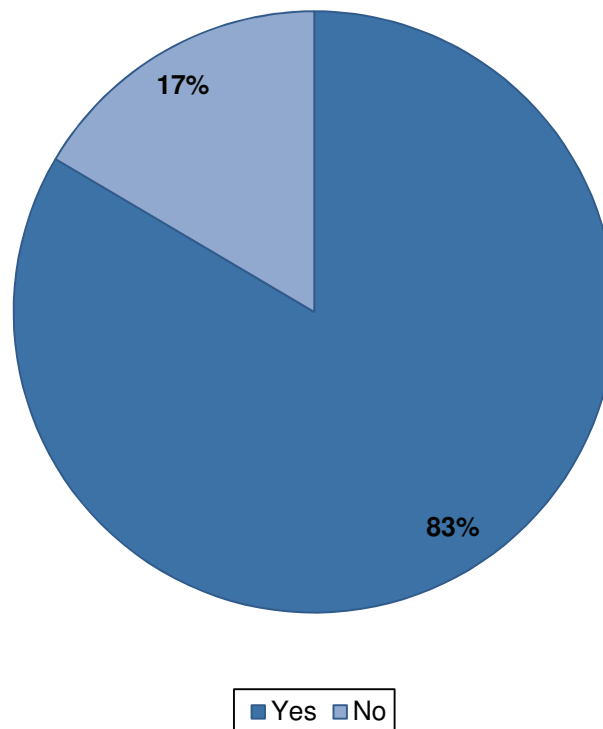
- Negative impact upon independent retailers (6 respondents)
- View that HGVs should be prevented from entering city entirely (4 respondents)

A number of respondents who supported the proposal also provided additional comments, such as:

- Need for integrated depot and freight consolidation (8 respondents)
- View that HGVs should be prevented from entering city entirely (6 respondents)
- Positive view of plans/plans should have been implemented sooner (5 respondents)

Problems caused by vehicles using London Road and Cleveland Bridge as a through route are also recognised within the Draft Transport Strategy, and respondents were asked whether they would support measures to redirect this traffic elsewhere, as presented in Figure 4.6 below:

Figure 4.6: The Draft Transport Strategy recognises that the use of the London Road and Cleveland Bridge as a through route creates serious problems for the city. Would you support measures to direct these vehicles to use other routes?



Base: 206 valid responses

The majority of respondents indicated that they would support such measures to redirect vehicles away from London Road and Cleveland Bridge (83%).

Of those who did not support such proposals, key reasons for this included:

- Lack of suitable routes in the city centre (12 respondents)
- Proposals would cause congestion on other routes (7 respondents)
- Should introduce congestion charges instead (6 respondents)
- Routes are necessary/there is a reason people are using congested routes (5 respondents)

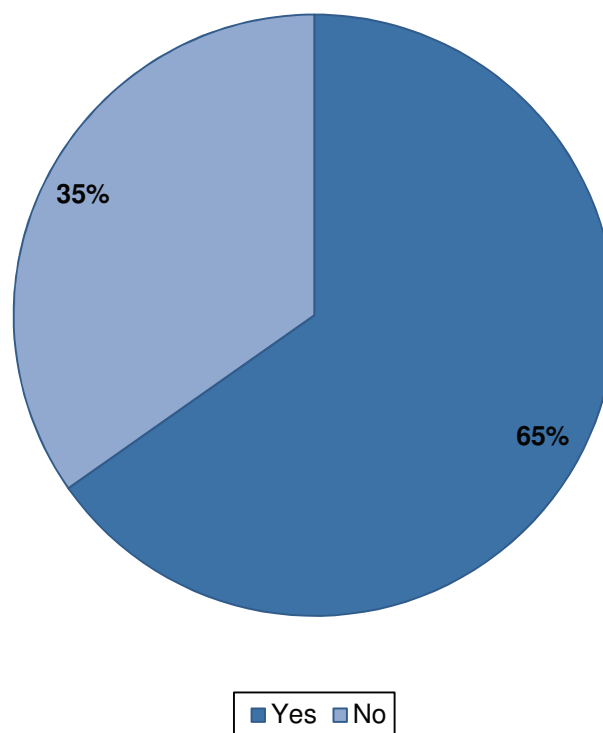
Whilst agreeing with the proposal, some respondents provided additional comments in relation to this, which included:

- Need to carefully consider alternative routes (6 respondents)
- Issue resolved when A46 link built (6 respondents)

4.4 Simplifying Road Layouts

The simplification of road layouts, namely the removal of one way systems to reduce the impact of traffic on nearby buildings is another key proposal for the city suggested within the Draft Transport Strategy. Respondents were asked whether they felt this proposal was a good idea or not, as presented in Figure 4.7 below:

Figure 4.7: The Draft Transport Strategy proposes that some one way road layouts (e.g. Pines Way and around Avon Street Car Park) should be removed to reduce the impact of traffic on nearby buildings. Do you think this is a good idea?



Base: 187 valid responses

Whilst around two thirds of respondents agreed with the removal of one-way systems within the city (65%), this received less support than other measures previously explored within the consultation questionnaire.

Of those who disagreed with this proposal, key reasons cited included:

- Preference to leave both routes as they are at present (12 respondents)
- Proposals would increase pollution (9 respondents)
- Don't have enough information/uncertain about plans (6 respondents)
- Impacts on surrounding buildings overestimated/not relevant (6 respondents)

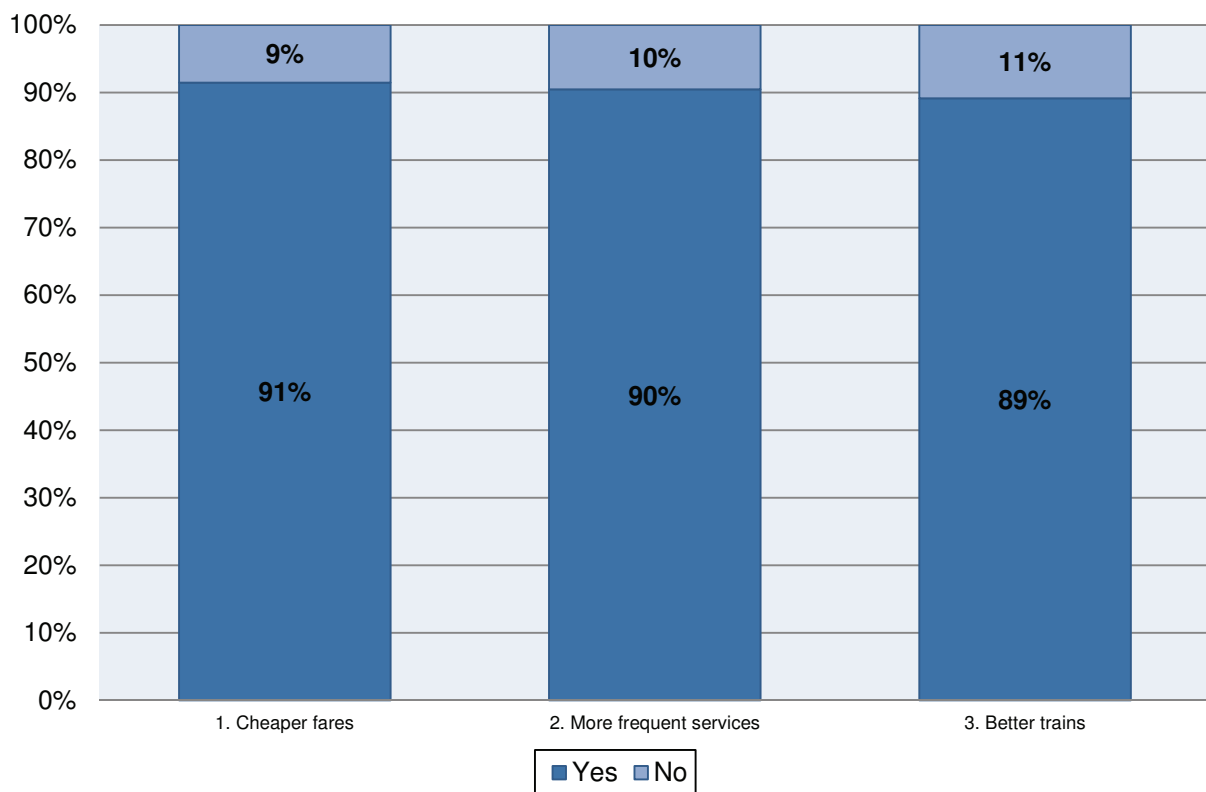
Amongst those who did support the proposal, key additional comments included:

- Agree if proposals include Queens Square (4 respondents)
- Agree provided scheme is planned and reviewed properly (3 respondents)

4.5 Rail Travel

Rail services were identified as playing a key role in the future, with improvements to inter-city and local trains expected to have a positive impact upon travel by this mode. Specific improvements to services operating to the West Wiltshire Towns were explored within the consultation questionnaire, and respondents' views on these are outlined in Figure 4.8 below:

Figure 4.8: How should services to the West Wiltshire Towns be improved?

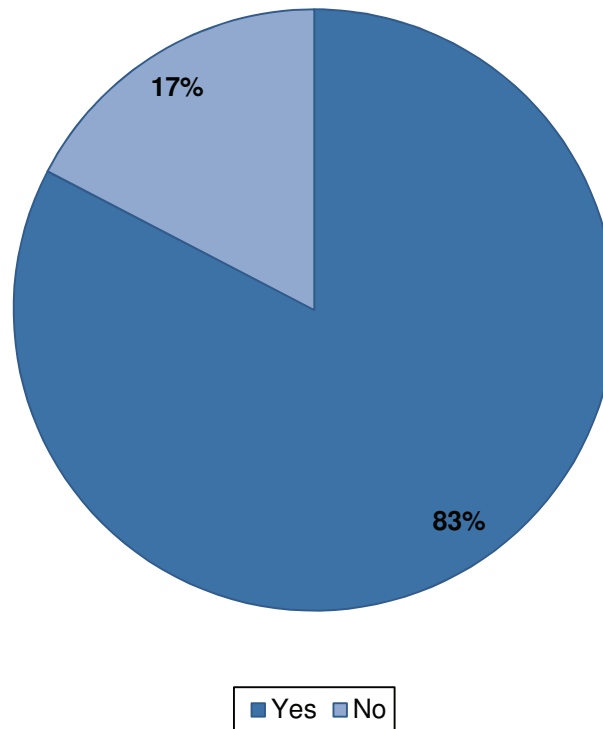


Base: 1: 176; 2: 178; 3: 166 valid responses

Each of the proposed measures for improving rail services to the West Wiltshire towns received similar support, with around 90% of respondents agreeing that cheaper fares (91%), more frequent services (90%) and better trains (89%) would improve these.

The impact of local developments and enhanced service provision on the use of rail services running from Oldfield Park Station were also explored within the consultation questionnaire:

Figure 4.9: With the developments proposed in Bath, Oldfield Park Station will become a new focal point for rail travel. Service provision will be greatly enhanced. Would this make the service from this station more attractive to users?



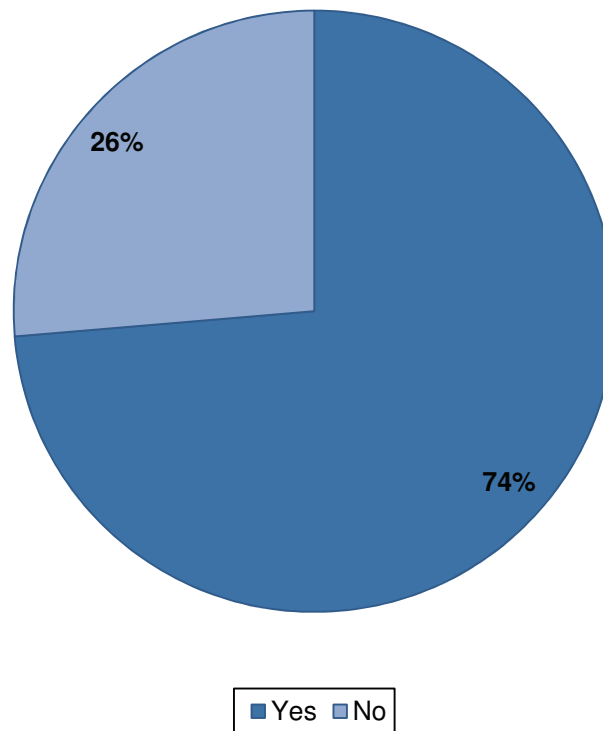
Base: 190 valid responses

The majority of respondents (83%) agreed that nearby developments and enhanced service provision from Oldfield Park Station would make the service from this station more attractive to users.

4.6 Parking

The reduction of city centre parking, and subsequent increase in Park and Ride facilities on the outskirts of the city, was another key proposal of the Draft Transport Strategy, with a view to preserving the city's historic built environment, plus decreasing congestion and improving air quality to contribute to an overall improved city ambience. Respondents were asked whether they agreed with this approach, as presented in Figure 4.10 overleaf:

Figure 4.10: The Provisional Strategy is proposing increasing Park & Ride. This will help to reduce congestion and potentially improve air quality creating an improved city centre ambience. Do you agree with this approach?



Base: 205 valid responses

Just less than three quarters of respondents (74%) agreed with proposals to increase Park and Ride services.

Those who did not agree with increasing such facilities in the area provided additional comments to explain their objections, which included:

- Proposals would encourage more cars (12 respondents)
- Should aim to encourage completely car free journeys (11 respondents)
- Park and Ride not available in evenings/require later services (5 respondents)

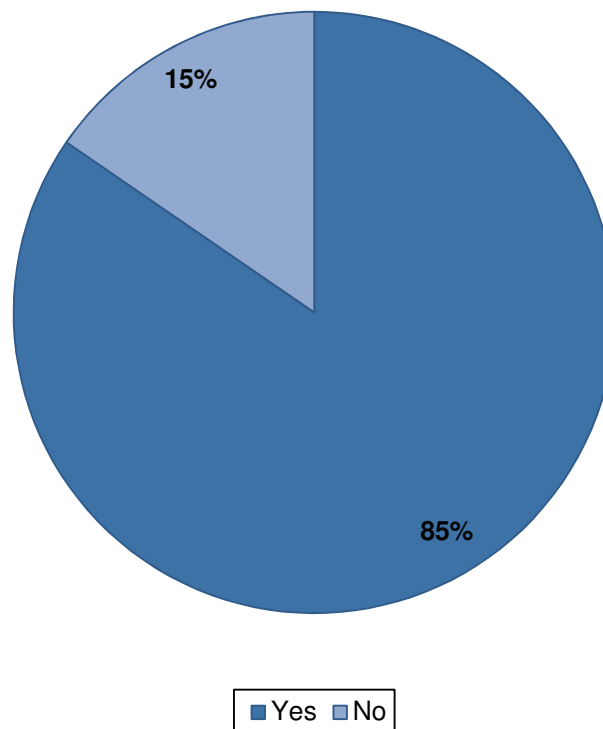
Those who did agree with this proposal supported their view with additional comments including:

- Need for residents parking within city centre (5 respondents)
- Support for Park and Ride facility to the East of Bath (3 respondents)

4.7 Walking and Cycling

The Draft Transport Strategy outlines ambitions to make Bath the UK's 'most walkable city'. Greater emphasis on walking and improving mobility provision, achieved through the implementation of pedestrian schemes, was therefore one proposal related to this objective which was explored within the consultation questionnaire:

Figure 4.11: The Draft Transport Strategy is proposing that greater emphasis is placed on walking and improving mobility provision. This will be achieved through pedestrian schemes e.g. Stall Street. Do you agree with this approach?



Base: 201 valid responses

Such proposals to encourage an increase in walking in the city were strongly supported amongst respondents, with the majority agreeing with the implementation of pedestrian schemes (85%).

Those who agreed with this approach were asked to provide reasons for this view, within which the following key themes emerged:

- View that pedestrian zones are more pleasant to walk around (14 respondents)
- View that pedestrians should have priority (12 respondents)
- Makes city safer (7 respondents)
- Encouraging walking is good for local shops/businesses (5 respondents)

Respondents who agreed with proposals to facilitate greater pedestrian access within the city were also asked to identify what they would like to see delivered in order to achieve the strategy's objective of making Bath the UK's 'most walkable city'. Key suggestions included:

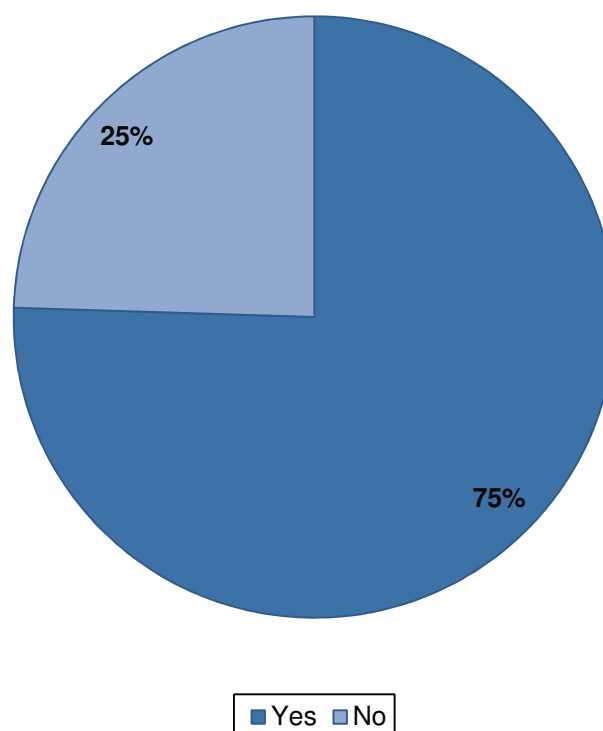
- Permanent pedestrian zones (24/7) (27 respondents)
- Segregated cycle lanes within city (17 respondents)
- Roads through city centre should be closed during day (10 respondents)

Of those who objected to such proposals, key reasons cited included:

- Plans not helpful for those who are mobility impaired (5 respondents)
- More important to deal with congestion (3 respondents)

Prioritising cycling along the river corridor, with radial routes into the city, is another proposal made within the Draft Transport Strategy with a view to increasing the use of sustainable modes. Respondents were asked to indicate whether they agreed with this approach, as presented within Figure 4.12 below:

Figure 4.12: The Draft Transport Strategy proposes that we prioritise cycling along the river corridor with radial routes into the city. Do you agree with this approach?



Base: 204 valid responses

Three quarters (75%) of respondents agreed that cycling should be prioritised along the river corridor, with radial routes into the city centre.

Of those who disagreed with this proposal, key reasons provided included:

- Plans shouldn't proceed until cyclists are segregated from pedestrians/vehicles (21 respondents)
- Too dangerous (8 respondents)

Amongst those who agreed with the proposals, key supporting comments also included:

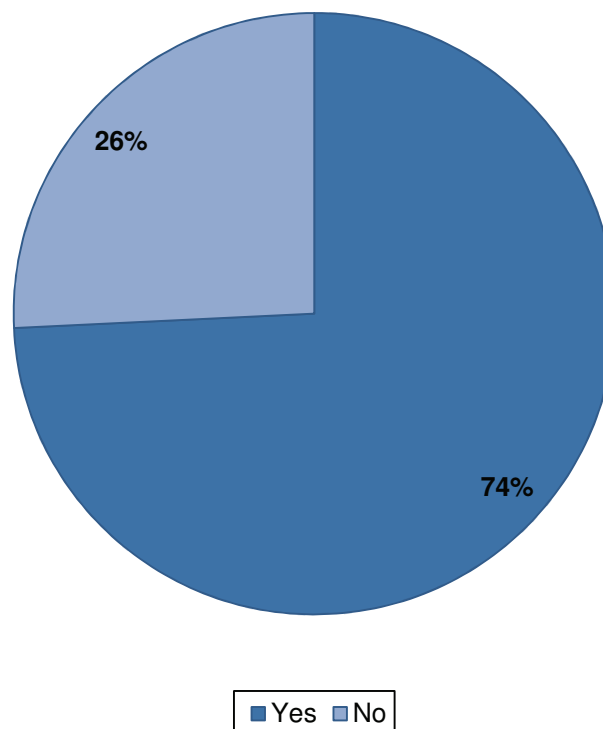
- Support for proposals provided that cyclists are segregated from pedestrians/vehicles (21 respondents)
- The need to ensure safe cycling routes/infrastructure (6 respondents)

The shared focus on safety amongst both those who agreed and disagreed with the cycling proposals set out within the Draft Transport Strategy highlights the importance of safety for both cyclists and non-cyclists within the city.

4.8 Tackling Air Quality

The improvement of air quality is another key focus for the city of Bath which is recognised as requiring action within the Draft Transport Strategy. The increased use of electric vehicles, and the provision of necessary facilities to support this, is one possible solution to this which was explored within the consultation questionnaire, with respondents asked to indicate whether the finalised strategy should include this as a proposal.

Figure 4.13: Should the strategy propose that we support more facilities for electric vehicles?



Base: 198 valid responses

Almost three quarters (74%) of respondents agreed that the finalised Transport Strategy should include support for increased facilities for electric vehicles in Bath.

Those who disagreed that this should be incorporated in the Draft Transport Strategy indicated that this was due to:

- Electric vehicles not helping to reduce congestion (13 respondents)
- Not enough demand for electric vehicles (12 respondents)
- Future usage of electric cars not clear (7 respondents)

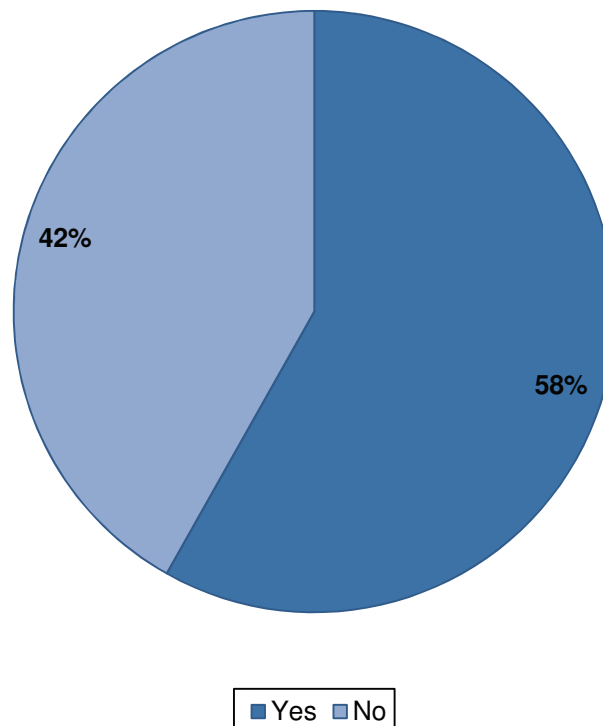
Respondents who did agree with this approach emphasised the following points to support this:

- Pollution is a serious problem in Bath (5 respondents)
- Preference for focussing on electric buses (3 respondents)

4.9 Buses

One proposal for the improvement of bus services in the city of Bath made within the Draft Transport Strategy is the introduction of more bus lanes; an idea which respondents were asked to consider within the consultation questionnaire:

Figure 4.14: The Draft Transport Strategy proposes that we help improve bus services by introducing more bus lanes. Do you think this is a good idea?



Base: 196 valid responses

Respondents expressed a more divided opinion of the introduction of more bus lanes to the city, with almost three fifths agreeing with this proposal (58%), whilst the remaining two fifths of respondents did not agree with this approach to improving bus services.

Respondents were then asked to indicate what would encourage them to use bus services more often. Key initiatives to encourage greater bus usage included:

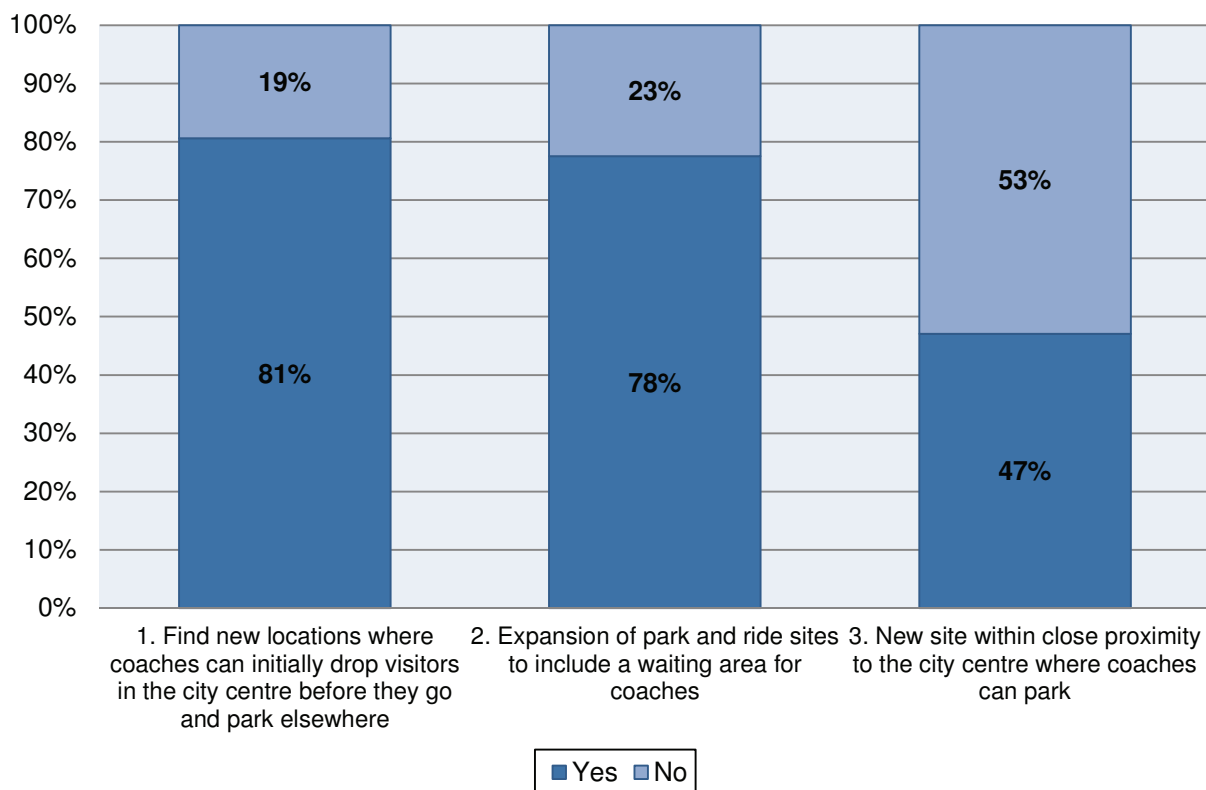
- Cheaper fares (98 respondents)
- More frequent/reliable buses (61 respondents)
- Electronic tickets (e.g. smartcards/oyster cards) (21 respondents)
- Improvements to bus routes from city centre to surrounding areas (13 respondents)

4.10 Coaches

Whilst recognised as a key mode of transport for visitors to the city, and therefore central to the local economy, the challenge of accommodating high numbers of coaches is another key consideration within the Draft Transport Strategy.

Respondents were therefore asked their opinion of three key proposals in relation to coaches within the city, namely finding new drop off locations, the expansion of Park and Ride sites to include coach waiting areas and the identification of a new site close to the city centre for designated coach parking, which are presented within Figure 4.15:

Figure 4.15: Coach Proposals



Base: 1: 201; 2: 200; 3: 187 valid responses

Finding new drop off locations for coaches (81%) and the expansion of Park and Ride sites to accommodate a coach waiting area (78%) received the most support from respondents. Creating a new site close to the city centre where coaches could park was the least popular proposal, with over half of respondents disagreeing with this approach (53%).

For each of the outlined proposals relating to coach use within Bath, respondents were asked to provide reasons for their support or objection, as outlined below:

Finding new locations where coaches can initially drop visitors off before they go and park elsewhere:

Amongst those who disagreed with this approach, key reasons cited for this included:

- Scheme should integrate with Park and Ride facilities (16 respondents)
- Preference for coaches dropping visitors off at periphery of city (15 respondents)
- Lack of coach parking would increase number of coaches in city centre (10 respondents)
- Should discourage coaches along with other traffic (4 respondents)

Of those who agreed with this proposal, and provided supporting comments, key themes echoed points raised by those who disagreed with the idea, including:

- Preference for coaches to dropping visitors off at the periphery of the city (6 respondents)
- Scheme should integrate with Park and Ride facilities (2 respondents)

Expansion of Park and Ride sites to include a waiting area for coaches

Those who disagreed with this approach raised points including:

- Preference for coaches dropping visitors off at periphery of city (9 respondents)
- Scheme should integrate with Park and Ride facilities (7 respondents)
- Without a coach park, proposals would increase number of trips into city centre (3 respondents)

Similar themes were highlighted by those who agreed with the proposed scheme:

- Preference for coaches dropping visitors off at periphery of city (12 respondents)
- Scheme should integrate with Park and Ride facilities (11 respondents)
- Without a coach park, proposals would increase number of trips into city centre (8 respondents)

New site within close proximity to the city centre where coaches can park

Those who objected to this proposal cited key reasons including:

- Preference for keeping coaches away from the city centre (30 respondents)
- Preference for using existing Park and Ride (17 respondents)
- Lack of space (13 respondents)
- Preference for coaches to drop off, rather than park up (9 respondents)
- Negative view of pollution caused by coaches (9 respondents)

Those who did support the proposal highlighted points including:

- Agreement with proposal providing site is properly managed (3 respondents)
- Preference for sites on outskirts of city (2 respondents)

4.11 Additional Comments

Respondents were invited to provide any additional comments relating to the proposed strategy. Key themes within these additional comments included:

- Plans should be wider in scope/more radical (11 respondents)
- Support for building link road (A46-A36) (11 respondents)
- Support for encouraging more sustainable transport (e.g. walking/cycling) (11 respondents)
- Preference for segregated cycle lanes (10 respondents)
- Would like to see more integrated transport systems (9 respondents)
- Buses cause congestion (8 respondents)
- Remove central traffic (7 respondents)
- Positive view of overall strategy (7 respondents).

Appendices

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Appendix A. Consultation Questionnaire

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Appendix B. Additional Stakeholder Comments

In addition to the consultation questionnaire, stakeholders were invited to provide any additional comments they had regarding the Draft Transport Strategy for Bath via email. A significant number of comments were received from a range of stakeholders groups, such as residents associations, transport groups and local council representatives, and individual respondents. These are collated and summarised in Table B.1 below, together with the proposed action for amending or developing the Transport Strategy.

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Table B.1: Additional Stakeholder Comments

Local Council Groups/Departments		
Local Council Dept	Vision	Proposed Action
	<ul style="list-style-type: none"> Vision does not reference carbon reduction 	Reference will be made to carbon reduction in the supporting text to the Vision
	Objectives <ul style="list-style-type: none"> Reducing carbon emissions to be included as a clear objective within strategy Should be reference to ESCC CO₂ reduction target Should aim to remove cars from the city – as successfully implemented in other historic cities e.g. York and Oxford - not just reduce the “impact of vehicle movements” 	<p>Reducing vehicle carbon emissions is included as an objective but references to the Council’s targets will be added</p> <p>Ways of reducing the impact of vehicles will be considered further, including further pedestrianisation</p>
	Walking <ul style="list-style-type: none"> Welcome and rightly emphasised as central to whole strategy Should be explicit reference to car free zones in city centre; should be bolder Should reference CO₂ reduction, in addition to sustainable travel, in European context 	<p>As above ‘car free zones’ will be considered</p> <p>CO₂ reduction is an overall aim and is not specific to increased walking – no action</p>
	Cycling <ul style="list-style-type: none"> Recognition of increasing cycling journeys is positive Carbon reduction, through replacing car trips, should be explicitly recognised Should include objective for segregated cycle routes and therefore increased connectivity for commuters 	<p>All improvements in sustainable modes will help to reduce carbon, so again not specific to cycling – no action</p> <p>Segregated cycle routes are a solution to encouraging cycling (and will be considered) but are not an objective in themselves – no action</p>
	Traffic Management <ul style="list-style-type: none"> Opportunity to say more about shared spaces – using examples from other cities Set clearer vision for car free central zones 	<p>Shared spaces and car free zones are different approaches to reducing the impact of traffic – both will be considered in future work</p>
	Freight Movements <ul style="list-style-type: none"> Fully support consolidation centre operation, especially with greater use of electric vehicle technology and cycles Should have greater emphasis on and ambition for freight restrictions in terms of Air Quality Management Area enforcement and CO₂ reduction targets 	<p>Further emphasis will be made in the strategy</p>
	Park and Ride <ul style="list-style-type: none"> Use of carbon modelling as additional dataset for establishing need for increased Park and Ride capacity is welcomed and should be developed and used in wider strategy 	<p>Will be considered as part of further work</p>

Overall

- Welcome Bath Transport Strategy and would be happy to support its further development in areas outlined

Local Council Group

The Strategy

- Vision lacks reference to BANES obligation to protect the landscape setting of the City of Bath WHS; as set out in international, national and local documents on WHS and its landscape setting
- Protection of landscape setting is inextricably linked to protection and enhancement of site

Increased Walking, Cycling, Train and Bus Use

- Group agrees with these objectives

Reducing Congestion in Bath

- Concerned at inclusion of Park/Rail and Ride in consultation in the questionnaire but not included in Draft Transport Strategy
- Park and Rail is a complex and expensive option, but there is no background information or discussion in the strategy
- Park and Rail would have little or no impact upon air pollution or traffic congestion in Bath
- Group also questions expected patronage for Park and Rail scheme
- Park/Rail and Ride not considered viable option
- Disappointed at omission of other options including:
 - Reopening of Corsham Railway Station
 - Split Park and Ride option (One for North and one for East/South patronage) – two small sites could be a less expensive option
 - Localised Park and Ride capacity at different locations on existing bus services or hub Park and Ride in the West Wiltshire area.
- Group does not anticipate anyone from Claverton Parish would use the Park and Rail

Reducing the Impact of Heavy Traffic

- Group concerned at inclusion of A36/A46 link road within consultation questionnaire, when not included in strategy document
- Only available information on the scheme is currently provided through 'misleading by-election flyers and local press articles based on them'
- Group 'dismayed' by resurrection of A36/A46 link road scheme, which was previously 'condemned' at public inquiry (1990)
- Congestion and air pollution key concerns; feel A36/A46 link road isn't solution to this
- No case to justify A36/A46 link road, which would have 'devastating' impact on East of Bath communities, recreational amenity and the Cotswolds AONB/City of Bath WHS landscape

Proposed Action

References to landscape setting are not considered appropriate for a Transport Vision – no action

Views noted

Both bus and rail-based solutions for a new P&R site are being considered under further work. This will consider the feasibility and viability of each option.

Corsham will be noted as a possible re-opened station

Two small P&R sites may be cheaper than one larger one to construct but running two high frequency bus routes would increase operating costs greatly, so unlikely to be viable – no action
A note will be added on the potential for 'localised' P&R capacity

An A36/A46 link road was not included in the Strategy Document but was added into the questionnaire to gauge the public reaction.
Further work has been commissioned by the Council to provide more information on the potential feasibility/viability of a link road

<p>setting</p> <ul style="list-style-type: none"> • More practical solution would be to develop A350 as an alternative route for long haul HGVs, in collaboration with Wiltshire Council • Group agrees with proposal to prevent HGVs from accessing the city centre at busy times and businesses encouraged to use a Freight Consolidation Centre which uses an electric vehicle (Question 6) • Group supports redirection of vehicles from London Road and Cleveland Bridge (Question 7); however traffic studies show that most traffic using this route is non-through movements, with only small proportion of HGVs originating from A36. Therefore, feel that measures to redirect vehicles must not include a A36/A46 link route, but primary route for consideration should be A350 		<p>Use of the A350 will require approval from Wiltshire Council which is likely to be difficult to achieve but the Council will pursue this further</p>
<p>Simplifying Road Layouts</p> <ul style="list-style-type: none"> • Group in favour of removing some one way road layouts (e.g. Pines Way and around Avon Street Car Park) (Question 8) 		<p>Views noted</p>
<p>Rail</p> <ul style="list-style-type: none"> • All three suggested improvements to rail services are supported (Question 9) • Group agreed that enhanced service provision will make Oldfield Park Station more attractive (Question 10) 		<p>Views noted</p>
<p>Parking</p> <ul style="list-style-type: none"> • Group welcomes walking and cycling proposals (Questions 12 and 13) • However: <ul style="list-style-type: none"> ◦ Improved walking and mobility provision can be achieved without restricting the existing small number of vehicles which need to access certain small roads within city centre ◦ Care must be taken to ensure that pedestrians can also safely use cycle routes along the river corridor and radial routes into the city 		<p>Further work will consider the details of walking improvement schemes and if traffic should be banned altogether. Any shared cycle/footway schemes would be subject to detailed design and consultation with relevant groups.</p>
<p>Tackling Air Quality</p> <ul style="list-style-type: none"> • Charging stations for electric vehicles should be restricted to petrol stations and car retail outlets 		<p>Views noted</p>
<p>Buses</p> <ul style="list-style-type: none"> • Group does not support the introduction of more bus lanes • More frequent services and lower bus fares would stimulate use of bus services 		<p>Views noted</p>
<p>Coaches</p> <ul style="list-style-type: none"> • Group agrees with proposal to find new locations where coaches can drop off visitors in the city centre 		<p>Views noted</p>

	<ul style="list-style-type: none"> Proposed Enterprise Area and Bath Quays development would result in loss of Riverside Coach Park and alternative site would, therefore, have to be found All options for coach parking and visitor drop off (e.g. existing Park and Ride and new site close to the city centre) must be explored 	Views noted
Local Council Dept	<ul style="list-style-type: none"> Creation of low emission zones Recent passed motion stated that: <i>'The Department for Transport and DEFRA should continue to support developing a wider network of Low Emissions Zones to cut emissions in locations where limit values for NO2 are being breached, piloting in B&NES if found viable and in breach'</i> Emphasise that whilst study shows negligible changes in concentrations of NO2, resulting from options tested, proportional changes in emissions are more significant Study recommends a focus on a central area based on modelling results and issues relating to the Primary Route Network Group welcomes reference to the AQMA and monitoring data in section 2.1.1 and the inclusion of air quality as a KPI in 3.3 	<p>Proposed Action</p> <p>The Strategy Document will be updated to include reference to the LEZ Study and the latest recommendations</p>
Attached: Low Emission Zone Feasibility Study (Condensed Summary Report and Full Summary Report)		
Local Council Group	<ul style="list-style-type: none"> Issues with consultation process Concern over environmental and social effects of transport schemes and the processes by which they are developed Concerned about lack of local input into strategy development – leading to mismatch between different aspects and assumptions Recognise benefits of major transport options included in the scheme, however feel these would have detrimental impact upon environment of Batheaston, Bathford, Bathampton and Claverton and the setting of the World Heritage Site of Bath Feel that detrimental impacts outweigh economic and environmental advantages of reduced traffic flow along London Road Hopeful that more detailed future work could address these issues External elements, such as development of the A350 to relieve pressure on the A36, may produce better solution to Bath's traffic problems Value of protecting the environment Largely hidden Park/Rail and Ride and sunken A36/A46 are possible solutions but would need further information on proposals before supporting 	<p>Proposed Action</p> <p>As above, further work has been commissioned by the Council to provide more information on the potential feasibility/viability of a link road but also an Eastern P&R site. This work will include consideration of environmental impacts</p> <p>Use of the A350 will require approval from Wiltshire Council which is likely to be difficult to achieve but the Council will pursue this further</p>

Local Council Group	<p>Park and Ride (East of Bath) – Question 3</p> <ul style="list-style-type: none"> Dependent on location and type of facility proposed Previous studies have highlighted complexity of delivery and the realignment of Westbury rail line and significant highway works Would need more detail before forming opinion/agreement 	<p>Proposed Action</p> <p>As above, further work has been commissioned by the Council to provide more information on the potential feasibility/viability of a link road but also an Eastern P&R site.</p>
Link Road (A4/A36) – Question 5	<ul style="list-style-type: none"> Whilst traffic would undoubtedly be reduced, wider impacts and consequences would need to be fully considered and understood 	<p>As above</p>
HGVs/Freight Consolidation Centre – Question 6	<ul style="list-style-type: none"> Agree in principle; however businesses cannot always specify delivery times and the legal prevention of smaller vehicles could be problematic. Concern that deliveries may choose to wait outside of city centre until their delivery slot, causing issues in wider area 	<p>Views noted – it is recognised that any restrictions on deliveries would need to be very carefully planned and consulted on</p>
Redirecting vehicles from London Road and Cleveland Bridge – Question 7	<ul style="list-style-type: none"> Previously appealed against this plan which was upheld Suitable alternative routes must be agreed with affected authorities, otherwise would be a breach of legislation Would continue to oppose any such aspiration without full investigation, consultation and agreement into the proposed alternative routing 	<p>As above, use of the A350 (or other routes outside of B&NES) will require approval from Wiltshire Council which is likely to be difficult to achieve but the Council will pursue this further</p>
Rail	<ul style="list-style-type: none"> Need to consider wider aspects of this project and how the improvements would affect Wiltshire towns in order to provide a fully considered response 	<p>Views noted</p>
Local Council Group	<ul style="list-style-type: none"> A website insertion, and newspaper advertisements, is not “Consultation” Concern over the environmental and social effects of transport schemes and the processes by which they are developed Lack of local input to the process of strategy development, which has led to a seeming mismatch between its different aspects and to some incorrect facts and assumptions, leading to very dubious conclusions Residents could benefit from both the major transport options included in the scheme, a Park/Rail and Ride and an A36/A46 link road, in terms of reduced road congestion, journey times, air pollution and damage to buildings Schemes previously put forward have included large scale developments in or across the Bathampton Meadows, of which would have had highly detrimental effects on the environment of Batheaston, Bathford, Bathampton and Claverton and on the setting of the World Heritage 	<p>Proposed Action</p> <p>Views noted</p> <p>Views noted</p> <p>Safeguarding and enhancing the unique historic environment and World Heritage Site status is a key objective</p>

		<p>Site of Bath</p> <ul style="list-style-type: none"> Detrimental effects significantly outweigh the economic and environmental advantages of a reduced traffic flow along London Road Need to reduce the gross environmental damage associated with previous schemes Protecting the environment has a significant value and detailed proposals would need to become available to come to any clear judgement In the absence of alternatives it seems that a largely hidden Park/Rail and Ride and a sunken A36/A46 link road are the most promising of the limited suggestions put forward in the consultation It may be that external elements, such as development of the A350 to relieve pressure on the A36, would produce a significantly better solution to Bath's traffic problems, particularly those caused by HGVs 	<p>As above, further work has been commissioned by the Council to provide more information on the potential feasibility/viability of a link road but also an Eastern P&R site, including environmental impacts</p> <p>As above, use of the A350 (or other routes outside of B&NES) will require approval from Wiltshire Council which is likely to be difficult to achieve but the Council will pursue this further</p>
Local Council Group	<ul style="list-style-type: none"> These plans are good for the people of Bath but are to the detriment of the remoter villages of the BANES area Loss of local bus services, rather than improvements to them, are a real concern 	Proposed Action	Views noted
Transport Groups			
Political Party Transport Working Group	<p>Vision</p> <ul style="list-style-type: none"> Accessibility Safe, integrated and reliable transport Supports economic growth Opportunities for all/meets everyone's needs Easy to use Respects environment Contributes to health Known for quality, technology, affordability, innovation and effective and well-maintained networks Culture of fewer short journeys made by car Favouring public transport, walking and cycling due to safety and sustainability Transport providers and planners respond to changing needs of businesses, communities and users 	Proposed Action	<p>A Vision has to be concise – all of the issues raised are considered within the Strategy</p>
		Key Considerations	<p>Major schemes would be subject to cost-benefit analysis</p> <p>The negative impact of HGVs movements is noted</p>

<ul style="list-style-type: none"> buildings within Bath Air quality and need to reduce air pollution – negative health implications. Issue needs to be looked at as part of wider regional strategy within West of England/Wiltshire and within Bath Transport Strategy Increase in number of people living and working on Bath – use of limited street space needs to be clearly prioritised and allocated to manage congestion HGVs should be actively discouraged from entering the city Need to improve access for people with disabilities or limited mobility Identification of funding (external funding sources, Council funding etc.) of schemes/elements within strategy Need to plan future projects which can take place when funding is available Council should develop public and private sector partnerships 	Views noted
<p>Specific Recommendations</p> <ul style="list-style-type: none"> City Centre – Abbey, Kingsmead and Walcot <ul style="list-style-type: none"> Prioritise removal of traffic, particularly HGVs, from city Mitigate against induced traffic demand Introduction of low emission zones Make city centre more pedestrian friendly by 2030 Non-Residents Parking <ul style="list-style-type: none"> Reduction in city centre parking to be accompanied by viable alternatives e.g. expanded Park and Rides Selection of site considering environmental factors and with appropriate signage to direct visitors Pedestrians <ul style="list-style-type: none"> Improvements to pedestrian infrastructure and connections Recognising pedestrian requirements and preferences e.g. desire lines Deliveries <ul style="list-style-type: none"> Introduce retail delivery plan including deliveries at set hours, encouraging use of electric vehicles and alternative delivery options e.g. 'leave and collect' and consolidated home delivery services Taxis <ul style="list-style-type: none"> Reduced taxi emissions Improved taxi facilities e.g. taxi ranks Buses <ul style="list-style-type: none"> Encouraging greater bus use Improvements to bus services including vehicles, routes, frequency, ticketing and real-time information 	<p>A Traffic Management Plan is proposed to consider detailed issues of priority and address congestion</p> <p>Improved access for mobility impaired will be an integral part of any walking improvements</p> <p>Funding is noted as a key issue</p>
<p>Views noted</p>	Views noted
<p>Expanded P&R is an integral part of the Strategy</p> <p>As above, further work has been commissioned by the Council to provide more information on the potential feasibility/viability of an Eastern P&R site, including consideration of environmental impacts</p>	<p>Views noted</p> <p>Managing deliveries is part of the Strategy</p>
<p>Views noted – taxis will be considered as part of the Traffic Management Plan</p> <p>This is part of the proposed Strategy</p>	Views noted

Transport Group	<ul style="list-style-type: none"> • Cycling <ul style="list-style-type: none"> ◦ Detailed plan to encourage cycling ◦ Extended and improved cycle network within city 	<p>This is part of the proposed Strategy</p>
	<ul style="list-style-type: none"> • Rail <ul style="list-style-type: none"> ◦ Improving access to the city by train ◦ Improvements to existing rail facilities and stock 	<p>This is part of the proposed Strategy</p>
	<ul style="list-style-type: none"> • Coaches <ul style="list-style-type: none"> ◦ Coach management plan developed as part of wider transport strategy 	<p>Views noted</p>
	<ul style="list-style-type: none"> • Other Modes of Transport <ul style="list-style-type: none"> ◦ Council should seek innovative solutions to Bath's transport challenges; including use of the river for transportation 	<p>Views noted, although river transport only likely to be popular for leisure purposes</p>
	<ul style="list-style-type: none"> • Controlled Parking Zone <ul style="list-style-type: none"> ◦ Respond to requests on a case-by-case basis 	<p>Views noted</p>
	<ul style="list-style-type: none"> • Moving Traffic Offences <ul style="list-style-type: none"> ◦ Council should seek to enforce against moving traffic offences e.g. access weight restrictions 	<p>Views noted</p>
	<ul style="list-style-type: none"> • One Council <ul style="list-style-type: none"> ◦ Move towards 'one council' approach welcomed along with better inter-departmental working 	<p>Views noted</p>
	<ul style="list-style-type: none"> • Build on Lessons Learnt <ul style="list-style-type: none"> ◦ Should seek to learn from best practice from UK and Europe; particularly historic locations 	<p>Views noted</p>
	<p>Proposed Road User Hierarchy</p> <ol style="list-style-type: none"> 1. Pedestrians 2. Cyclists 3. Public transport 4. Other forms of motor transport 5. On-street parking 	<p>Proposed Action</p> <p>Views noted – improvements to all modes mentioned will be included</p>
	<p>Key Deliverables of Strategy for Whole Community:</p> <ul style="list-style-type: none"> • Healthier living • Safer environment 	<p>These deliverables reflect the Strategy objectives – but will not be completely delivered by cycling alone</p>

- Better air quality
- Reduced congestion
- Cycling recognised as key means of achieving these deliverables

Other issues:

- Need to maintain existing cycle routes
- Remove through motor traffic
- Enforcement of 20 mph speed limits
- Protected space for cycling on main roads

Views noted

**Transport/
Urban Group**

Proposed Action

- Group welcomes overall direction of the stated aims of the Draft Transport Strategy and believe they demonstrate at the very least a need to reduce congestion, air pollution and to encourage Bath to become the UK's most walkable city
- Group is member of Transition Towns Movement, whose aim is to encourage the building of sustainable communities that are people driven
 - Transportation framework for Bath implies real reduction of harmful emissions, air pollution and traffic congestion – that translates into cleaner air, improved levels or health and fitness and at street level a recognisably enhanced quality of life for citizens across all age groups

Views noted

Views noted

Vision Statement for Bath

- Identification of active neighbourhood hubs throughout the city
- Hubs inter-dependent to retain economic viability for the benefit of local people and businesses alike
- Bus network to serve hub inter-connectivity now seen as essential and a prerequisite for encouraging hub communities to feel able to make a modal shift from car to alternative forms of travel for short journeys
- Empowering hub character diversity where the majority of residents live within easy walking/cycling reach could strengthen local ownership and pride in the neighbourhood, whilst giving the hub an option to develop business initiatives to compete more fairly with city centre attractions
- Important to reduce congestion generated by citizens as well as relying on Park and Ride and other measures designed to tackle congestion caused by highway commuters and others entering the city

Neighbourhood hubs are an interesting concept and would need to be part of a wider, agreed Council policy before they are included specifically in a transport strategy

Key Point of Vision

- 'Bath is an important World Heritage City – we must look after the environment of the city whilst ensuring it's a great place to live and work' – would add 'and for us and visitors to value'.

Views noted

Attached: **Summary Vision Statement** -; *Group's vision statement for City of Bath focussing on local communities, connectivity between neighbourhood hubs and across city, environmental concerns and*

sustainable transport, importance of consultation and adopting a holistic approach

- Conceptual map of existing active neighbourhoods throughout the city

<p>Transport Group</p> <ul style="list-style-type: none"> • Agree with improving bus services but it is very light on proposals • Prohibit on-street parking at pinch-points/on narrow streets and consider bus stop locations on narrow streets • Bus operators to participate in off-bus fare collection to improve bus utilisation and reduce obstruction caused by stationary buses • More bus priority at traffic-light junctions • Enforcement of loading regulations where vehicles obstruct buses. • Use double decker buses in place of long base articulated buses which are a significant cause of congestion. • Consider congestion charging and using the charges to support bus and rail services 	<p>Proposed Action</p> <p>Such detailed issues will be covered by the proposed Traffic Management Plan</p> <p>The Council has no control over bus operators regarding commercial services but can work in partnership with them. Smartcards are part of the strategy to reduce the times that buses are stationary. Congestion charging is unlikely to be viable for a city the size of Bath due to the huge development and infrastructure costs required.</p>
<p>Transport Group</p> <p>Values</p> <ul style="list-style-type: none"> • Bath is a city which needs to puts its residents and local businesses first (on which decisions are made and how they are made) <p>Concerns</p> <ul style="list-style-type: none"> • Challenges regarding energy creation and use, pollution, and rising levels of harmful emissions, as well as social concerns such as poverty, inequality and unemployment <p>Opportunities</p> <ul style="list-style-type: none"> • If viewed as part of Bath's UNESCO World Heritage status, Bath could become a transport strategy showcase to benefit current and future generations 	<p>Proposed Action</p> <p>It is stated in the document that containing the number of journeys made by car will benefit local economic activity</p> <p>Improving air quality & health, reducing vehicle carbon emissions is a key objective</p>
<p>Neighbourhood hubs</p> <ul style="list-style-type: none"> • Key building blocks for a radical transport strategy to enable people to get to where they need and want to be • Inter-connected city, where people can get from their neighbourhood hub to other hubs within the city, to the city centre and to the majority of the city's key locations, is an essential pre-requisite to achieve a modal shift towards walking, cycling and public transport • Access to national transport links must be provided • Encourage residents to make greater use of local businesses in their neighbourhood <p>General principles</p> <ul style="list-style-type: none"> • Equal emphasis and attention must be given to all areas of the city • Encourage an accelerating shift towards more sustainable transport modes 	<p>Increased accessibility to public transport links is a key objective in the Transport Strategy</p> <p>A specific KPI includes modal shift to walk/cycle/bus/train/car share</p> <p>Views noted</p> <p>Views noted</p>

<p>City centre</p> <ul style="list-style-type: none"> Primary hub of employment, leisure, visitor experience, heritage and residency - imperative that people are able to get about quickly, safely and affordably The management of the transportation hierarchy (with walking, cycling and public transport a priority) must be balanced alongside business delivery requirements and disability access 		Views noted
<p>Getting from place to place</p> <ul style="list-style-type: none"> A good level of connectivity between neighbourhood hubs, key locations and the city centre is vital to encourage a vibrant social climate Safety and good access for people with mobility issues, are important 		Improved accessibility to and between transport modes is central to the strategy
<p>Walking and cycling</p> <ul style="list-style-type: none"> Pedestrians and cyclists are at the top of the hierarchy, both being assisted by city-wide designated and/or segregated routes. They encourage journeys to start on foot and link with public transport A well-conceived network would help schools to deliver sustainable travel plans, offering students a healthier quality of life 		Walking and cycling are central to the strategy
<p>Public transport, taxis and car-sharing</p> <ul style="list-style-type: none"> A fully-integrated and affordable public transport system, with easy-to-understand ticketing that is usable on all services, as well as up-to-the-minute timetable information, represents a minimum specification to achieve modal shift Route priority measures are also essential to ensure quick journey times, improve reliability and minimise the transfer times at key public transport hubs Taxis, car clubs, on-demand and car sharing schemes can, with access to designated priority routes, provide an efficient/cost neutral service for people who need to use a car to gain access to services without owning a car 		Working with bus operators will determine the most appropriate ways to build the market through straightforward ticketing, new information provision and services that meet the needs of local people during the day and into the evenings A comprehensive approach to traffic management will help make journeys more reliable
<p>Consulting with residents and stakeholders</p> <ul style="list-style-type: none"> Stakeholders must be at the centre of idea formulation to shape, support and maintain any changes 		Views noted
<p>Learning from experience</p> <ul style="list-style-type: none"> Capitalise on good practice and evidence drawn from a variety sources around Europe and throughout the world 		Views noted
<p>Incremental change</p> <ul style="list-style-type: none"> Measures to limit unnecessary car usage within Bath must also be paralleled with improvements to the capacities for walking, cycling and public transport throughout the city 		This is an integral part of the strategy

Housing/Residents Groups		
Housing Organisation	Additional Comments <ul style="list-style-type: none"> Real clarity about a small number of 'big ticket' objectives could provide the basis for something really imaginative in the city e.g. congestion charge funding attractive alternatives for those coming into the city Offer to support Council with such objectives and findings (imaginative) transport solutions Focus on development and regeneration in Foxhill; interest in supporting solutions affecting that part of city, plus the impact of journeys from this area into city centre Suggestions – cable cars and bike lifts 	Proposed Action As above, congestion charging is unlikely to be viable for a city the size of Bath due to the huge development and infrastructure costs required Views noted
Residents Association	<ul style="list-style-type: none"> Local residents associations not consulted in production of Draft Transport Strategy – if so, would have been greater emphasis on air quality, which is overriding priority of residents in the area Disappointment with strategy document – reiterates points already known. Doesn't advance much needed Transport Strategy/Transport Plan 	Proposed Action Views noted
Parking	<ul style="list-style-type: none"> Reducing parking – negative impact on residents who already find it difficult to park 	The Strategy seeks to minimise long stay parking in the centre, with adequate short stay parking retained – this will be emphasised
Walking	<ul style="list-style-type: none"> Need to recognise number of elderly residents and young mothers with prams – topography of Bath makes walking difficult for these groups 	As above – short stay parking will remain
Public Transport	<ul style="list-style-type: none"> Cost of public transport without concession is 'extremely high' – needs to be addressed to encourage greater bus use 	Reductions in bus fares would need to be funded by the Council – at the expense of other services that are provided.
Shared Space	<ul style="list-style-type: none"> Mixing cyclists and pedestrians a concern, given 'lack of consideration shown by admittedly a minority of cyclists' 	Views noted
Coaches	<ul style="list-style-type: none"> Adamantly opposed to encouraging coaches in the city centre – recognise importance of these as visitor transport, but add to congestion and air pollution Should be provision for them to drop passengers off at an agreed location on the outskirts from where can proceed on foot or by public transport Various proposals do not include assessment of their individual or collective impact – 'missed opportunity' 	Views noted

Residents Association	Key Criticisms of Document:	Proposed Action
<ul style="list-style-type: none"> • Not a city-wide strategy • Underestimates pollution issue • Traffic modelling not addressed 	<p>Other Comments:</p> <ul style="list-style-type: none"> • Eastern Park and Ride – suggest side which could be adapted as rail link option using Bristol Metro and additional services e.g. Box Bridge Project • Small Park and Ride near Limpley Stoke making use of ready-made two tunnel access including bicycle provision might reduce traffic flows from B3110 & A36 (via Brassknocker Hill) • Housing developments – lack of traffic planning requirement within planning for new housing developments (which lead to increased traffic volumes) 	<p>Strategy document to emphasise that it is aimed at city-wide problems. Pollution is recognised as a very important issue.</p>
Local Residents Group	<p>Park/Rail and Ride</p> <ul style="list-style-type: none"> • Concerned at inclusion of scheme in questionnaire when proposal isn't detailed in the strategy document • Park and Rail scheme complex and expensive – unhappy at lack of background information or discussion in the strategy that would allow public to form opinion and provide meaningful response • No details of sites to be considered for Park and Ride to East of Bath – therefore cannot comment on proposals <p>A36/A46 Link Road</p> <ul style="list-style-type: none"> • Major transport scheme which is hugely complex and 'bound to spark controversy' and extremely expensive • Concerned at inclusion of scheme in questionnaire when proposal isn't detailed in the strategy document • Scheme previously 'condemned' at public inquiry (1990), which remains relevant • Vision lacks reference to BANES obligation to protect the landscape setting of the City of Bath WHS; as set out in international, national and local documents on WHS and its landscape setting • Protection of landscape setting is inextricably linked to protection and enhancement of site • Concern over any scheme which encourages more traffic on the 'unstable and inadequate A36' – needs 'highest degree of public scrutiny' • Development of A350 in collaboration with Wiltshire Council as an alternative route for long haul HGVs - seen as more practicable solution • Group therefore does not support either the Park and Rail or the A36/A46 link road scheme 	<p>Proposed Action</p> <p>As above, an Eastern P&R was included as either bus- or rail-based. The rail option was added into the questionnaire to gauge the public reaction. Further work has been commissioned by the Council to provide more information on the potential feasibility/viability of a link road and new P&R site.</p> <p>The further work commissioned will consider the environmental impacts of potential schemes</p> <p>As above, use of the A350 (or other routes outside of B&NES) will require approval from Wiltshire Council which is likely to be difficult to achieve but the Council will pursue this further Views noted</p>

Residents' Association	<ul style="list-style-type: none"> • Support principles and recommendations of report – particularly reduced car use, increase in walking and cycling and improvement of associated facilities, parking constraints in city centre, reduction of through traffic and external Park and Ride services • Many proposals evident in previous reports – but there has been a lack of progress in implementing proposals • More city centre on-street parking should be allocated to residents • City centre residents suffer most from air quality – steps must be taken to improve air quality 	<p>Proposed Action</p> <p>Views noted</p> <p>Addressing air quality in the city centre is an integral part of the Strategy</p>
Collated Residents' Responses	<ul style="list-style-type: none"> • Progressively pedestrianise many city centre shopping streets, taking into account disabled driver needs • Priority given to car sharing drivers • Amend Park and Ride signs from 'During busy periods use Park and Ride' to 'to help reduce congestion and air pollution, please use Park and Ride' • Where possible, segregate cyclists from motor vehicles – cycle lanes and shared surface pavements, provide more cycle parking • All Park and Ride buses to stop at Royal United Hospital, or provide separate shuttle bus • Feasibility and cost/benefit analysis of moving the Royal Mineral or St Martins hospital services to Royal United Hospital • Electronic signs at Park and Ride indicating number of available spaces • Extension of residents' parking zones to Newbridge & Weston • Council to publish and implement recommendations from Newbridge and Weston Parking Survey 2010 • Focus on environment and air pollution, including targets • Cost of traffic congestion on Bath economy and cost/benefit analysis of solutions • Cheaper/subsidised bus and rail season tickets for Bath and Bristol commuters • Increase capacity of out of town Park and Ride sites • On-street and employer car parking charges – to encourage commuters to use public transport or car share • Nothing in Draft Transport Strategy which advocates use of Environmental Management System techniques to solve environmental impact issues – approach should be adopted by Council plus collaboration with other large organisations in Bath • Introduce road pricing/congestion charge and low emission zone to discourage motor and commercial vehicles entering Bath during peak hours 	<p>Proposed Action</p> <p>Views noted</p> <p>Such changes to hospitals are outside the scope of a Transport Strategy</p> <p>The extent of Residents' Parking Zones can be increased, subject to agreement by the majority of local residents affected</p> <p>As above cheaper rail and bus fares are outside the control of the Council. Increased P&R capacity is an integral part of the Strategy</p> <p>Views noted</p> <p>As above, congestion charging is unlikely to be viable but LEZ is being considered</p>

Residents Association	Question 1 – Top concerns	Proposed Action
	<ul style="list-style-type: none"> • Agree with key objective of reducing the traffic and intrusion of vehicles especially in the historic core • Also need to reduce traffic and the associated air pollution in other congested areas (London Road and Bathwick Street) • Concerns on adverse health effects of fine particulates (PM2.5) at levels below the current legal limit, need to tackle air pollution seriously - has to be done by reducing traffic volumes by means of an effective transport plan • Key outcomes wish to see are: <ul style="list-style-type: none"> - Largely traffic free city centre - Public Realm and Movement Strategy implemented - Vibrant public spaces - Reduced traffic in the city as a whole - High quality environment/good air quality 	<p>A number of measures are underlined in the strategy to reduce through traffic within the core centre</p> <p>Improving air quality & health, reducing vehicle carbon emissions is a key objective in the strategy</p> <p>Views noted</p>
	<p>Question 3</p> <ul style="list-style-type: none"> • Strongly support a P&R or rail & ride to the east of the city 	Views noted
	<p>Question 5</p> <ul style="list-style-type: none"> • A link road is essential if long distance HGV (especially vehicles over 7.5 tonnes)/ other traffic is to be removed from the city - recent DfT decision on an HGV limit at Bathwick concluded that traffic cannot be barred from Bath in the absence of a new alternative route 	Views noted
	<p>Question 6</p> <ul style="list-style-type: none"> • This would need to be managed carefully to avoid adverse impact on businesses. Many comparable European cities have controlled HGV access and have thrived because of the much improved environment for visitors and residents 	Views noted
	<p>Question 11</p> <ul style="list-style-type: none"> • It is not just about increasing capacity. P&Rs should operate until late for 7 days a week, with secure overnight parking • Need to provide evening and overnight visitors with this service. There should be a shuttle service of suitable vehicles for overnight visitors, serving the hotels and guest houses, paid for by tourism groups 	Views noted
	<p>Question 16</p> <ul style="list-style-type: none"> • Cheaper fares, more frequent services 	Views noted
	<p>Question 17</p> <ul style="list-style-type: none"> • Coaches make a major contribution to traffic congestion in Bath, and should not be brought into the city centre. Drop-off points on the edge of the central area at the closest (not residential area) 	<p>Is noted in the strategy that an easily accessible unloading point in the city centre is essential, linked to a more remote coach parking facility</p>

<ul style="list-style-type: none"> A waiting area for coaches at the P&R is sensible provided there is sufficient capacity. Coach passengers could take the P&R bus into the city, halving the number of journeys 	Views noted	
Other comments		A detailed Traffic Management Plan is proposed
<ul style="list-style-type: none"> TS needs to be followed by a transport plan containing a set of detailed projects with timescales and budgets, with annual progress reviews including a traffic management plan for the city aimed at reducing traffic volumes in the centre and other areas 		
<ul style="list-style-type: none"> It is essential that comprehensive traffic modelling studies are carried out when major developments are considered. An integrated plan for the A36 south of the river is required to support the Enterprise Area development. 	Views noted	
<ul style="list-style-type: none"> The school run has a major impact on traffic levels. Most schools now have travel plans but these are neither kept up to date nor supported by the effort and resources needed to implement them. 	Travel Plans are subject to funding being made available	
Health Groups		
Health Group	Proposed Action	
<ul style="list-style-type: none"> Board welcomes development of Transport Strategy as a key mechanism to address wider determinants of health and wellbeing and to work together on a long term vision for transport in the city of Bath 	Views noted	
<ul style="list-style-type: none"> In particular, board welcomes reference to air quality, health and prioritising walking, cycling and public transport within the strategy – ties in with board's own objectives, particularly in terms of individual health and wellbeing and creating healthy and sustainable places 		
<ul style="list-style-type: none"> Board committed to increasing resilience of local people and communities, including action on loneliness – which transport plays key role in 		
<ul style="list-style-type: none"> Importance of keeping people connected and ensuring good networks, as reflected in Draft Transport Strategy 		
<ul style="list-style-type: none"> Need to understand health impacts of solutions compared to other proposals (including 'do nothing' scenario) to understand what is best for health and wellbeing 	Public Realm and Movement Strategy (PRMS) touches on the link between active modes of travel and health	
Comments Relating to Consultation Questionnaire		
Question 1:		
<ul style="list-style-type: none"> Encouraging to see active and low carbon modes of travel set out as priorities 		
<ul style="list-style-type: none"> Strategy explicit about link between improved air quality and improved health and wellbeing – helpful if could be as explicit about link between active modes of travel and health 		
<ul style="list-style-type: none"> Vision could be strengthened by making it clear we aim to make "getting around" Bath easier for everyone – positive to see that people with mobility impairments are considered 		
<ul style="list-style-type: none"> Other groups should be mentioned – children, young people, older people, those with dementia and those with learning disabilities 		
<ul style="list-style-type: none"> Growing body of literature supporting development of places that are easy to get around for particular groups e.g. Dementia-Friendly places – good use of signage, clear differentiation between pavement/road/cycling and walking infrastructure through different surfacing – can 	All aspects of travel are considered in the strategy to provide links for those people with mobility impairments	

<p>provide further information upon request</p> <ul style="list-style-type: none"> • Vision should emphasise need for behaviour change amongst residents and visitors (to get people walking/cycling/using public transport) and how this could be achieved 		Change of travel behaviour is encouraged through Travel Plans for workplaces and new developments
<p>Question 3:</p> <ul style="list-style-type: none"> • Generally supportive of Park and Ride as support more sustainable modes and good for health if encouraging more physical activity (walking to/from bus), lower stress levels etc. 		Views noted
<p>Question 9:</p> <ul style="list-style-type: none"> • Cost of living is high, therefore cheaper fares likely to be very important – strategy mentions this but doesn't commit to taking action to reduce fares – is there a commitment that could be made? 		As above, cheaper rail and bus fares would have to subsidised by the Council.
<p>Question 11: Yes</p> <ul style="list-style-type: none"> • Good to understand how Park and Ride could be used as a community asset (e.g. rather than closing at night, could they be used for parking/leisure activities etc.) 		P&R recommended to be used for peak demands for market / festivals / providing additional capacity for community events
<p>Question 12 : Yes</p> <ul style="list-style-type: none"> • There is good evidence base which supports pedestrian schemes as a way of improving physical activity (and also mental wellbeing) 		Views noted
<p>Question 13:</p> <ul style="list-style-type: none"> • Support prioritisation of cycling and walking along river corridor, with radial routes in and out of Bath • Also a neighbourhood approach which links communities to one another – help to support vibrant, accessible neighbourhoods • Suggest highlight importance of improving connectivity between sites and neighbourhoods; across neighbourhoods as well as between neighbourhoods and city centre 		Views noted
<p>Question 14: Yes</p> <ul style="list-style-type: none"> • Is there understanding of optimal facilities and charging points required to encourage behaviour change and higher uptake? 		
<p>Question 16:</p> <ul style="list-style-type: none"> • Stakeholders would like bus fleet which is 'up to date' e.g. Wi-Fi 		Proposed within the Transport Strategy within the 'Better Bus Area' bid
<p>Question 17:</p> <ul style="list-style-type: none"> • Support solution which encourages coach travel over car, but does not compromise use of city centre sites which could be used to promote health and wellbeing • Use of existing assets e.g. Park and Ride 		Recommended a replacement coach park should be provided at either Weston Island or Odd Down Park and Ride site. The city centre set down/pick up point should remain at Terrace Walk

Additional Comments:

- Strengthen strategy links with other key strategies e.g. Fit for Life
- Objective 1.3 – add 'promoting sustainable **and active modes of travel**'
- Do more to encourage car sharing
- Definition of key walking routes – should ensure school walking routes are prioritised
- Connected communities where active modes e.g. walking/cycling are easy choice
- Definition of utility and leisure purposes for walking trips
- Clarity on volume of school traffic and how this will be reduced
- Sustainable travel section – also mention **'active' travel**
- Travel plans – is this far/challenging enough?
- P.22 - add: Successful delivery of development sites (**including sustainable and active modes of travel**)
- P.24 – add: Improved travel choices (**i.e. sustainable and active travel**)
- At consultation event in July, strong support for experimental closure of city centre streets to traffic and to pilot the impact on how people get into city, impact on businesses etc.
- Welcome creation of Access Group – could scope be broadened to include access for those with learning difficulties and dementia

Views noted and detailed points will be considered in further work

Local Businesses

Local Transport Consultants

Initial comments

- Document classification and structure is not clear, is it the actual Transport Strategy, an options testing report or a review?
- In addition, the heading 'Getting Around Bath' is grammatically and contextually incorrect

Proposed Action

Document is the proposed Transport Strategy

Context

- How does the TS fit in with the other strategies of the Council e.g. Bath Sustainable Communities Strategy, Local Transport Plan etc.? A
- The TS also doesn't clearly define the geographic area it is covering in sufficient detail
- The TS is too focused on the central area of Bath and makes little reference to the role of the urban area surrounding the centre, the fringes of the city and the travel-to-work area beyond

Strategy is directly linked to the Core Strategy and planning of future development

Views noted

The need for a strategy - Analysis

- The TS gives no indication of where the trips are coming from or going to, the trip purposes, travel on different days of the week or the different flow profiles across the inner cordon
- There is no analysis in the TS of the actual transport network itself (the supply side) i.e. the hierarchy of roads, the rail links, the coverage of bus services, the river and waterways etc. This is all essential baseline information from which the strategy can be developed
- Needs to be clearly articulated in the document that the supply side of the City's transport network has only a finite capacity, and as a consequence, there is a limit to the level of demand that can be realistically accommodated. We believe it would be possible to work this

Not detailed specifically within the report but are considered within the data obtained
Baseline information has been used and analysed for evidence within the strategy – a separate supporting document will detail this

out as the city has only limited routes into it, which act to constrain the demand		Views noted
Integration <ul style="list-style-type: none"> The TS needs to be integrated at several levels as follows: <ul style="list-style-type: none"> -The wider national as well as regional policy framework -Between Council Departments: education, waste management, planning and regeneration, social services and community services will all influence transport. -Between all modes of transport: roads, buses, trains, boats etc. all have different operating regimes and without recognition of how they might operate as an integrated network 		Is stated in the document that the emerging Core Strategy reflects the changes in the planning system manifest through the National Planning Policy Framework that supports the principles of sustainable development
	Coherent Strategy <ul style="list-style-type: none"> Too many generalised measures, such as promoting walking, cycling and public transport, which should be indisputable as they reflect national policy It is not explained as to how they might contribute to different types of travel in Bath e.g. travel distance, trip purpose, time of travel, type of traveller etc. There is a real risk that if specific measures / schemes are not included in the TSB, when it comes to trying to deliver them on the ground, it will be much more difficult to demonstrate that they are an integral part to the overall transport strategy for the city The TS is mostly on the central area of the city, which we believe is problematic. The traffic intervention measures should be on the corridors and routes into the city Feel like the TS is centred around walking, however this is only suitable for journeys of a limited distance Public transport, and in particular the bus services, needs to be at the heart of the TS. Should cover the whole city and its travel-to-work area beyond 	Views noted
	Support for the Strategy <ul style="list-style-type: none"> The outcomes set out in the TS do not provide a persuasive argument as to why it is important that the strategy and its measures are adopted for Bath 	Is stated in the report that the scope for daytime pedestrian priority can be considered, enabling vehicle access at other times
		Views noted
Local Media Business	Question 1 <ul style="list-style-type: none"> The strategy seems to lack objectives at a strategic level. The first is any real sense of strategic transport principles: <ul style="list-style-type: none"> - Ease of movement within the City - Ease of movement to/from the City - Limiting car demand/use -Measuring the proposed solutions against those overall objectives 	Proposed Action Views noted The strategy will extend the principles of the Public Realm and Movement Strategy to core routes throughout the whole city
	Question 12 <ul style="list-style-type: none"> It's too limited in its ambition, and it doesn't really address the wider issue of ease of movement for pedestrians in the City because it will just move the problem elsewhere 	

Question 16

- Lower fares
- Greater emphasis on bus provision and fares from locations outside Bath, avoiding the need for car journeys to the P&R

As above, cheaper rail and bus fares are outside the control of the Council

Other comments

- If limiting car demand and ease of movement to/from the City are key objectives, then solutions such as a City centre congestion charge would support both
- It would provide resources to improve bus services and cut bus fares
- The strategy is very City centre focused - missing transport issues outside the City centre, and not placing enough emphasis on the impact of getting to and from the centre from outside
- The rails links to Wiltshire are a worthwhile objective, but the MetroWest project to the East of Bath has greater value, greater opportunity, and potentially much greater impact. The priority should be to support the LEP in ensuring that this sees the light of day and achieves its full potential
- Cycling does not feature significantly enough. Should consider 'Boris bike' type solutions for the centre
- Car sharing is not mentioned: incentivising by, eg, sharing bus lanes, cheaper parking
- Bath's waterways as a potential solution should be considered: business might be encouraged to use them as a method of transport, the use of taxi services along the river might be considered

As above, congestion charging is unlikely to be viable for a city the size of Bath due to the huge development and infrastructure costs required
Views noted

There are several measures noted within the strategy to increase the number of cycling trips, however, local topography of the area limits the quality and scope for future cycling provisions
'Next bike' has already launched within the city centre
Car share is considered within modal shift

Individual Responses

Individual Response

- Recently moved to Bath for both 'beauty and amenities' and also due to being a 'compact and walkable city' – daughter has visual impairment, so able to be independent here

Views noted

Walking

- Support giving highest priority to walking, but strategy needs to take greater account of the fact that those with mobility impairments have varied and complex needs
- Pedestrian only streets helpful, but need controlled crossings made safe by the use of audible and tactile signs, in line with best practice (Department of Transport, 2002)
- Need for consultation with relevant organisations as a starting point to ensuring that Bath is made a safe walking environment for everyone

As above, all aspects of travel are considered in the strategy to provide links for those with mobility impairments
Views noted

Shared Space

- Strategy accepts apparent advantages of shared use of space by cyclists and pedestrians – lack of accidents reflects the fact that those with visual impairments avoid such spaces as they do not feel safe. Need careful design of such spaces to avoid this problem

Identified as a key priority to provide new infrastructure including crossings, shared space and lighting for those on foot and with mobility difficulties

Park and Ride		Identified within the strategy via dialogue with visitor attractions. Coaches are a major component of their success- an easily accessible unloading point in the city centre is essential, linked to a more remote coach parking facility
<ul style="list-style-type: none"> Support for expansion of Park and Ride sites outside of the city, including an area for coaches. No need for coach parking facilities within close proximity to city centre 		
Technology		Views noted
<ul style="list-style-type: none"> Support greater use of technology e.g. radio frequency controlled devices may offer safer crossings for the disabled in the future 		
Pollution		Views noted
<ul style="list-style-type: none"> Coaches and buses must be significant contributor to high pollution levels in Bath, in addition to car usage. Rapid transition to hybrid and electric buses (and coaches, if possible) should be a priority 		
Individual Respondent	<ul style="list-style-type: none"> Coach parking – safe manoeuvring of large vehicles needs to be considered very carefully Include rest facilities for drivers (toilet and smoking facilities) – complaint regarding current toilet facilities at Riverside 	Views noted Implemented within the strategy, stating that current facilities are inadequate and any new coach station must provide much improved facilities, including a driver rest area and toilets
Individual Respondent	<ul style="list-style-type: none"> Need to consider reduced bus fares for children 	As above, cheaper rail and bus fares are outside the control of the Council
Individual Respondent	<ul style="list-style-type: none"> Need to put a monetary value on the retail and tourist segment of the Bath economy/conduct a survey to engage with non Bath residents who visit the city to ensure that the strategic approach and tactics are not putting this sector at risk The stated intention to reduce off street parking in the city could risk the retail and tourism customer experience in the city Are any likely changes to car fuel sources over coming years taken into consideration within the TS? 	Views noted Previous car parking managing supply has not been detrimental to the local economy and has helped to reduce traffic levels, of which shows that parking resources can be managed more effectively
Individual Respondent	<ul style="list-style-type: none"> Coaches should be made to discharge their passengers at one or more staging areas just outside the city centre and move away to park on derelict land Introduce a scheme of residents' parking fees based on the pollution levels of the car Add a second storey over the existing Charlotte Street Car Park to enable a large number of additional cars to be parked on the outskirts of the city centre reducing parking problems in the city centre (avoiding double parking/pavement parking) 	It is stated in the document that an easily accessible unloading point in the city centre is essential, linked to a more remote coach parking facility Views noted Views noted

<ul style="list-style-type: none"> Improve capacity of signals by allowing eastbound traffic along George Street to turn left into Lansdown Road whilst traffic is flowing down Lansdown into George Street 	
Individual Respondent	<p>Accessibility for people with mobility impairments are considered (either some form of infirmity, visual or hearing problems and others, such as those with shopping or pre-school children, may encounter difficulties walking around the city or using other transport such as buses)</p>
Individual Respondent	<p>Look at hubs and routes which are accessible to all. There are 4 perspectives to look at:</p> <ul style="list-style-type: none"> - sensory (guide dogs/white sticks) -mobility (blue badge holders) -mental illness -the elderly <p>As above, accessibility for those with mobility impairments are considered</p> <p>The preservation of Baths unique surroundings and historic core are a key focus within in the strategy</p> <p>As above, working with bus operators will determine the most appropriate ways to provide services that meet the needs of local people during the day and into the evenings</p>
Individual Respondent	<p>Views noted</p> <ul style="list-style-type: none"> There is almost no consideration given to the student body in Bath - should be considered to be at the forefront of the council's efforts to increase the percentage of journeys by foot and cycle Key walking routes ignore one of the busiest pedestrian routes in the city (Oldfield Park, via Brougham Hayes, Homebase and Sainsbury's car parks and into the city centre via Green Park Station) No consideration is given to pedestrians or cyclists via Widcombe Hill and Copseland on the way to and from the university. Both are dangerous for pedestrians and have a large number of pedestrian/cyclist journeys
Individual Respondent	<p>Views noted</p> <ul style="list-style-type: none"> The approved Cabinet Meeting report has been changed since the meeting to include a discussion about the A36/A46 link road. The Cabinet Meeting and Mott MacDonald Report - Consultation (both approved April 2014) show different quotes on the A36/A46 link road
Individual Respondent	<ul style="list-style-type: none"> Need to cater for all forms of mobility impairment, particularly related to sight which require controlled crossings. Should be no need for coach parking in the city centre Hybrid/electric buses should be a priority to address air pollution

**Individual
Respondent**

- The report is too focused on reducing car use –this is too dangerous to the economic wellbeing of the City to be too anti car and a more balanced approach should be taken in the report
- Report needs to be practical rather than achieving a "Utopian" vision
- There are a number of statements in the report that do not seem to be backed up by hard evidence
- Section 2.15 - what evidence is there to say that recent parking schemes have not been detrimental to the local economy and also helped traffic flow?
- Reducing central area parking is not only impractical it is dangerous to the future economic wellbeing of businesses that rely on evening trade
- Limiting car parking in the Enterprise Area will limit its interest to potential occupiers and limit the success of any new office development
- Detrimental knock on effect on outlying villages/outer suburbs where increased traffic caused by "rat runners" trying to get to the park and rides and across the City

The strategy is not anti-car but instead is trying to re-balance transport options against the economic and environmental needs of the city – car use will continue to be important but containing the number of journeys made by car will benefit everyone

Evidence includes over 3,000 long stay on-street spaces as part of the residents parking schemes introduced in 2000/01 and the 320 spaces at Royal Victoria Park no longer being available for free all-day parking (introduced in 2013)

As above, previous car parking managing supply has not been detrimental to the local economy and has helped to reduce traffic levels, of which shows that parking resources can be managed more effectively

As above, working with bus operators will determine the most appropriate ways to build the market through straightforward ticketing, new information provision and services that meet the needs of local people during the day and into the evenings

DRAFT

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Council	
MEETING/ DECISION DATE:	13 th November 2014	
TITLE:	Licensing Act 2003- Review of the Council’s Statement of Licensing Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Annex A- Copy of the responses to the online consultation exercise on the proposed Statement of Licensing Policy and Code of Best Practice for Licensed Premises</p> <p>Annex B- Copy of the proposed Statement of Licensing Policy and Code of Best Practice for Licensed Premises, including amendments from the consultation (in red)</p> <p>Annex C- Night Time Economy evidence for Bath and North East Somerset</p>		

1 THE ISSUE

1.1 Section 5 of the Licensing Act 2003 ("the Act") requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the Authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the five year period the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate. The Council last reviewed its policy in 2010.

1.2 This report identifies the findings of the consultation exercise carried out on the proposed revision of the Council's Statement of Licensing Policy and the introduction of a Code of Best Practice for Licensed Premises.

2 RECOMMENDATION

2.1 The Council adopts the Policy and Code of Best Practice provided in Annex B, having had regard to the responses received following the consultation exercise (set out in Annex A),

2.2 The Council is also asked to recommend the continuation of the existing Cumulative Impact Area in Bath City Centre.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 There are no financial, property or people implications presented by the adoption of this Policy and Code of Best Practice.

3.2 Costs for the licensing function will continue to be met from current licence fees. Fees are reviewed on a periodic basis to ensure that they are set at a level which covers costs only.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The basis for this report stems from a statutory duty on the Council to review its Statement of Licensing Policy every five years.

5 THE REPORT

5.1 The Council have completed a thirteen week consultation on the review of its Statement of Licensing Policy in relation to the 2003 Licensing Act. For the first time a Code of Best Practice for Licensed Premises has been created to provide practical ideas on how licensees can achieve best practice with respect to the promotion of licensing objectives. The opportunity has also been taken as part of the consultation to review the area of the Cumulative Impact Policy which was introduced by the Council in 2007.

5.2 The report brings the findings of the consultation exercise together with officer comments and recommendations. An online consultation tool was used via the Council's website and respondents were requested to answer questions and provide general comments. 17 people/organisations responded to the online consultation and an analysis of their comments is provided in Annex A.

5.3 Copies of the amended Statement of Licensing Policy and Code of Best Practice, which includes the officer recommendations, is provided in Annex B.

5.4 The consultation included those listed below:

- The chief officer of police for the area;
- The fire and rescue authority for the area;
- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licences;
- Persons/bodies representative of businesses and residents in the area;
- All Ward Councillors, Town Councils and Parish Councils;
- All 3rd tier Council Officers;

5.5 The Act states the above persons/bodies should be consulted and the Statutory Guidance states their views should be given appropriate weight when the policy is determined.

5.6 The Government's guidance also states;

- All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote
- While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in The Act
- No statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in The Act
- Policies should make it clear that licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of The Act
- The conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations
- The statement of policy should also make it clear that 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
- Statements of licensing policy should include a firm commitment to avoid attaching conditions that duplicate other regulatory regimes as far as possible
- Statements of policy, should express the intention to establish protocols with the local police and the other enforcing authorities

Further information regarding what should be contained in a Statement of Licensing Policy can be found in Home Office guidance issued under section 182 of the Licensing Act 2003. The link for this guidance is replicated below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf

5.7 With regard to the existing Cumulative Impact Area (CIA) in Bath city centre, research was commissioned from the Council's Strategy and Performance team on the occurrence of incidents of anti-social behaviour within the Cumulative Impact Area since its introduction in 2007. A report summarising the findings of this research are found in Annex C. Comments were sought from Avon and Somerset Police on whether the geographical area of the CIA should be amended in light of this data, especially as there appeared to be a reduction in the incidence of anti-social behaviour in and around the Walcot Street area.

5.8 The view of Avon and Somerset Police is that Walcot Street continues to be a location for calls about anti-social behaviour and the street also serves a footway

out of the city for those members of the public who are not taking taxis home. Therefore, their recommendation is that the geographical area of the CIA should remain the same. This recommendation is endorsed by officers and the Licensing Committee in its meeting on 6th October 2014.

- 5.9 Both the proposed Statement of Licensing Policy and Code of Best Practice has been discussed and endorsed by the Licensing Committee in its meeting of 6th October 2014.

6 RATIONALE

- 6.1 The rationale for this report stems from a statutory duty on the Council to review its Statement of Licensing Policy every five years.
- 6.2 The policy also links to the Council's duty to reduce crime and improve the public realm.

7 OTHER OPTIONS CONSIDERED

- 7.1 Advice has been sought from the Council's Legal Services, the Council's Monitoring Officer and Section 151 Officer (Resources Director). All have had the opportunity to input to this report and have cleared it for publication.

8 CONSULTATION

- 8.1 A consultation process has been carried out involving the following groups:

- all statutory consultees;
- Licensing Committee,
- Planning, Transportation and Environment Policy Development and Scrutiny Panel;
- North Somerset Council
- Visitors to the Bath City Conference
- Student Community Partnership
- Night Time Economy Group
- Alcohol Harm Reduction Steering Group
- Midsomer Norton Community Alcohol Partnership

- 8.2 In addition a stakeholder workshop was held on 17th July 2014 which was attended by representatives from Responsible Authorities, Resident's Associations, the Bath Business Improvement District and Councillors. Presentations were delivered by Avon and Somerset Police, the Council's Public Health Team and the Abbey Resident's Association. Approximately 25 people attended and overall feedback indicated that 60% of attendees considered that the workshop fully met their needs.

8.3 This report has not been sent to the Trades Unions because there are no staffing issues resulting from it.

9 RISK MANAGEMENT

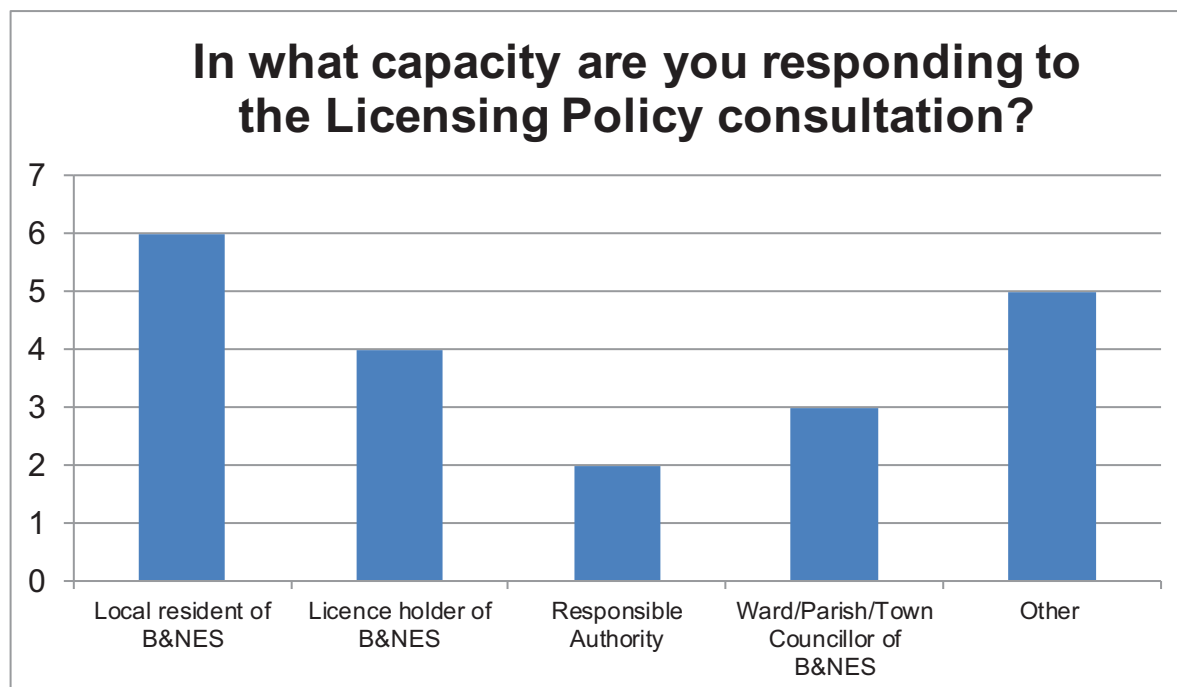
9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Cathryn Humphries, Licensing and Environmental Protection Team Manager (01225 477645)</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Annex A

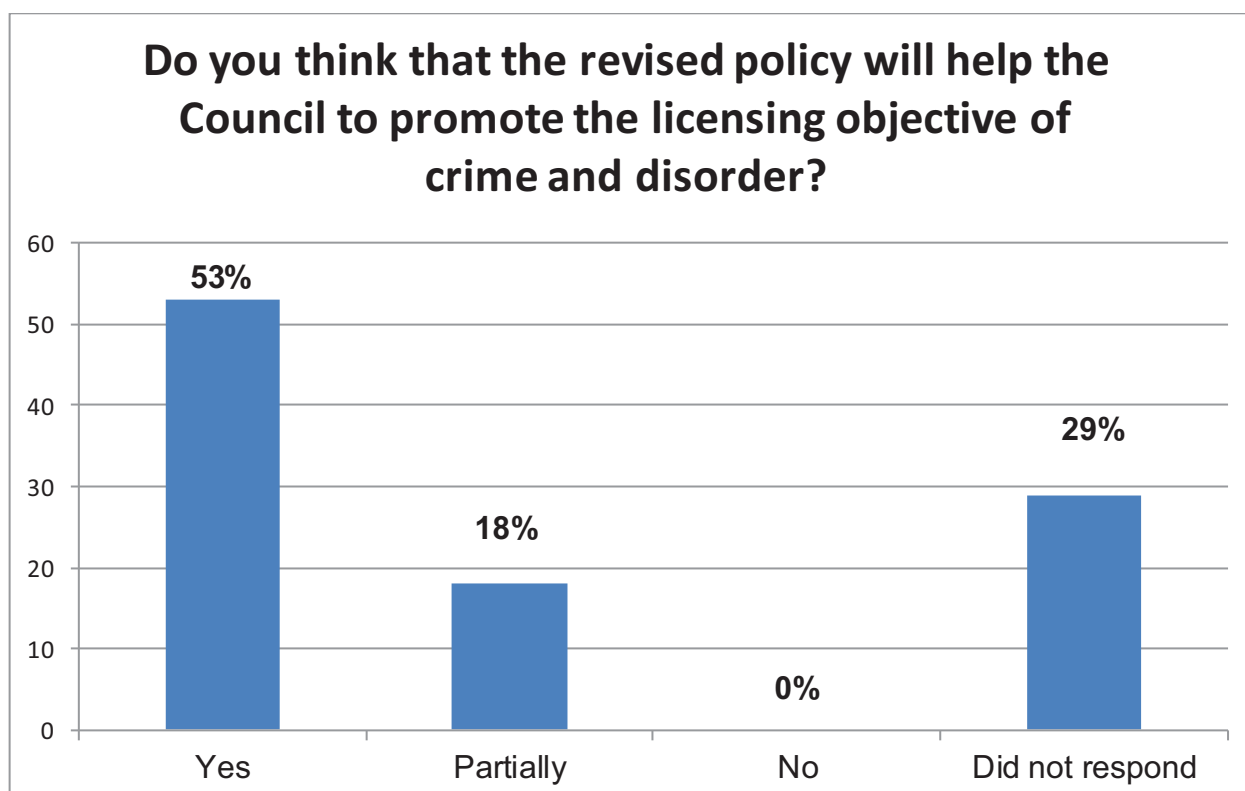
Statement of Licensing Policy- 2014 Consultation Responses

Question 1: Respondent (by type)



(The sum of the respondents exceeds 17 as some respondents ticked 2 options e.g. local resident and licence holder. The respondents in the 'other' category included the Bath Improvement District, the Wine and Spirit Trust and Residents Associations).

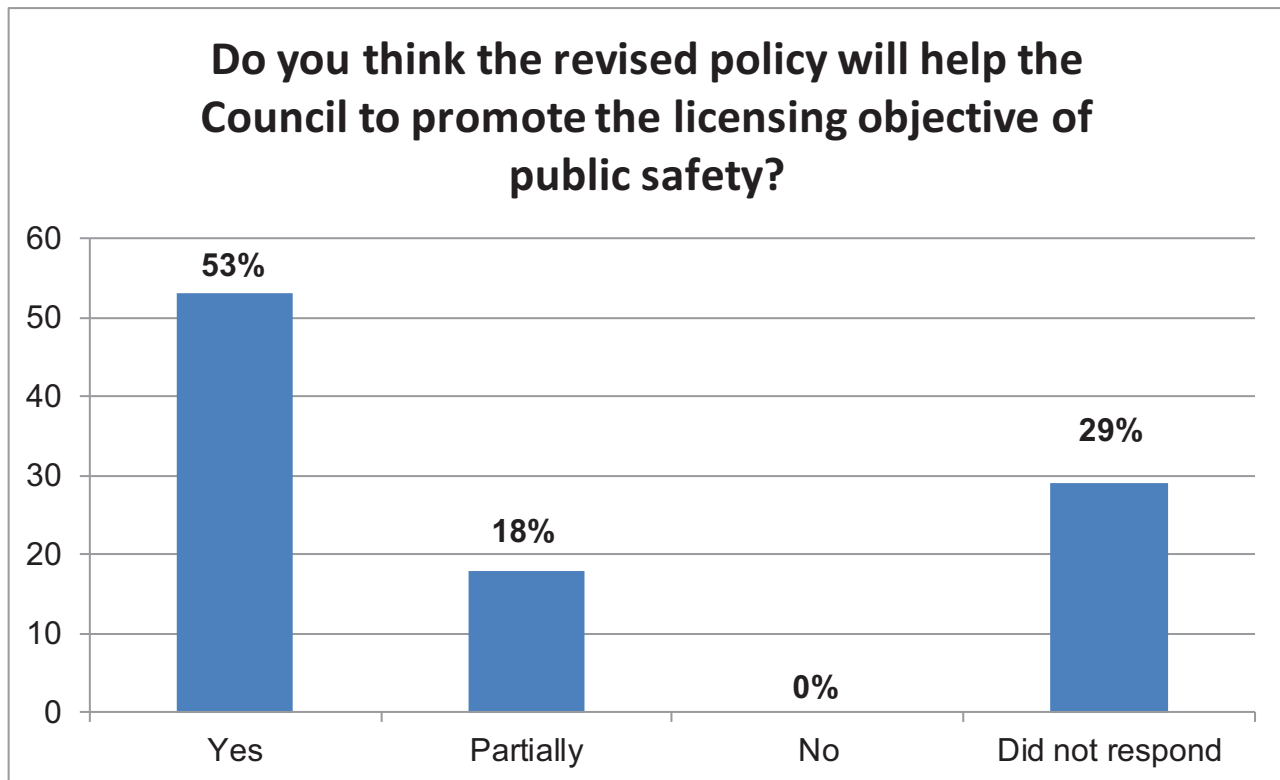
Question 2: Promotion of licensing objectives (crime and disorder):



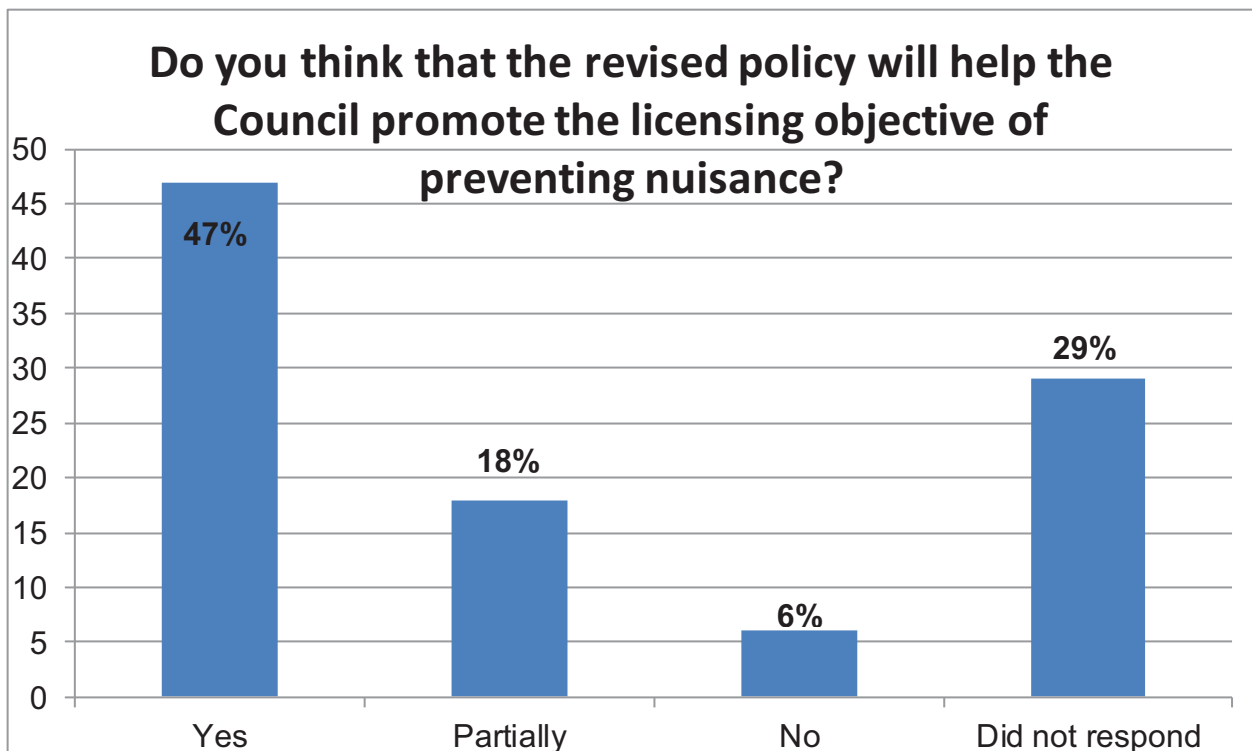
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Question 3: Promotion of licensing objectives (public safety):



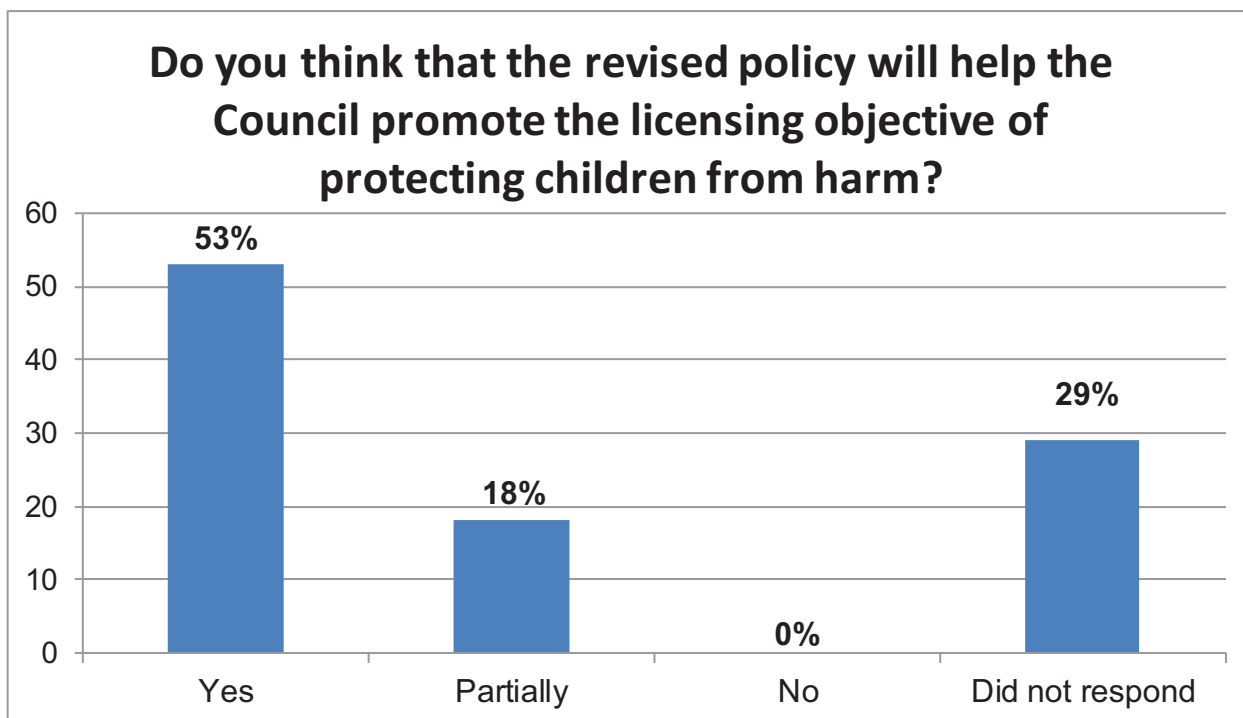
Question 4: Promotion of licensing objectives (preventing public nuisance):



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Statement of Licensing Policy- 2014 Consultation Responses

Question 5: Promotion of licensing objectives (protection of children from harm):



Question 6: Do you have any suggestions on how we could improve the section on the licensing objectives?

The following responses were received; where necessary, the response from the Licensing Team follows in blue:

"Don't hand out licences -analyse before more diligently"

Licences are issued according to a statutory process and can only be refused when a relevant representation is received and only then by a Licensing Sub Committee.

"Maybe a) levies should be raised on any extension to 'normal' licensing hours. And b) more 'pro-action' by authorities to clamp down on any breaches"

The Licensing Act 2003 moved away from 'normal' licensing hours, allowing terminal hours to be staggered to minimise the effects of all premises closing at the same time. There is no mechanism to raise levies on extensions to what would be termed 'normal licensing hours'.

Every complaint received by the Licensing team is investigated; there is also successful multi-disciplinary Licensing Enforcement Group comprising of representatives from the Police, Fire Service and other Council teams which carry out intelligence-led out of hour's visits to licensed premises. This group typically completes one operation per month and any actions arising from visits are agreed jointly by the Licensing Enforcement Group.

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Statement of Licensing Policy- 2014 Consultation Responses

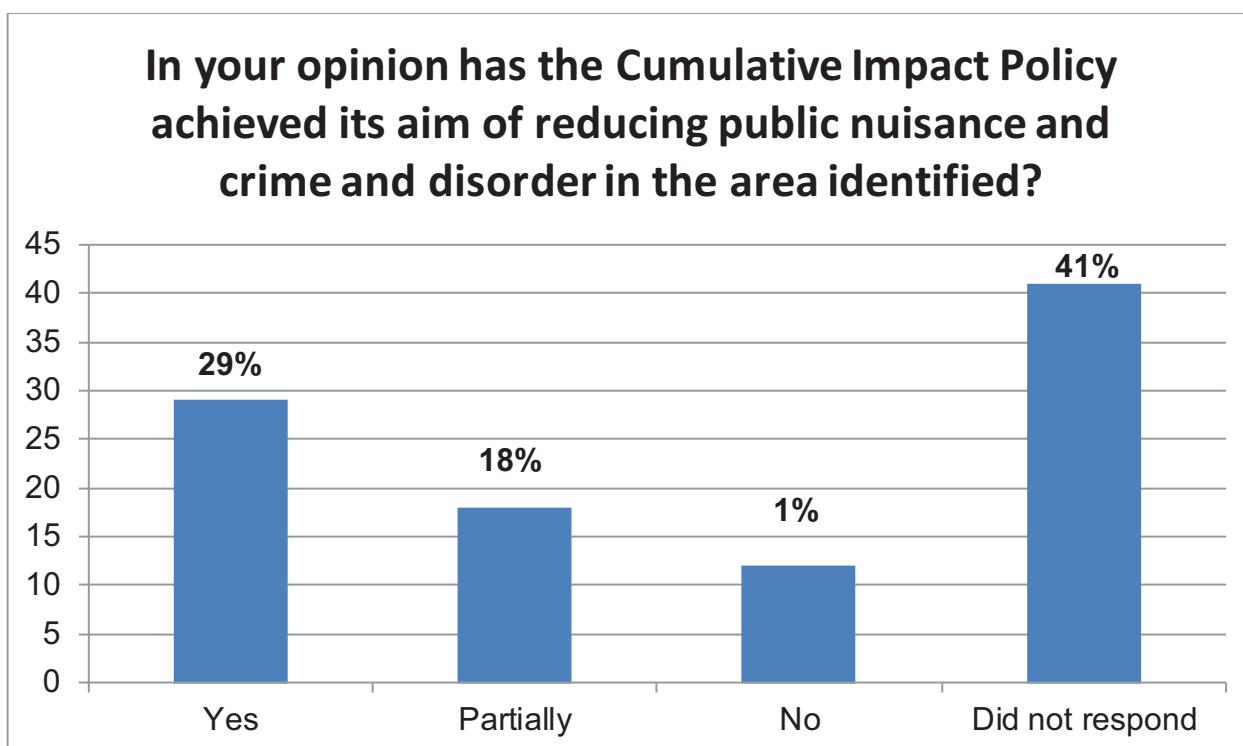
“Section 3.9 could be strengthened to emphasis the role the B&NES Licensing Policy plays in supporting the public health agenda in B&NES, in particular the aim of helping people to stay healthy through reducing levels of alcohol misuse in the population. It also contributes to the B&NES Alcohol Harm Reduction Strategy aim of preventing the harm arising to individuals, families, and society from excessive drinking and to promote a culture where drinking is seen as an adjunct to having an enjoyable and sociable time and not as an end in itself”.

This paragraph will be amended to take these comments into account.

“Para 3.6 concerning the Licensing Authority being added to the list of Responsible Authorities. The wording gives a negative view of what the licensing authority can and should do and does not reflect what the s182 Guidance says. This should be reworded”.

It is not intended that this paragraph provides a negative view of the role of the Licensing Authority in submitting representations. The Guidance advises that whilst Licensing Authorities may make representations they are not required to do so, neither are they required to make representations on behalf of others.

Question 7: The impact of the Cumulative Impact Policy:



Question 8: Please provide any other comments you have about the Cumulative Impact Policy

The following responses were received; where necessary, the response from the Licensing Team follows in blue:

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Statement of Licensing Policy- 2014 Consultation Responses

"We do not seem to have relevant problems in Ubley"

Thank you for this comment.

"Too many premises, too few Police Officers and B&NES Enforcement Officers"

The Licensing Team reiterate the previous comment about the work of the Licensing Enforcement Group in responding to complaints.

"Evidence shows a drop in crimes relating to the Night Time Economy over the last 5 years in B&NES which is encouraging and mirrors a national trend. We will continue to lobby for a Public Health Objective in the Licensing Act to enable a population approach to the availability of alcohol in an area which would also include off sales"

In the course of revising its Statement of Licensing Policy the Council held an Alcohol Scrutiny Inquiry Day in October 2013, which brought together 68 key stakeholders including Local Councillors, voluntary and community sector partners and Council officers to debate how best to reduce alcohol misuse in our area. Participants felt strongly that there needed to be more emphasis on the prevention of alcohol harm through national policy and in particular called for the protection and promotion of public health through the licensing process.

For this to be effective there would need to be a change in primary legislation and the creation of statutory guidance to assist Licensing Authorities and local Health Authorities.

"The CIP policy assists all parties within the night time economy. It concentrates applicant's considerations to make minimum impact on local residents in respect of all the licensing objectives. For the responsible authorities it provides a process of proportionate conditions being added to a licence where applicants clearly know what measures are expected of them, and furthers the measures in the operation of well managed premises. It provides a strong tool for committee when deciding on applications. The data provided supports this policy"

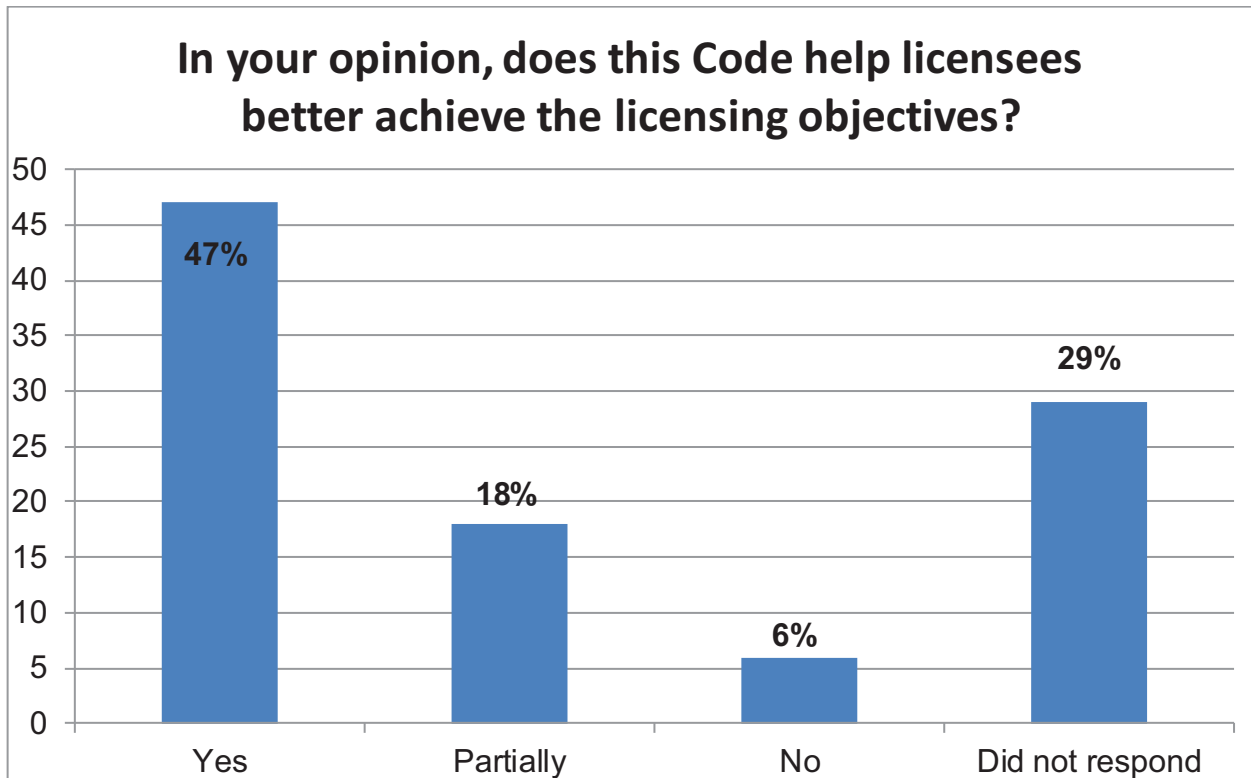
No further comments.

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Statement of Licensing Policy- 2014 Consultation Responses

Question 9: The Code of Best Practice

A Code of Best Practice for licensed premises has been developed to accompany the statement of licensing policy. This contains voluntary initiatives which will assist licensees in the successful operation of their business.



Question 10: Do you have any suggestions on changes we could make to improve the Code of Best Practice?

The following responses were received; where necessary, the response from the Licensing Team follows in blue:

"We would suggest the following additions:

The Licencing Policy includes numerous references to risk assessment and we believe the Code should offer some guidance about how these should be done.

It is important to make door security staff feel part of the team and to ensure they understand the ethos you are trying to promote.

Hold regular meetings with your local residents association to discuss your future plans and hear their concerns.

Have the duty manager regularly go outside the premises to see and hear what it looks and sounds like to passers-by and neighbours."

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Statement of Licensing Policy- 2014 Consultation Responses

Thank you for these above comments, all of which will be incorporated into the Code of Best Practice.

"Give the nearest noise sensitive premises a contact number so that they can call to alert you to the fact that nuisance is occurring."

Licensed premises should not be reliant on nearby residents to inform them they are causing noise nuisance. Premises should be proactive in ensuring they have an effective noise management plan so as not to cause nuisance and leave them liable to action under the Environmental Protection Act 1990.

"More and forceful enforcement"

The Licensing Team reiterate the previous comment about the work of the Licensing Enforcement Group in responding to complaints. When necessary the Licensing Authority has taken enforcement action resulting in, for example the revocation of a number of Premises Licenses on the evidential basis of crime and disorder and the protection of children from harm

"Include best practice examples from other areas to show the benefits of these initiatives. Include details of the local alcohol treatment and support services for staff who may have alcohol misuse problems."

Encourage premises to display alcohol units literature and details of alcohol support services available locally."

Encourage premises to participate in Designated Driver scheme promotion and drink drive messages"

"Include the importance of regular training for all staff concerned in the sale and management of premises."

"For larger premises to have a dispersal policy to minimise the effect on local residents and prevent mass exodus from premises"

Thank you for these above comments, all of which will be incorporated into the Code of Best Practice.

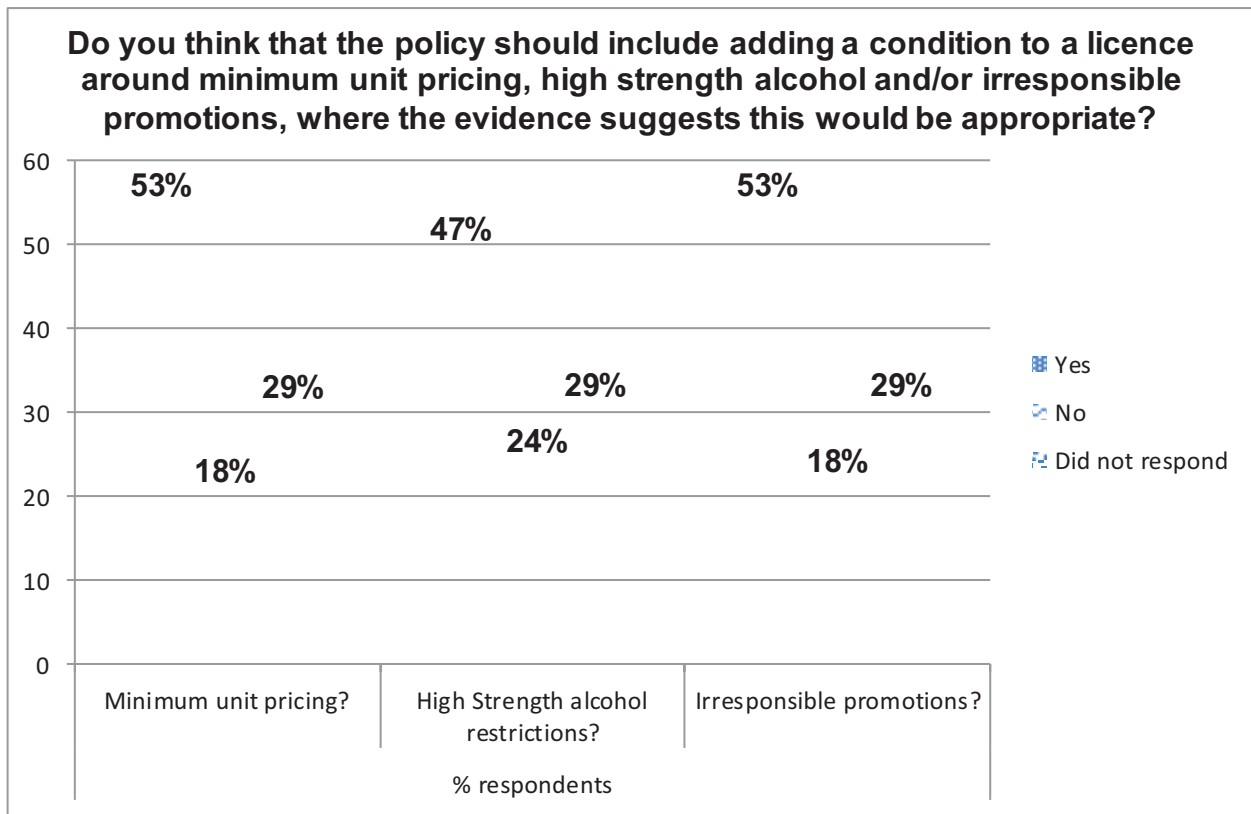
"I welcome the Code of Best Practice. I suggest this document is regularly updated as and when new successful initiatives and ideas are recognised. I would suggest the inclusion in the Code of Practice of the SWERCOTS scheme No Proof of Age - No Sale"

Thank you for this comment. The intention is for the Code of Best Practice to be available on the Council's website so that it can be updated regularly when new information/best practice comes to light. The No Proof of Age- No Sale scheme will be included.

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Statement of Licensing Policy- 2014 Consultation Responses

Question 11: Additional mandatory conditions:



Question 12: If you answered "Yes" to any of these, please suggest how this should be worded to comply with the current legislation?

The following responses were received; where necessary, the response from the Licensing Team follows in blue:

"Use the Newcastle Council wording (this is a reference to the wording used by Newcastle City Council in their Statement of Licensing Policy".

The additional licence conditions relating to minimum unit pricing, high strength alcohol restrictions and irresponsible promotions can only be applied if a relevant representation is received supported by evidence of the issue. If this criterion is satisfied the Licensing Committee may impose conditions.

In response to the suggestion about the wording provided in the Newcastle City Council Statement of Licensing Policy, Section 2 of the draft policy will be amended.

"Don't overdo it. Less Alcohol and less weekly units consumption = clearer heads and a happier liver !!!"

No further comments.

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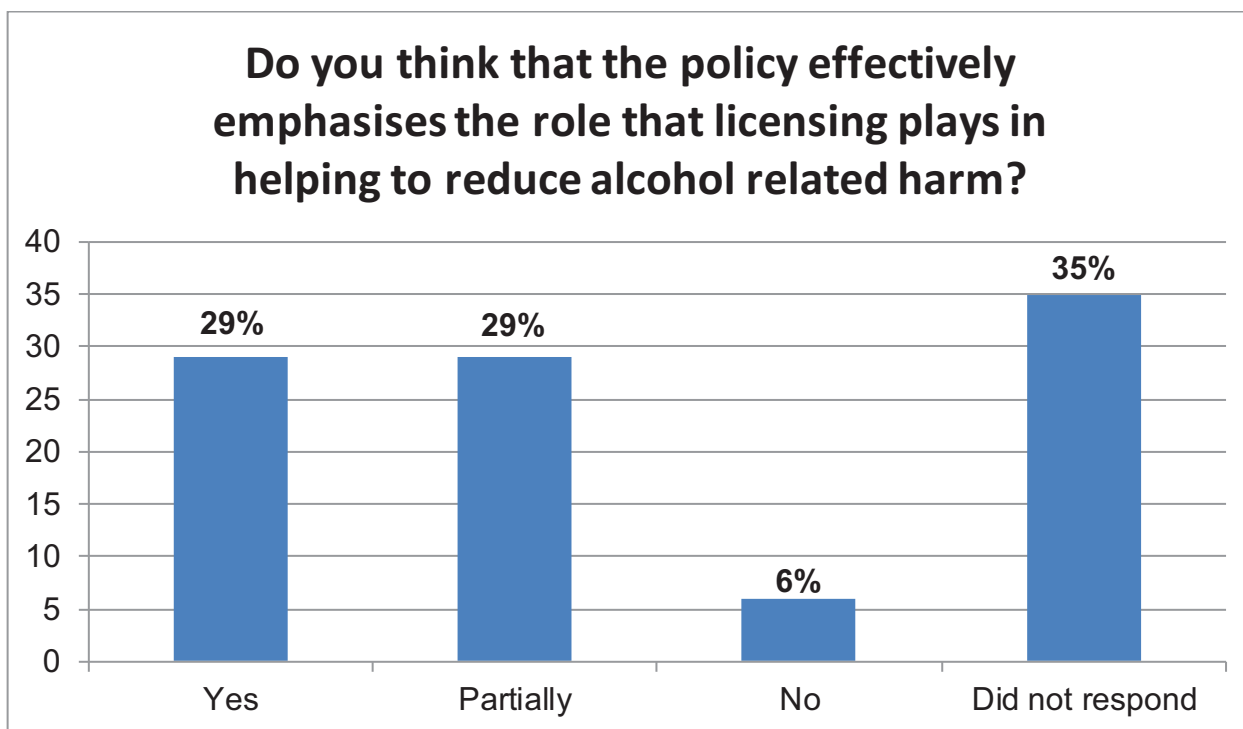
Statement of Licensing Policy- 2014 Consultation Responses

"All these measures are highly desirable but become a legal and operational difficult area to enforce and administer. The wording of such conditions if considered would require legal input".

This is accepted and agreed.

Question 13: The role of the policy in reducing alcohol related harm:

In this revision we have emphasised the role the licensing policy has in helping to reduce alcohol related harm.



Question14: Any suggestions on how this area could be improved?

The following responses were received; where necessary, the response from the Licensing Team follows in blue:

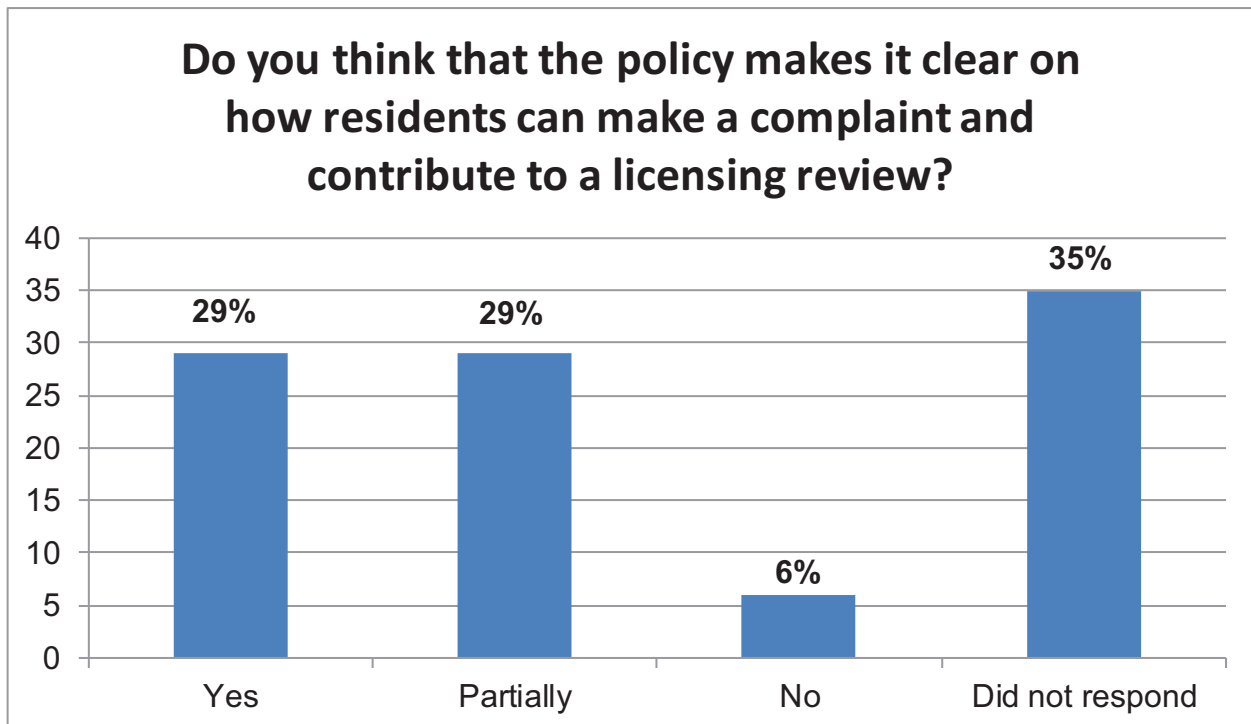
"Role in relation to Alcohol Related Harm is acknowledged. Main focus for this is in the Code of Best Practice for Licensed Premises which encourages License Holders to address a range of issues linked to responsible trading to prevent harm.

No further comments.

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Statement of Licensing Policy- 2014 Consultation Responses

Question 15: How to make a complaint and contribute to a licensing review:



Question 16: Any suggestions on how this area could be improved?

The following responses were received; where necessary, the response from the Licensing Team follows in blue:

"The section on 'How Complaints will be dealt with' gives some guidance on how to make a complaint however the document would probably benefit from a distinct section called 'How to make a complaint or contribute to a review' which lays out the steps - or a link to the website that gives this information."

"With regards to the question about how clear the policy is with regards to residents making a complaint or contributing to a licensing review, I would suggest there is a need to raise awareness that a process actually exists in the policy rather than just focusing on the wording of the policy itself."

The section will be amended to take these comments into account.

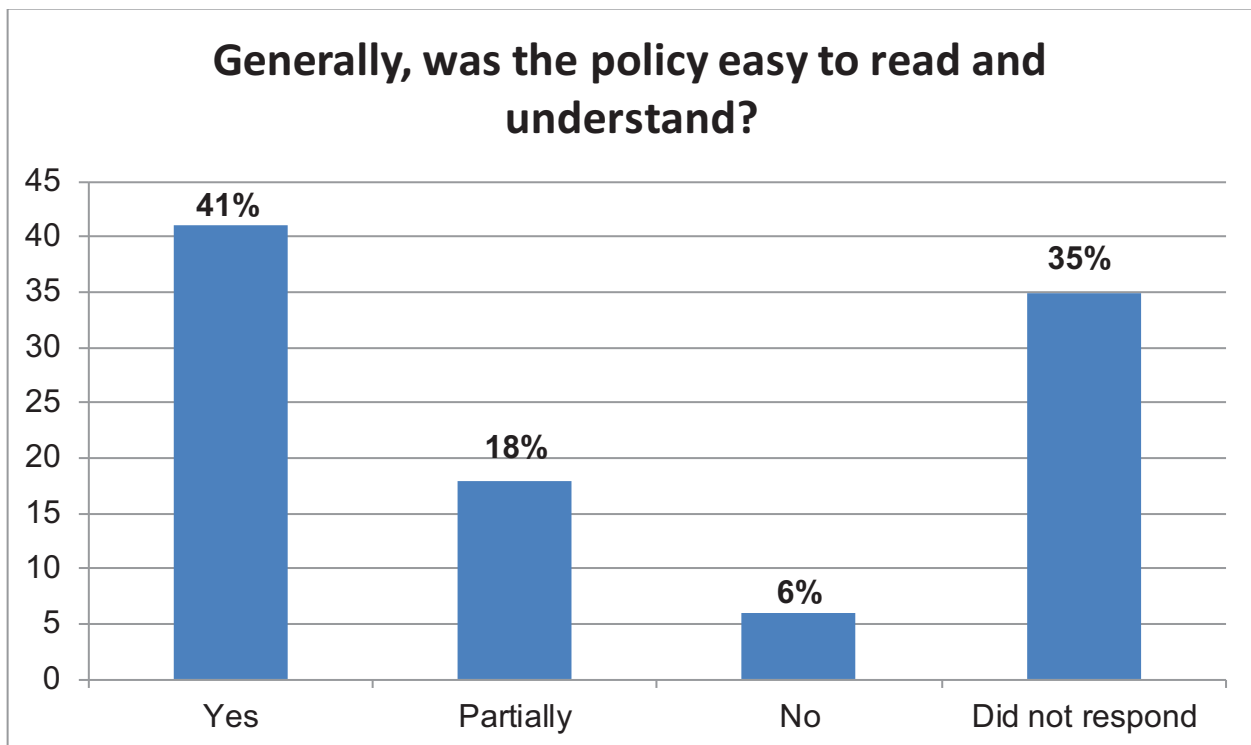
"Residents need to be made clearly aware of their responsibility in highlighting and reporting any breaches."

The Licensing Team would encourage any resident who is experiencing problems with licensed premises to contact them so the matter can be investigated. An online form is available on the Council's website to enable you to report such issues - www.bathnes.gov.uk/forms/licensed-premises-complaint-form

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Question 17: Is the policy easy to read and understand?



Question 18: Any suggestions on how this could be improved?

None received.

Question 19: Do you have any other comments you would like to make about the draft policy?

The following responses were received; where necessary, the response from the Licensing Team follows in blue:

“We have a village hall that has a licence to sell alcohol and most of our events are village/ hall committee arranged functions, private parties and once a year a beer festival. All are organised around the legal maximum number of people who can be in the hall at any one time.

The beer festival is the largest event that the hall committee deals with in terms of numbers of people attending. The local police are always informed and may have a presence at the event.

We obviously comply with current requirements, but most problems addressed by the policy are not evident in our village at events.”

No further comments.

“too many drinking places in the centre of Bath”

The location of licensed premises is dictated by the planning regime for which wide ranging consultation is undertaken.

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"We think the introduction should include a statement explicitly acknowledging the role of the local authority in balancing the legitimate aspirations of business in the Night Time Economy with the rights of residents in the areas where they operate."

The Statement of Licensing Policy will have a foreword by Cllrs David Dixon and Simon Allen which emphasises this.

"Paragraph 2.4 says It is expected that when promoting low priced alcohol, all premises will be considerate of the effect such promotions are having on our large student population, as well as being mindful of the negative effect promotions aimed at females often have. We are not clear what effect the Licencing Authority expects this to make in practice? How do they expect premises who had read this sentence to behave differently from premises that had not?"

It is the expected that all premises will read and understand the Council's aims and objectives set out in the Statement of Licensing Policy together with the Guidance issued in relation to the mandatory conditions. It is further expected that premises will operate in a professional manner and more importantly operate in accordance with the terms of their Licence to avoid any detrimental effects that their operation may have on those using the premises and the wider community.

"Paragraph 3.6 is, as drafted, very defensive. We believe this policy statement ought to include a statement of when the BANES will use its new status as an interested party not just when you will not."

This paragraph will be amended to emphasise that the Licensing Team will use its status as a Responsible Authority on a case by case basis, when other Responsible Authorities have chosen not to act and a view is taken that there is a need to do so.

"Paragraph 6.17; is far too prescriptive particularly in relation to the Environmental Protection Act. There are a number of situations in which noise generated by licensable activities is significantly undermining the licencing objectives but cannot be effectively dealt with by the provisions of the Environmental Protection Act for instance when the noise is regular but intermittent or the noise level is not above statutory limits but is still causing nuisance. In these situations it is necessary that the licencing authority act to support the objectives being undermined and officers and members should have the freedom under this policy to make that judgement."

The Environmental Protection team are a Responsible Authority in their own right and have their own set of powers which Licensing must not duplicate. Whilst the Police and Anti-Social Behaviour Act 2014, when it becomes fully effective, will create new powers which may apply in the circumstances described, these will be dealt with outside of the Licensing regime.

"Paragraph 17.2. How will the Licencing Authority encourage all the excellent things mentioned in this paragraph? For this to be meaningful, not just motherhood and apple pie, there must be some reference to mechanisms?"

The mechanisms are referred to in the non-exhaustive list and are supported through Licensing Enforcement Group visits.

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“Paragraph 17.3. Whom does the licencing authority see as its key partners? What form will these partnerships take for instance does the policy envision formal partnering agreements and structures?”

Our key partners are the licence holders and Responsible Authorities. The way in which the Licensing Authority works with these partners is has been formalised in the Enforcement Protocol last reviewed in June 2014.

“Paragraph 21.2. We see no justification for enforcement being graduated; particularly when a premise has been in business for some time there is no excuse for breaches particularly minor ones. Enforcement is a major issue for residents; examples of failures to comply are far too frequent suggesting premises do not respect the current enforcement policy. Enforcement resources are very limited which means warnings and cautions are often not followed up effectively.”

The Licensing Authority takes enforcement very seriously and works within the Service Enforcement Policy which advocates a proportionate approach. There is a balance between enforcement and supporting businesses to help them achieve compliance without the need for formal, costly Council intervention. When necessary, however, the Licensing Authority has taken enforcement action resulting in, for example the revocation of a number of Premises Licenses on the evidential basis of crime and disorder and the protection of children from harm.

“Paragraph 21.4. What is the Authority’s policy on the level of resourcing it will provide for enforcement activities requiring the involvement of BANES officers? What is its policy on out of hour provisioning?”

The Licensing Authority takes its enforcement functions very seriously and Officers undertake ‘out of hours’ visits as part of Licensing Enforcement Group. This Group carried out over 90 visits in 2013 with a Licensing Officer present on each occasion.

“Paragraph 35.5. As a statement of policy this is very unclear.”

This paragraph will be deleted.

“Section 36 focusses primarily on harm to children on licenced premises. The policy needs to acknowledge harm potential off site for example children whose sleep is disturbed by rowdy drinkers, exposure to drugs paraphernalia, exposure to advertising in premises window and street flyers which use foul language or glorify the consumption of alcohol and drunkenness.”

The Policy can only refer to the protection of children from harm on the licenced premises to ensure compliance with the provisions of the Licensing Act 2003.

“Section 37.1. The policy statement needs to recognise that it is often a very daunting prospect for residents to approach the proprietors of licenced premises with complaints. The policy should include referring complainants to organisations that could help them in approaching proprietors, such as residents associations, or the licensing authority itself being more proactive in acting as a mediator.”

The section will be amended to take these comments into account.

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Statement of Licensing Policy- 2014 Consultation Responses

"One of the frustrations objectors often experience is that applicants make assertions about how their business will be run or promises about what they will do which the committee acknowledge has influenced their decision but which do not or cannot get turned into conditions on the licence. It would be useful if the licencing authority maintained a register of these influential assertion and promises so that at subsequent hearings the committee can get a sense of the integrity of the applicant."

Whilst the comment is acknowledged, each contested application must be dealt with on its merits and on the evidence presented by the Applicant, Interested Parties or Responsible Authorities. The Licensing Authority as determining body cannot gather and produce information with a view to influencing the outcome of any decision. It will be reiterated to the Committee Members that consideration should be given on how any 'promises' made by an applicant during the course of a hearing can be made into clear enforceable, conditions which are appropriate for the promotion of the licensing objectives.

"Other authorities when making CCTV a condition of a licence go beyond specifying the number and siting of cameras and specify minimum technical standards that must be met."

This is a matter for the Licensing Committee as it feels appropriate.

"The policy should include a commitment about how quickly applications will go up on the Council's web site."

The Council endeavours to do this as soon as possible and typically applications are processed and on the Council website within 2 working days.

"I think we need some kind of TENS light for very small scale alcohol sales on a not for profit basis eg the local WI having a glass of wine at a meeting and charging enough to cover the costs or an art show with the offer of a glass of wine alongside tea and cake. It is hard to know how this could be designed to avoid abuse - but the current admin (although small) and fee puts users off and in fact this style of alcohol as a refreshment rather than a means of drinking to oblivion is surely what we would prefer. I am sure the professionals at BANES would know of examples where this has been successfully applied."

The point being made here about Temporary Events Notices is appreciated however there would need to be a change in primary legislation to achieve this.

"It was great meeting today and having a chat about The Licensing Policy and Code of Best Practice. As someone on the frontline selling alcohol, it was useful for me to talk to someone from Licensing and get their take on things."

I've just read the Code of Best Practice, it was easy to read and understand and as we discussed earlier a lot of the content is common sense! Having the various websites and contact details in it for relevant/helpful organisations is a great idea as well.

If there is anything else I can help with in the future then please don't hesitate to contact me."

Thank you for your comments.

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"TENs are unnecessary for small resident's associations get-together /parties etc"

The point being made here about TENS is appreciated however there would need to be a change in primary legislation to achieve this.

"There is clearly a need to educate all local residents to their responsibilities on reporting anything which causes problems in their area. If the population is unaware of where to complain they will not complain"

Details of how to complain and instigate a review are available on the Council's website together with an online form which enables residents and businesses to report matters to the licensing team. Licensing Officers will always readily advise persons reporting licensing issues via more traditional means such as letter, telephone or through any of the One Stop Shops.

"Para 1.3 Surely the aim should be to encourage law-abiding and sober establishments, and to discourage 'boozers'? We suggest adding "dance halls" (for example) after "restaurants", and, "while discouraging those which serve alcohol-only and which disregard the licensing rules" after "evening."

This paragraph will be amended to state 'similar establishments' rather than dance halls.

"Para 2.3 The vulnerable are not the only people affected by binge drinking. After "families." add "(and not just those doing the drinking – neighbours, residents and passers-by too)"

This paragraph will be amended to take account of this comment.

"Para 16.5 The B&NES website is quoted here, but not the relevant part of it. This website is huge. It would be helpful to guide the reader more specifically."

A specific file path will be provided www.bathnes.gov.uk/licensing

"Paras 35.5 and 35.6 There is a non-sequitur here. The two paragraphs should be amalgamated."

Paragraph 35.5 will be deleted.

"The process of consultation and involvement in the development of this policy statement has been very inclusive and to be commended. We have welcomed the Licensing Teams efforts to include a Public Health perspective in the document, given the confines of the existing Licensing Objectives and the subsequent development of a voluntary code of best practice for Licensed Premises."

Thank you for this comment.

"The draft policy within the constraints is a good document that reflects all matters within the process."

Thank you for this comment.

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"Housing Services operate schemes for the licensing of houses in multiple occupation (HMO). I propose that this policy includes a reference to HMO licensing and that this is a requirement in Oldfield, Westmoreland and parts of Widcombe. The purpose is to help ensure that shared housing is safe and well managed. Contact B&NES Housing Services for more information (01225 396444)."

This policy is made under the Licensing Act 2003 and cannot take account of other licensing legislation such as housing.

"While you can't make it mandatory for clubs and license premises to attend pub watch and night watch meeting, attendance and CSR should be looked on favourably and strongly from the licensing authority within this policy statement."

I guess this is the reason why you have produced the code of best practice? Some licensed premises have it as a condition of their licensing agreement to attend a pub watch scheme but this is rarely enforced. Some national breweries make it of a condition of their staff employment contract to attend pub watch style meetings. Anything which strengthened attendance and get pubs working together will reduce issues and engender a sense of community amongst the licence trade."

The Licensing Team is supportive of the Nightwatch Scheme and we encourage licensees to attend. However, in the experience of Licensing Officers it is very difficult to enforce a condition making it mandatory for a licence holder to attend such meetings. Therefore, we have publicised the Nightwatch scheme in the Code of Best Practice.

"Page 36 – Point 45 Late Night Levy. *I think the business community would like a stronger statement than 'kept under review'. The option of introducing such a levy at present is not economically viable particularly when other schemes are in place that contribute to the evening economy such as the Bath BID levy. (my guess is you are giving yourself an option to use it in the future) but we would not want you to do so because of the reasons outlined in the attached paper. A late night levy is more pertinent to metropolitan areas with a high concentration of late night premises.*

In the Government Review of BID, the response from the industry states "There are real concerns developing from many BID areas around the country with regard to the potential of multiplicity of levies through the imposition of a late night levy and or a TBID on top of the existing BID. The nature of the traditional BID model is such that there is a direct relationship and correlation between those paying the levy and those benefitting and the proximity of activity makes the outcome visible to those 'local' businesses." A late night levy would not achieve this and so should be avoided in Bath.

There is no immediate plan to introduce a late night levy, but the Council reserves the right to introduce one if the circumstances dictate.

"Page 1 – 1.5 Bath and North East Somerset Council *in collaboration with the Business Community through the Bath BID was the first area in the South West to be awarded a 'Purple Flag' in January 2010. The award was granted by the **Association of Town and City Management** and is the new 'gold standard'.... Note ATCM name change in full. As a member of*

Annex A

Statement of Licensing Policy- 2014 Consultation Responses

ATCM we were a driver of Purple Flag for Bath. Please can this be acknowledged alongside B&NES. Thank you."

[This paragraph will be amended to take account of this comment.](#)

"Code of Practice for Licensed Premises

This is a positive step forward and welcomed. For your information – The scheme in Bath is now known as Nightwatch.

Page 2 Security *could the following be added:*

- *If you are a licensed premises in Bath, please participate in the Bath BIDs Nightwach radio scheme that connects licensed premises with the Police, CCTV and other Licensees.*

Page 3 Door Staff

- *If you are a licensed premises in Bath, Fluorescent Jackets for Door Staff are provided free to Licensees through the Bath BIDs Nightwatch Scheme*
- *To ensure door staff carry an approved radio that connects them to CCTV, The Police and door staff colleagues throughout the city*

Page 6 Smoke Free

- *To provide a receptacle for the disposal of cigarette butts and keep the public area around your premises clean and welcoming."*

[Thank you for these comments which will be added to the Code of Best Practice](#)

A letter was received from the Wines and Spirits Trade Association in response to the consultation. This letter and the Council's response follow:

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Annex B- B&NES Statement of Licensing Policy

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Foreword/Executive Summary- To be included

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Statement of Licensing Policy

1 Introduction

- 1.1 Bath & North East Somerset Council (the Council), is the Licensing Authority for Bath and North East Somerset under the Licensing Act 2003 (the Act). This means the Council is responsible for granting Premises Licences, Personal Licences, and Club Premises Certificates, in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. It is also responsible for receiving Temporary Event Notices.
- 1.2 The Licensing Authority aims to facilitate the development of a healthier economy in Bath and North East Somerset that feels both safe and offers diverse cultural activities to enable a broad age range of people to enjoy themselves whilst at the same time improving the quality of life of residents and increasing the attractiveness of the area to visitors.
- 1.3 In partnership with other agencies and interested parties, the Council as the Licensing Authority, seeks to develop the area with a view to increasing the number of establishments, including coffee shops, restaurants and other similar establishments, which are open and available to the public in the evening.
- 1.4 It is hoped that realisation of this goal will reduce fear of crime, including alcohol related crime and anti-social behaviour, and consequently encourage greater use of facilities throughout the district and in the evening by people of all ages, all income groups and all social groups.
- 1.5 The significant role the city centre plays in Bath's night time economy, has been recognised by the prestigious Purple Flag Award.

Bath & North East Somerset in collaboration with the Business Community through the Bath Business Improvement District was the first area in the South West to be awarded a Purple Flag in January 2010. The award was granted by the Association of Town and City Management and is the new "gold standard" that recognises safer and more appealing town and city centres at night. The Purple Flag status also provides external recognition for cities that offer a great diversity of entertainment and hospitality to a wide range of age groups. This achievement highlights the effective multi-agency work in place to enhance the night time economy of Bath, and therefore the need to maintain these standards through sustained partnership working in the future. In 2013 the city received the Purple Flag accreditation for the third year running, which was granted in recognition of the outstanding quality and variety of Bath's evening economy.

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- 1.6 The Council has worked in partnership to bring to Bath a modern shopping destination at Southgate, with classic Georgian-style open streets, and public spaces. Southgate Bath has a wide variety of retail stores, eating and entertainment establishments and residential properties.
- 1.7 The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' that sets out the principles the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and having regard to the Secretary of State's Guidance (the Guidance) issued under s.182 Licensing Act 2003 (the Act).
- 1.8 Licensing is about regulating the use of premises, including qualifying clubs, for licensable activities and temporary events within the terms of the Act.
- 1.9 Any conditions which are attached to the various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations on licensed premises. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises.

2 Purpose

- 2.1 The primary purpose of this policy is to assist and inform those involved in the decision making process and those who may be affected by such decisions.
1. This policy will provide the decision makers with parameters under which to make their decisions.
 2. This policy will inform applicants of the parameters under which the Licensing Authority will make decisions, and therefore how a licensed premises is likely to be able to operate within Bath and North East Somerset. Each case will however, be determined on an individual basis.
 3. This policy will inform residents and businesses of the parameters under which the Licensing Authority will make licence decisions, and therefore how their needs will be addressed.
 4. This policy will provide the courts with the basis upon which decisions were reached.
 5. On occasion where particular circumstances justify such a decision, the Licensing Authority may decide to depart from its Statement of Licensing

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Policy when considering an application. The Licensing Authority will on such occasion give reasons for this departure.

The Authority is mindful that when hearing an appeal against any decision made by the Authority, the Magistrates' Court will not take into account anything in this policy that is unlawful, disproportionate or beyond the power of the Licensing Act 2003 (*ultra vires*).

6. This policy will be regularly reviewed by the Licensing Authority in accordance with the requirements of the Act (at least every 5 years) or as the Authority deems necessary.
- 2.2 This policy aims to set out the Authority's expectation that all persons involved in the licensing process will act with a view to promoting the licensing objectives and all premises whether licensed permanently or on a temporary basis, will operate responsibly and in full compliance of their authorisation.
- 2.3 The Authority is also keen to encourage and support where appropriate, any voluntary initiatives premises may adopt to help reduce alcohol harm within our communities particularly as irresponsible consumption of alcohol is a key factor in fuelling late night anti-social behavior, crime and disorder. Such initiatives may include the removal of cheap, super-strength beers, ciders and lagers from the sale or, the display of alcohol in a manner that will not unduly encourage people to drink irresponsibly. The Authority acknowledges that whilst the majority of people drink responsibly, the "drink until you're drunk" and "binge drinking" culture adopted by a minority is having a detrimental effect on many vulnerable members of our communities and their families. **It also has a detrimental impact on residential communities.**
- 2.4 **When considering any relevant representations to an application for a licence or in respect of a review of a licence, where there is a clear causal link between sales promotions or price discounting and levels of crime and disorder or public nuisance in or near the premises, the Licensing Authority may consider imposing conditions prohibiting irresponsible sales promotions at the relevant premises, but not so as to duplicate the provisions of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.**
- 2.5 It is expected that when promoting low priced alcohol, all premises will be considerate of the effect such promotions are having on our large student population, as well as being mindful of the negative effect promotions aimed at females often have. Premises are reminded that the mandatory conditions relating to irresponsible drinks promotions must be adhered to. Premises are expected to carefully risk assess such promotions to ensure they do not encourage individuals to drink alcohol excessively or rapidly.

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- 2.6 The Authority encourages all establishments who sell alcohol to be more vigilant in respect of persons who are purchasing, or maybe attempting to purchase, alcohol on behalf of persons who are already drunk, or who are under age.

3 Licensing Objectives

- 3.1 Section 4 of the Act provides that it is the duty of all Licensing Authorities to carry out their various licensing functions with a view to promoting the four licensing objectives laid down in the Act. The licensing objectives are:
- **The prevention of crime and disorder;**
 - **Public safety;**
 - **The prevention of public nuisance;**
 - **The protection of children from harm.**
- 3.2 Each objective is of equal importance.
- 3.3 These four licensing objectives are to be of paramount consideration at all times. There are no other licensing objectives.
- 3.4 In the event the Government introduces any further licensing objectives, the Authority will amend this policy accordingly.
- 3.5 When considering applications/representations the Licensing Authority will have regard to these licensing objectives. Where appropriate the Licensing Authority will make exceptions to its own policies and give reasons for doing so.
- 3.6 Since the Statement of Licensing Policy was last published the Licensing Authority has been added to the list of “Responsible Authorities” enabling it to make representations supported by evidence, in respect of new and variation applications, and to call for the review of an existing premises licence or club premises certificate. In accordance with the Secretary of State’s Guidance, it will not act on behalf of those who are capable of making representations or calling for a review in their own right. Therefore, inferences should not be drawn on such occasion when the Licensing Authority remains silent in respect of new, variation or review applications. **The Licensing Team will use its status as a Responsible Authority on a case by case basis, when other Responsible Authorities have chosen not to act and a view is taken that there is a need to do so.**
- 3.7 The Licensing Authority will ensure there is a clear distinction between those officers submitting a representation or review application, and the officers responsible for the administration of the application or review process.

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- 3.8 The Director of Public Health has been added to the list of Responsible Authorities and may now make representations in respect of applications, and call for the review of a premises licences or club premises certificate. Representations will be relevant if they illustrate how the applicant's proposals at the specific premises will undermine at least **one** of the licensing objectives.
- 3.9 The Licensing Authority recognises that excessive alcohol consumption leads to poor health which, in turn, places burdens on local health services. **The Licensing Authority supports initiatives to reduce the misuse of alcohol for example, supporting Trading Standards colleagues to carry out under-age sales operations.** The negative effects relating to alcohol misuse will be more widely addressed within Bath & North East Somerset's Alcohol Harm Reduction Strategy.

4 Licensable Activities

- 4.1 The term "Licensable Activities" is defined by the Act. Licensable Activities are:

1. the sale by retail of alcohol;
2. the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
3. the provision of regulated entertainment; and
4. the provision of late night refreshment (i.e. the provision of hot food and/or hot drink between 23:00 hours and 05:00 hours).

4 Types of Authorisations

- 5.1 This policy will be taken into account by the Licensing Authority when carrying out its licensing functions under the Act in relation to any:

- Premises Licence
- Club Premises Certificate
- Personal Licence
- Temporary Event Notice (TEN)

6 General Principles

6.1 Decisions

Many minor or routine matters may be determined by the Licensing Officer; other decisions will be referred to the Licensing Committee for determination.

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These decisions are made in accordance with the table of delegated functions found at page 36 of this Policy.

- 6.2 The Licensing Committee is not a court of law and may seem informal in comparison with such proceedings. For example, the rules of evidence do not normally apply and evidence is not taken on oath. Nevertheless, in determining licensing matters the Committee will follow judicial principles to ensure a fair and orderly hearing is given to each application/representation.
- 6.3 Each case will be considered **on its own merits** and nothing in this Policy shall undermine this principle.
- 6.4 The review of a Premises Licence or a Club Premises Certificate can be requested by a Responsible Authority and any other person subject to conditions as indicated in paragraph 42 (Reviews).
- 6.5 Applicants for Premises Licences and Club Premises Certificates will be expected to set out how they intend to promote the Licensing objectives and what measures they intend to employ to ensure compliance with them.
- 6.6 In order to avoid duplication with other statutory regimes the Licensing Authority will seek to use the most appropriate method of dealing with a particular issue. Subject to the provisions of paragraph 20 (Conditions) the only conditions which should be imposed on a Premises Licence or Club Premises Certificate are those which are necessary, proportionate and reasonable for the promotion of the licensing objectives.
- 6.7 Accordingly if other controls are available because the law already places certain statutory responsibilities on an employer or operator of premises (such as in relation to Health and Safety) it cannot be necessary to impose the same or similar duties on the premises licence holder or club. For example, conditions relating to noise nuisance would not normally be necessary where the provisions of byelaws or of other legislation such as the Environmental Protection Act 1990 protect those living in the vicinity of the premises in question. Where adequate protection is not available conditions subject to the provisions of paragraph 20 may be considered appropriate.
- 6.8 Applicants may suggest, and are encouraged to suggest, appropriate conditions in their operating schedules.
- 6.9 Where the Act provides for mandatory conditions to be included in a Premises Licence the Licensing Authority has a duty to include those conditions on the licence.

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- 6.10 Subject to paragraph 40 (Relevant Representations) anyone wishing to make representations in respect of an application will be required to relate their objection to one or more of the licensing objectives before the Licensing Authority will be able to consider it.
- 6.11 There is a statutory presumption that an application will be granted unless relevant representations are received.
- 6.12 Where appropriate and necessary, the Licensing Authority will seek advice about safeguarding issues from relevant Council officers to ensure that any safeguarding issues are effectively addressed.

7 Consultees

- 7.1 Before determining this policy the Licensing Authority has consulted with various stakeholders including, but not limited to:
1. All Responsible Authorities;
 2. Representatives of local holders of Premises Licences and Club Premises Certificates;
 3. Representatives of businesses and residents of the area;
 4. All Ward Councillors and Town and Parish Councils.

Legislation, Policies and Strategies

8 Legislation

- 8.1 In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including:
1. Section 17 of the Crime and Disorder Act 1988;
 2. Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol;
 3. Equalities Act 2010.
- 8.2 The impact of this policy will be monitored through the Council's equality policies.

9 Relationship with Planning Policies

- 9.1 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the

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need to obtain that permission. It will still be necessary, for the applicant to ensure that he/she has all the necessary permissions in place to enable them to run the business within the law.

- 9.2 There will, however, be a clear separation of the Planning and Licensing regimes to avoid duplication and inefficiency. Therefore, any decision made under the Licensing Act will not take into consideration the need for planning permission.
- 9.3 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process as different considerations will apply.
- 9.4 In addition, if an application is granted by the Licensing Authority which involves a material alteration to a building, this would not relieve the applicant of the need to apply for planning permission.

10 Relationship with Building Control

- 10.1 The Licensing Authority recognises Licensing and Building Control are separate regimes. Where an application is granted by the Licensing Authority which involves a material alteration to a building, this would not relieve the applicant of the need to obtain building control approval.

11 Provisional Statements (and the relationship with planning policies and building control).

- 11.1 Further guidance is given below and in paragraph 25 regarding Provisional Statements generally.
- 11.2 In relation to planning and building control it should be noted that any decision of the Licensing Authority on an application for a provisional statement would not relieve an applicant of the need to obtain any necessary planning permission, listed building consent or building control approval before any development takes place.

12 National Strategies

- 12.1 The Licensing Authority will have regard to Government strategies, so far as they impact on the licensing objectives. These will include, but are not limited to:
1. Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
 2. Professional Guidance as to best practice on test purchasing;

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3. Alcohol Harm Reduction Strategy;
4. Safer Nightlife Guidance.

13 Local Strategies and Policies

- 13.1 Where appropriate, the Licensing Authority will take into account local strategies and policies. These will include, but are not limited to:
1. Sustainable Community Strategy;
 2. Community Safety Plan in alignment with the Police Crime Commissioner;
 3. B&NES Alcohol Harm Reduction Strategy;
 4. Bath's Cumulative Impact Policy;
 5. Community Alcohol Partnership.

14 Integrating Strategies

- 14.1 The Licensing Authority will (where appropriate) integrate national and local strategies and encourage vibrant, sustainable communities in line with Bath & North East Somerset's Vision and Priorities.

15 Regulated Entertainment

- 15.1 In its role of implementing Council cultural strategies, the Licensing Authority recognises the need to encourage regulated entertainment such as live music, dance and theatre for the wider cultural benefit of the community.
- 15.2 When considering applications for such activities, and the imposition of conditions on licences, certificates or notices, the Licensing Authority will do what is appropriate and proportionate in the promotion of the licensing objectives.
- 15.3 The Licensing Authority will ensure that only appropriate, proportionate and reasonable licensing conditions are attached to such authorisations.
- 15.4 As a matter of general policy the Council intends to continue to seek Premises Licences from the Licensing Authority for public spaces within the local community, in their own name. This may include village greens, markets, promenades, community halls, parks, Council owned art centres and similar public spaces. In this instance performers and entertainers would require the permission of the Council as the Premises Licence holder rather than a premises licence.
- 15.5 Performances of live music have been further encouraged following the implementation of the Live Music Act in 2012. Amplified live music performed on

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premises licensed for the sale of alcohol by a premises licence or club premises certificate, or performed at any unlicensed “workplace”, is no longer regarded as being “regulated” under the Act, **when** the performance takes place:

- between 08:00 and 23:00 hours; and
- before an audience of no more than 200 people.

15.6 The performance of unamplified live music has also been deregulated within these given time limits, although there is no restriction in respect of the size of the audience.

15.7 When live music is performed at any licensed premises in accordance with the above criteria, any conditions relating to ‘live’ music as detailed on the premises licence or club premises certificate, will be suspended. However, should the music have a detrimental effect on the licensing objectives, the Licensing Authority may lift the suspension following the review of the premises licence or club premises certificate and the performance of live music will be treated as though it is a regulated activity, allowing for any existing conditions to be re-instated or new conditions to be added.

15.8 The provision of background music, whether live or recorded, will not be regarded as being regulated when it is of a level that does not predominate over other activities.

15.9 When entertainment is ancillary to a main event, which in itself is not a licensable activity, the entertainment will not be regulated by the Act. An example would be live or recorded musical accompaniment at a fashion show.

16 Cumulative Impact Policy

16.1 The concept of Cumulative Impact, although not specifically mentioned in the Act, is found in the Guidance to the Act. It concerns the potential impact a significant number of licensed premises concentrated in one area, may have on the promotion of the licensing objectives. The Guidance acknowledges that this is “a proper matter for a licensing authority to consider in developing its statement of licensing policy”.

16.2 Where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder can arise in the vicinity of those premises. The problem can be compounded where a number of licensed premises, grouped together, are situated near residential areas. The distribution of late night premises may be such as to warrant special action by the Licensing Authority to combat exceptional problems of crime and disorder and public nuisance over and above

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the impact of individual premises.

Steps Taken in Considering a Cumulative Impact Policy

16.3 The steps that this Licensing Authority has taken in considering whether to adopt a cumulative impact policy within the statement of licensing policy are summarised below:

1. Identification of the concern about public nuisance and crime and disorder.
2. Consideration as to whether there is good evidence that public nuisance and crime and disorder is occurring, and is caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
3. Identification of the boundaries of the area where problems are occurring.
4. Consultation with those specified in section 5(3) of the 2003 Act and, subject to the outcome of the consultation,
5. Inclusion and publication of the details of a cumulative impact policy to be included in the Statement of Licensing Policy.

Evidence of Cumulative Impact

16.4 Originally the Bath and North East Somerset Community Safety and Drugs Partnership (CSDP) collated information which demonstrated that, in Bath City Centre, “a defined temporal and geographic area experiences a significantly greater degree of alcohol related crime and disorder than the remainder of the authority area” and that Bath City Centre can be defined as experiencing a significant amount of alcohol related crime.

16.5 At the meeting on 18 January 2007 the Council considered the report from the CSDP. After considering the available evidence the Council resolved to consult on the proposed area outlined in Appendix 1 of the CSDP’s report. Having consulted with those individuals and organisations listed in section 5(3) of the 2003 Act, the Council resolved, on 13 September 2007, that the evidence contained within the report was sufficient to justify the preparation of a cumulative impact policy for inclusion in the Council’s Statement of Licensing Policy. At a meeting on 20 April 2009 the Licensing Committee considered a report on the review of the cumulative impact policy and resolved to continue with the policy. A copy of the reports, together with the Minutes of the meetings, can be seen at any of the Council’s libraries, or on the Council’s web site at www.bathnes.gov.uk/licensing

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- 16.6 Prior to publishing this revised Statement of Licensing Policy, the Council's Strategy and Performance team re-assessed the evidence in support of the existing Cumulative Impact Policy and found it sufficient to justify including this special policy within the Council's Statement of Licensing Policy. The Licensing Authority will continue to monitor the impact of this cumulative impact policy to assess whether it is still required, or needs to be modified or expanded.
- 16.7 The area identified for the cumulative impact policy is outlined on the map on Page 38 of this document (the Cumulative Impact Policy Area).

The Effect of a Cumulative Impact Policy

- 16.8 The adoption of a cumulative impact policy creates a rebuttable presumption that applications for new premises licences, club premises certificates or variations relating to "on trade" premises situated within the Cumulative Impact Area, will be refused if relevant representations are received. **In this context, 'on trade' means the sale of alcohol for consumption on the premises. Currently, the Council's evidence base in relation to the Cumulative Impact Area does not relate to off-sales of alcohol and late night refreshment.** In order to rebut this presumption, applicants must demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.
- 16.9 The Licensing Authority will expect the applicant to address the issues surrounding cumulative impact within their operating schedule. See paragraph 16.17 below for suggested conditions.
- 16.10 This presumption does not relieve Responsible Authorities or any other persons of the need to make a relevant representation. The Licensing Authority may not lawfully consider giving effect to its cumulative impact policy in the absence of relevant representations.
- 16.11 After receiving representations in relation to a new application or a variation of a licence or certificate, the licensing authority will consider whether it would be justified in granting a licence or variation in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics.
- 16.12 The Licensing Authority will consider the individual merits of any application, together with the relevant representations made. Where it considers the application promotes the licensing objectives and would be unlikely to add significantly to the cumulative impact, the Licensing Authority will grant the application.

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- 16.13 If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of at least one of the licensing objectives, and that the imposition of conditions would be ineffective in preventing the problems involved.
- 16.14 If there are no representations, the Licensing Authority must grant the application as applied for, in terms consistent with the operating schedule.
- 16.15 Where an application for a review is received by the Licensing Authority, the cumulative impact policy will not be used as a ground for revoking an existing licence or certificate. A review must relate to individual premises and by its nature, cumulative impact is related to the concentration of many licensed premises in one area.

Suggested additions to operating schedules

- 16.17 If an application for a licence is made for a premises within the defined area of the cumulative impact policy the Licensing Authority will expect the applicant to demonstrate, in their operating schedule, the steps that they will take to prevent problems relating to nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder.
- 16.18 The measures the Licensing Authority would wish to be included on a premises licence application within the cumulative impact area **will depend on the nature and type of the premises**. The measures would need to be individual to that premises. Examples are:
1. CCTV at the premises to be properly maintained.
 2. Security Industry Authority (SIA) door staff.
 3. Toughened or plastic glass, no bottles.
 4. Free calls to taxi firms for departing customers at the end of the night.
 5. Outside areas to be cleared at a reasonable time (time to be stated).
 6. Signs to be displayed at each exit to encourage patrons to minimise noise and not to congregate in the street at close.
 7. To be a member of the local Pubwatch/Nightwatch (or any other similar scheme).
 8. No open containers of alcohol to leave the premises.
 9. To supervise entry and exit of the customers from the premises at busy times.
 10. Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises.
 11. A limit on the number of customers permitted on the premises at one time.
 12. A requirement that the public spaces in the premises should be

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predominately seated.

This list is not exhaustive, and is only intended to provide a brief description and guide to applicants.

- 16.19 The Bath Nightwatch scheme is the result of the Bath Business Improvement District (BID) team, Bath & North East Somerset Council, Bath Pubwatch group and the Police, working together as one co-ordinated stakeholder to promote the four licensing objectives and improve issues of alcohol-associated anti-social behaviour in and around the city centre.
- 16.20 The Licensing Authority will expect all licensed premises within the Cumulative Impact Area to take a socially responsible approach to selling alcohol and to managing their premises effectively by participating in schemes like 'Bath Nightwatch' or similar.
- 16.21 The Licensing Authority also encourages all premises outside the Cumulative Impact Area, to take a similar approach to improve the issue of alcohol-associated anti-social behaviour outside the city centre at night.

17 Control of anti-social behaviour, crime and disorder away from licensed premises.

- 17.1 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 beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless it is a key aspect of such control and will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
- 17.2 The licensing authority will encourage the use of other mechanisms for controlling problems caused by customers behaving badly and unlawfully once away from licensed premises. For example:
 - 1. Planning controls.
 - 2. Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council.
 - 3. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
 - 4. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.

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5. The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 6. The confiscation of alcohol from adults and children in designated areas.
 7. Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
 8. The power of the police, other responsible authorities or any other person to seek a review of the licence or certificate in question.
- 17.3 The Licensing Authority will endeavour to work in partnership with others to promote common objectives.

Administration of Licensing Functions

18 Applications

- 18.1 Incomplete applications will not be accepted. Applications will only be considered where the relevant documentation and the fee accompany them.
- 18.2 The operating schedule will form part of the completed application form for a Premises Licence and Club Premises Certificate. It should include information which is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 18.3 In preparing an operating schedule, the Secretary of State recommends that applicants should be aware of the expectations of the Licensing Authority and the Responsible Authorities about the steps that are necessary for the promotion of the licensing objectives.
- 18.4 Liaising with interested parties prior to submitting applications is good practice. The Licensing Authority recommends applicants discuss any new proposals with neighbours or any relevant community group such as a local residents' association, or where the application is in Bath city centre, Pubwatch or other such groups as may be appropriate.
- 18.5 The Licensing Authority actively encourages applicants to liaise with relevant Responsible Authorities such as the Police or Fire Service prior to submitting an application. This will allow the applicant to address any concerns raised within the operating schedule.

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19 Licensing Hours

- 19.1 With regard to licensing hours the Licensing Authority will consider each case on its individual merits.
- 19.2 The Licensing Authority recognises that fixed closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
- 19.3 The Licensing Authority will give due regard to the Guidance in relation to terminal hours and would not wish to inhibit the development of safe evening and night-time local economies.
- 19.4 It is not intended that the Licensing Authority's overall approach to licensing hours will include any form of zoning. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later, and puts greater pressure on communities than is necessary.
- 19.5 However, if presented with evidence of **serious alcohol related crime, disorder or anti-social behaviour** within a specific area, which cannot be attributed to one specific premises, the Licensing Authority may consider making an Early Morning Restriction Order (EMRO) to further the licensing objectives.
- 19.6 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, where relevant representations are substantiated in respect of individual shops, a limitation on licensing hours may be appropriate.

20 Conditions

- 20.1 The Licensing Authority **may not** impose conditions on, or refuse to grant/vary a Premises Licence or Club Premises Certificate **unless** it has received a relevant representation in respect of the application.
- 20.2 If no relevant representations are received, the application **must** be granted on the terms sought, i.e. consistent with the operating schedule submitted, and subject to the mandatory conditions specific to the type of authorisation applied

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for. No additional conditions may be imposed.

- 20.3 Conditions may only be imposed on licences and certificates where they are appropriate for the promotion of one or more of the four licensing objectives. Conditions may not be imposed on licences and certificates for any other purpose.
- 20.4 One of the key concepts of the Act is for conditions to be tailored to the individual style and characteristics of the premises. The Licensing Authority acknowledges this concept of “bespoke” licensing and will only impose conditions that are both proportionate and appropriate to the business, organisation, or individual premises concerned. There will be no standard conditions.

21 Enforcement

- 21.1 Enforcement will be in accordance with the Public Protection and Health Improvement Service Enforcement Policy, which is based around the principles of consistency, transparency and proportionality, as set out in the Government’s Enforcement Concordat.
- 21.2 The Enforcement Policy (available on request) proposes that a graduated response is taken where offences against legislation are found, or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain records may be dealt with purely by way of a written warning. More serious offences which have either been committed over a period of time, or which jeopardise public safety, may result in the issue of a Formal Caution, or a referral for prosecution.
- 21.3 The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation. The Licensing Authority expects the Police to share information about licence holders and licensed premises, under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Licensing Authority when any enforcement action may be required.
- 21.4 The Licensing Authority will employ officers to investigate allegations of unlicensed activities and to ensure all conditions are fully complied with.

22 Drugs

- 22.1 The Licensing Authority recognises that as more licensed premises host the types of events at which people are likely to take drugs, it is imperative to ensure the safety of all those attending such events.

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22.2 Where appropriate, the Licensing Authority recommends applicants should have regard to “Safer Nightlife”, an updated version of the “Safer Clubbing” guide published by the Home Office in 2002. It provides clear, comprehensive advice on key issues such as preventing drugs being brought on to licensed premises, minimising the risk associated with drug taking and how to structure a drugs policy.

22.3 Where appropriate, applicants for Premises Licences or Club Premises Certificates should be able to demonstrate that they have had regard to the “Safer Nightlife” Guide in preparing operating schedules. Although the implementation of a drugs policy is not a legal requirement, it demonstrates a commitment to safeguarding the welfare of both customers and staff.

23 Operating Schedules

23.1 Applicants for Premises Licences, Provisional Statements and Club Premises Certificates should be aware of the guidance issued by the Licensing Authority in relation to Operating Schedules when submitting their applications.

23.2 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training, and supervision of staff and the adoption of **best practice** to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority **recommends** that these elements should be specifically considered and addressed within an applicant’s Operating Schedule.

23.3 The selection of control measures should be based upon a risk assessment of the premises, plus the events, activities and customers expected to attend (e.g. their age, number etc.). Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the management of the premises.

23.4 The Operating Schedule should be prepared by, or on behalf of, the applicant, in relation to the premises for which a licence is being sought, taking into account the individual style and characteristics of the premises/events.

23.5 The Operating Schedule should include the following:

- a. Details of the relevant licensable activities to be conducted on the premises;
- b. The times during which it is proposed that the relevant licensable activities

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are to take place (including any specific non-standard timings or seasonal variations);

- c. Any other times when the premises are to be open to the public;
- d. Where the licence is required only for a limited period, that period;
- e. Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises, or both;
- f. The steps which the applicant proposes to take to promote the licensing objectives such as the provision of street marshals etc.;
- g. Any other prescribed matters.

23.6 The Guidance produced by the Secretary of State under Section 182 of the Act recommends that applicants should be aware of the expectations of the Licensing Authority regarding the steps that are necessary for the promotion of the licensing objectives. Any measures proposed by the applicant should be both realistic and within the control of the applicant/management of the premises.

24 Premises Licences

24.1 A Premises Licence will be required for the use of any premises, part of premises, or place for the following licensable activities:

- a. the sale of alcohol;
- b. the provision of regulated entertainment;
- c. the provision of late night refreshment.

24.2 When making an application to the Licensing Authority, the applicant must also send copies of the application to all the Responsible Authorities, namely:

- a. Chief Officer of the Police
- b. Fire & Rescue Service
- c. Trading Standards
- d. Local Safeguarding Children's Board
- e. Environmental Health Department
- f. Local Planning Authority
- g. Director of Public Health

and where relevant:

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- h. Health and Safety Executive (e.g. for educational establishments)
- i. Maritime Agency (e.g. for boats)

The Licensing Authority is a Responsible Authority in its own right, but there is no requirement for applicants to submit anything more than the original application to the Authority.

- 24.3 In the case of electronic applications, the requirement to send copies to the relevant Responsible Authorities will pass from the applicant to the Licensing Authority.

25 Provisional Statements

- 25.1 Where premises are being, or are to be, constructed for the purpose of being used for one or more licensable activities, or are being, or about to be, extended, or otherwise altered for that purpose, a person may apply for a Provisional Statement if they have an interest in the premises, and, if they are an individual, that they are aged 18 years or older.
- 25.2 An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used, a plan of the premises; and such other information as may be prescribed.
- 25.3 Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premises Licence. See also paragraph 23 relating to Operating Schedules.
- 25.4 Where relevant representations are made in relation to an application for a Provisional Statement the Licensing Authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a Premises Licence was sought for those premises, it would consider it necessary for the promotion of the licensing objectives to attach conditions (subject to the provisions of paragraph 20), rule out any of the licensable activities applied for, or to reject the application.

26 Club Premises Certificates

- 26.1 Club Premises Certificates will be issued to qualifying Clubs as defined in the Act, which carry out the following recognised activities:
- a. the supply of alcohol by, or on behalf, of the Club to, or to the order of, a member of the Club;

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- b. the sale by retail of alcohol by, or on behalf of, a Club to a guest, or a member of the Club, for consumption on the premises where the sale takes place; and
- c. the provision of regulated entertainment, where that provision is by, or on behalf of, a Club for members of the Club, or for members of the Club and their guests.

26.2 Besides making an application to the Licensing Authority, the applicant must also send copies of the application to all the responsible authorities, namely:

- a. Chief Officer of the Police
- b. Fire & Rescue Service
- c. Trading Standards
- d. Local Safeguarding Children's Board
- e. Environmental Health Department
- f. Local Planning Authority
- g. Director of Public Health

and where relevant:

- h. Health and Safety Executive (e.g. for educational establishments)
- i. Maritime Agency (e.g. for boats)

The Licensing Authority is a Responsible Authority in its own right, but there is no requirement for applicants to submit anything more than the original application to the Authority.

26.3 In the case of electronic applications the requirement to send copies to the responsible authorities will pass to the Licensing Authority.

26.4 A Club Operating Schedule should also be submitted with the application, together with a copy of the club rules. See also paragraph 23 above relating to Operating Schedules.

27 Variation of Premises Licence or Club Premises Certificate

27.1 Applications to vary a Premises Licence or Club Premises Certificate will be dealt with in a similar manner to applications for a new Premises Licence or Club Premises Certificate. When the Licensing Authority receives an application for a variation of these authorisations, it must determine whether the application has been properly made. Among other things the Licensing Authority will consider whether the application has been properly advertised.

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- 27.2 Where an application has been lawfully made and provided that no relevant representation has been made by any responsible authority or other person then no hearing will be required and the application will be granted in the terms sought, subject only to conditions which are consistent with the Operating Schedule and any mandatory conditions required.
- 27.3 The Licensing Authority must consider whether any representations received are relevant. A "relevant" representation must focus only on the "change" proposed in the variation application and how this change is likely to have a detrimental effect on at least one of the licensing objectives. If relevant representations are made and not withdrawn, the Licensing Authority will hold a hearing, and at that hearing the Licensing Authority may:
- a. modify the conditions of the Licence; or
 - b. reject the whole, or part of the application; or
 - c. grant the application as applied for
- 27.4 If the Licensing Authority considers that the representations are not relevant then a hearing will not be required and the application will be granted in the form it was applied for. The aggrieved party may challenge the Licensing Authority's decision by way of judicial review.
- 27.5 The exception to the above procedure concerns applications for minor variations, whereby the proposed variation generally amounts to:
- a. a minor change to the structure or layout of a premises;
 - b. small adjustments to licensing hours;
 - c. the removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions;
 - d. the addition of certain licensable activities which will not impact adversely on the licensing objectives, are subject to a simplified 'minor variations' process. Parties may still make representations and the Licensing Authority is entitled to seek the views of any of the responsible authorities when determining such applications. There is no right to a hearing as officers have delegated powers to determine applications under this process.

28 Personal Licences

- 28.1 General Requirements - Personal Licences will be granted if the applicant can demonstrate each of the following:

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- a. they are 18 years of age or over;
- b. they possess an appropriate licensing qualification, or are a person of a prescribed description; i.e. a person of a description prescribed by Secretary of State by regulations;
- c. no Personal Licence held by the applicant has been forfeited in the period of five years ending with the day the application was made;
- d. the applicant has not been convicted of any relevant offence, or any relevant foreign offence.

28.2 The Authority will reject any application where points a, b or c above are not met.

28.3 Applicants with unspent criminal convictions for relevant offences set out in Regulations made under the Act are encouraged to first discuss their intended application with the Council's Licensing Officers and/or Police Licensing Officers before making an application. Guidance in relation to unspent criminal convictions can be found in the Licensing Authority's Guidance Notes for Applicants.

29 Designated Premises Supervisors

29.1 The sale of alcohol carries with it greater responsibility than that associated with the provision of entertainment and late night refreshment as it has a wider impact on the community. Therefore the main purpose of having a Designated Premises Supervisor (DPS) nominated on the premises licence is to ensure there is a specified individual who can be readily identified at the premises. The DPS therefore will occupy a pivotal role in terms of management and supervision of the premises, and may be given day to day responsibility for running the premises. All sales of alcohol made under the authorisation of a premises licence, must be authorised by the person nominated as the DPS on the premises licence.

29.2 The DPS may nominate other personnel in his/her place as having authority to make sales of alcohol provided that authority is in writing thereby giving a meaningful and proper authorisation.

29.3 A joint interview between the Licensing Authority, Police and applicant may be arranged where the Police are minded to object to the variation of a DPS on the grounds that such a variation may undermine the Prevention of Crime and Disorder objective.

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- 29.4 The exception to the above is to allow certain community premises which have, or are applying for a premises licence, that authorise the sale of alcohol, to apply the alternative licence condition instead of the usual mandatory conditions. The effect of the alternative licence condition is that the licence holder, i.e. the management committee which runs the community premises, is responsible for the supervision and authorisation of all alcohol sales.

30 Temporary Event Notices

- 30.1 Temporary Event Notices do not involve the Licensing Authority in giving permission for the event to take place. This is a notification procedure in which only the Police and Environmental Protection may intervene to prevent such an event, or to modify the arrangements for such an event. The Licensing Authority will only intervene if the limits on the number of notices given are exceeded.
- 30.2 A "Standard" TEN requires an organiser of a temporary event to give the Licensing Authority a minimum of 10 clear working days' notice.
- 30.3 A "Late" TEN is a TEN received by the Licensing Authority 5–9 clear working days prior to the day of the event.
- 30.4 "Clear working days" means working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given. A "working day" is defined as any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which constitutes a Bank Holiday under the Banking and Financial Dealings Act 1971 in England and Wales.
- 30.5 If an objection is received to a "Late" TEN then the Licensing Authority must issue a counter notice at least 24 hours prior to the event. The premises user has no right to a hearing in relation to a contentious "Late" TEN and as such any licensable activities proposed at the event, will be unauthorised, and it will be an offence to carry on any such activities. Likewise, any notice received within less than 5 clear working days' notice will be invalid.
- 30.6 It is therefore obvious that by submitting a "Late" TEN the organiser runs the risk of receiving a counter notice and not being able to hold the event. Although legally the Licensing Authority must receive "Late" TENs, it recommends a minimum notice period of one calendar month before the date of the event taking place.

31 Transfer of Premises Licences

- 31.1 In the vast majority of cases it is expected that a transfer will be a very simple administrative process. This is to ensure that there should be no interruption to

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normal business at the premises.

- 31.2 Notice of the application must be given to the Police. If the Police raise no objection about the application the Licensing Authority will transfer the licence in accordance with the application, amend the licence and return it to the new holder.
- 31.3 In exceptional circumstances the Police may consider that the granting of the application would undermine the crime prevention objective. In these circumstances the Licensing Authority must hold a hearing and consider the objection, they will not be able to consider any other matters. The Committee will give reasons for the decision made.

32 Interim Authority Notices

- 32.1 Generally a licence will remain in force for as long as the licence holder continues to operate the business, unless it is revoked, or it is specified that it has effect for a limited period and that period expires. However, if the holder of a Premises Licence dies, becomes mentally incapable or becomes insolvent, then the licence will lapse.
- 32.2 The licence may be reinstated for a three month period if within 28 days of such circumstances, a person who had an interest in the premises concerned, or is connected to the person who held the Premises Licence immediately before it lapsed, gives the Licensing Authority an Interim Authority Notice.
- 32.3 At the end of the three months it will lapse unless an application for a transfer of premises licence holder is made.
- 32.4 A person is connected to the former holder of a Premises Licence if, and only if:
- a. the person is the personal representative in the event of the holder's death;
 - b. in respect of someone who has become mentally incapable, the person is acting under section 6 of the Enduring Powers of Attorney Act 1985; or
 - c. in the event of insolvency, the person is acting as an Insolvency Practitioner.
- 32.5 Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective, the Licensing Authority will arrange a hearing to consider the Notice.

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Licensing Objectives

33 The Prevention of Crime and Disorder

- 33.1 Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to do all that it reasonably can to prevent crime and disorder in the area. The fear of crime created by disorder, including drunkenness, is as damaging to public confidence and the quality of life as crime itself. The Council's Community Safety Plan in alignment with the Police Crime Commissioner aims to reduce crime, disorder, nuisance and the fear of crime, making Bath and North East Somerset a safer place to live, work and visit.
- 33.2 The Council has introduced measures to assist in the management of this, including the provision of Bath Nightwatch, BID Marshals and Taxi Rank Marshals and the installation of CCTV cameras. Joint working with the Police is ongoing, and the Council would expect this partnership approach to be embraced by the licensing trade. This would include participation in the Bath Nightwatch scheme that includes a radio system between licensed premises which links with the CCTV, the Police, Street & Taxi Marshals/FAST ambulance and the Street Pastors.
- 33.3 The Licensing Authority will consider whether the grant of an application will result in an increase in crime and disorder.
- 33.4 Applicants are encouraged to consider crime prevention procedures in their premises before making a formal application. Applicants are encouraged to work in partnership with other licence holders in order to reduce crime and disorder in their area.
- 33.5 The Licensing Authority will continue to play an active part in the development of Pubwatch/Nightwatch and other such schemes.
- 33.6 The Licensing Authority recognises that no matter how well managed the premises are, crime and disorder can occur, particularly outside the premises. Therefore in considering whether the crime and disorder objective is met, the Licensing Authority will normally take into account the criteria set out below.
- 33.7 In considering licence applications, the following will be taken into account:
1. Whether the design, layout, lighting and fittings of the premises have been considered with a view to restricting conflict and minimising opportunities for crime and disorder.

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2. Whether the applicant has included in the Operating Schedule appropriate management measures to prevent/reduce crime and disorder.
 3. Training given to staff in crime prevention measures appropriate to those premises.
 4. Physical security features installed in the premises. This may include matters such as the position of cash registers; where alcohol is stored in 'off-licences', or the standard of CCTV installed, and the use of toughened drinking glasses in pubs and clubs.
 5. The likely exit times from the premises and the demands upon and the capacity of public transport at those times.
 6. Any other such measures as may be appropriate, such as participation in Nightwatch/Pubwatch or other such schemes, 'music wind-down policies', restrictions on 'happy hours' and the availability of seating to discourage vertical drinking.
 7. The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies.
 8. Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.
 9. The likelihood of any violence, public order or policing problems if the licence is granted.
 10. The applicant's willingness to work in partnership with neighbouring licence holders in order to reduce crime and disorder.
 11. The policy on cumulative impact.
- 33.8 The Licensing Authority would also recommend that all Designated Premises Supervisors undergo additional training and have experience commensurate with the nature and style of entertainment provided and capacity of the premises.
- 34 Public Safety**
- 34.1 The Licensing Authority has established protocols with the local Police on enforcement issues to enable a more efficient deployment of Licensing Authority staff and police officers who are engaged in enforcing licensing law and the inspection of licensed premises.

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- 34.2 This protocol also provides for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run.
- 34.3 Inspections are not undertaken routinely, but only when they are judged necessary. This ensures that resources are more effectively concentrated on problem premises. The Act enables the Licensing Authority through its officers to exercise discretion in relation to inspections and does not require annual inspections to take place. The Licensing Authority therefore, does not intend to carry out annual inspections unless the assessed risks make such inspections necessary.
- 34.4 From time to time premises are inspected by Council Officers, the Police and/or the Fire Service for purposes of ascertaining compliance with the Act or associated Legislation or Regulations.
- 34.5 During the application period the Responsible Authorities might decide to carry out their own inspections.
- 34.6 Crime, disorder and anti-social behaviour threaten public safety and affect perceptions of public safety. The Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Licensing Authority will need to satisfy itself that measures to protect the public including setting safe capacities, adequate means of escape, and the provision of fire fighting equipment and CCTV etc. are put in place and maintained if this is not adequately provided for by other regulatory regimes.
- 34.7 Licensed premises present a mixture of Health and Safety risks, some of which are common to many premises, and others unique to single premises. It is essential that premises are constructed, or adapted, so as to safeguard occupants against such risks.
- 34.8 Where relevant representations are made in relation to imposing a maximum number of persons resorting to premises at any one time for example, to ensure the safety of persons in the premises, and safe escape in the case of an emergency, the Licensing Authority will consider the imposition of occupancy limits by way of condition where it is considered necessary in relation to the promotion of one or more of the licensing objectives.

35 Prevention of Public Nuisance

- 35.1 The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises.

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- 35.2 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority intends to maintain and protect the amenity of residents and other businesses from the potential adverse consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 35.3 In considering an application for a Premises Licence or Club Premises Certificate, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to the circumstances of the application.
- 35.4 The Licensing Authority will consider in particular:
1. The proximity of noise sensitive residential and commercial premises, the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
 2. The steps to be taken or proposed to be taken by the applicant to prevent litter and smell nuisance from the premises.
 3. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
 4. The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable, then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.
 5. Whether there is sufficient provision of public transport (including taxis and private hire vehicles) for patrons.
 6. The installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship.
 7. The use of gardens and other open-air areas.
 8. The position or proposed position of external lighting, including security lighting that is installed inappropriately.

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9. Whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity.
10. The steps taken or proposed by the applicant with particular regard to the recycling of glasses, bottles and cans from their premises.

35.5 ~~In certain areas the increased concentration of entertainment uses and longer hours may affect local residents. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.~~

35.6 The role of the Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of the residents. The Licensing Authority will need to satisfy itself that adequate measures are in place to prevent public nuisance.

36 Protection of Children from Harm

36.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

36.2 It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

36.3 Whilst the Act allows children access to licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.

36.4 The general relaxation in the Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

36.5 The Licensing Authority recognises the Local Safeguarding Children's Board as the Responsible Authority to advise it on matters relating to the protection of children from harm.

36.6 The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.

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36.7 The following are examples of premises that will raise concern:

1. Where entertainment or services of an adult or sexual nature are commonly provided.
2. Where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or with a reputation for underage drinking.
3. Where there is a known association with drug taking or dealing.
4. Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
5. Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
6. Venues which are running 'under-18' events allowing entry to intoxicated young people.

36.8 The Licensing Authority may consider limiting the access of children where it is necessary for the prevention of harm to children. The following conditions may be considered appropriate:

1. Limitations on the hours when children may be present.
2. The exclusion of children under certain ages when particular activities are taking place.
3. Limitations on the parts of premises to which children might be given access.
4. Requirements for an accompanying adult.
5. Full exclusion of people under 18 from the premises or parts of the premises when any licensable activities are taking place.

36.9 No conditions will be imposed requiring that children be admitted to any premises and where no limitation is imposed this will be left to the discretion of the individual licence holder.

36.10 The Act details a number of offences designed to protect children in licensed

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premises and the Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

- 36.11 The Licensing Authority recommends that where appropriate, applicants familiarise themselves with the DrinkAware and Portman Group Codes of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The codes seek to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older.
- 36.12 Films cover a vast range of subjects, some of which deal with adult themes and/or contain for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 36.13 The Licensing Authority will expect licence holders or clubs to include in their Operating Schedules arrangements for restricting children from viewing age-restricted films classified according to recommendations of the British Board of Film Classification (or the Licensing Authority itself) to satisfactorily address safety issues including the supervision of children.
- 36.14 The Act also provides that it is mandatory for a condition to be included in all Premises Licences and Club Premises Certificates authorising the exhibition of films for the admission of children to the exhibition to be restricted in accordance with the recommendation given either by the British Board of Film Classification or the Licensing Authority.
- 36.15 Many children go to see and/or take part in an entertainment arranged especially for them, for example, children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.
- 36.16 The Licensing Authority will expect the Operating Schedule to satisfactorily address safety issues including the supervision of children.

Complaints About Licensed Premises

37 How Complaints Will Be Dealt With

- 37.1 The Licensing Authority will investigate **all** complaints against licensed premises with regard to matters relating to the four licensing objectives. **If possible in the first instance, the complaint should be raised directly with the licence holder or business concerned to seek a local resolution. If this is not possible then residents can contact their local Resident's Association to act on their behalf or**

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contact the Licensing Team directly.

37.2 Where a local resident or residents' association have made for example:

- relevant representations about licensed premises, or
- a valid application for a premises licence or club premises certificate to be reviewed.

the Licensing Authority encourages parties to arrange a conciliation meeting to address and clarify the issues of concern where practicable.

37.3 Nothing in this Policy shall restrict the right of a Responsible Authority or any other person to call for a review of a licence or club premises certificate, or make relevant representations in accordance with the Act.

How to make a complaint or contribute to a review

37.4 Any person wishing to make a complaint about a licensed premises can contact the Licensing Team in the following ways:

By email: Licensing@bathnes.gov.uk

Via the website: www.bathnes.gov.uk/forms/licensed-premises-complaint-form

By telephone: 01225 477531

In person at any of the Council's One Stop Shops

37.5 Information about submitting a representation can be found on the Council's website at:

<http://www.bathnes.gov.uk/services/business/licences/alcohol-and-entertainment/representations>

Decision Making

38 Licensing Committee Terms of Reference

38.1 The Committee's terms of reference will be set out in the Council's Constitution. The terms of reference have been guided by Regulations issued under the Act.

39 Allocation of Decision making Responsibilities

39.1 These responsibilities will be set out in the Council's Constitution. The table on page 36 indicates how the delegation of functions has been allocated

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40 Relevant Representations

- 40.1 Representations should be made in writing and received by the Authority within the 28 day period commencing the day after the application/review was served on the Authority. The Authority may not exercise any discretion in respect of late representations.
- 40.2 Relevant representations will illustrate the likely effect the proposals within the application will have on the promotion of at least one of the licensing objectives.
- 40.3 Representations may take the form of an objection, or be positive, and express support of the application.
- 40.4 A representation will not be relevant if the case officer deems it to be frivolous or vexatious.
- 40.5 Representations made by any Responsible Authority or other person which are subsequently withdrawn, will not be regarded as “relevant”.
- 40.6 ‘Responsible Authority’ means any of the following:
- a. Police
 - b. Fire & Rescue Service
 - c. Trading Standards
 - d. Local Safeguarding Children’s Board
 - e. Environmental Health Department
 - f. Local Planning Authority
 - g. Health & Safety Executive (if premises is a school/college)
 - h. Maritime Agency (if premises is a “vessel”)
 - i. Director of Public Health
 - j. The Licensing Authority
 - k. Any other Authority as may be prescribed by Regulations.
- 40.7 Once the Authority is in receipt of a relevant representation, it may no longer grant the application in the form in which it was applied for; instead the matter must proceed to hearing to be determined before the Licensing Sub Committee. With this in mind, the Authority would recommend all applicants allowing two months for an application to be processed.

41 Other Considerations

- 41.1 The Licensing Authority will give reasons for its decisions. The Licensing Authority will also address the extent to which the decision has been made with regard to the Act, its Statement of Licensing Policy, the Guidance issued by the

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Secretary of State under the Act and the Human Rights Act 1998.

42 Reviews

- 42.1 The process for reviewing premises licences and club premises certificates is seen as representing a key protection for the community where problems associated with any of the four licensing objectives are occurring. Licensing Authorities are encouraged to apply a 'light touch' to the grant and variation of premises licences and club premises certificates. The provision of the review mechanism to deal with concerns relating to the licensing objectives arising later in respect of individual premises is integral to this.
- 42.2 At any stage following the grant of a premises licence or club premises certificate, a Responsible Authority or other person may apply to the Licensing Authority to review a licence because of a matter arising at the premises in connection with one or more of the four licensing objectives. Any application for review must be in writing. Copies of the application must be simultaneously served on the premises licence holder and the relevant Responsible Authorities.
- 42.3 Additionally a review of the licence will normally follow any action by the Police to close the premises on grounds of disorder or public nuisance.
- 42.4 The application must relate to a specific premises for which a premises licence or club premises certificate has effect. The grounds for review must be relevant to one or more of the licensing objectives.
- 42.5 Sufficient information or evidence should be contained within the application to enable the holder of the premises licence or club premises certificate or any representative of the holder of a premises licence or club premises certificate to prepare a response.
- 42.6 Where the application for a review is received the Licensing Authority must firstly consider whether it is relevant. Any applications found to be irrelevant, vexatious or frivolous will be rejected and the review applicant advised of the reason(s) for the rejection.
- 42.7 Where a relevant application is received the Licensing Authority will advertise the application and hold a hearing to determine the review application.
- 42.8 The Licensing Act 2003 provides the Licensing Authority with a range of powers on determining a review that it may exercise where it considered necessary for the promotion of one or more of the licensing objectives.
- 42.9 The Licensing Authority would strongly urge anyone who is suffering adverse

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effects due to the way in which a licensed premises is operating, to talk to the Licensing Team. Officers can give free impartial advice on how to complete the necessary forms, and talk those affected through the review process.

43 Appeals

- 43.1 New and variation applications once determined will take immediate effect. There will however follow a 21 day appeal period during which any party to the hearing may appeal the decision to Bath Magistrates' Court.
- 43.2 Once an application for the Review of a premises licence or club premises certificate has been determined, it will not take effect until the 21 day appeal period had lapsed or if appealed, once the appeal has been dispensed with.
- 43.3 An appeal against the grant or refusal of a personal licence application must be made to the Magistrates' Court.
- 43.4 Schedule 5 to the Licensing Act 2003 sets out entitlement to appeal.

Fees

44 Fees

The Authority is aware that the Government is considering moving from nationally set Licensing Act fees to locally set fees. The situation will be monitored and where appropriate procedures will be adopted to ensure that fees are set based on cost recovery.

Late Night Levy

45 Late Night Levy

This is a power conferred on Licensing Authorities by the Police Reform and Social Responsibility Act 2011 which enables a levy to be charged persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy. The option of introducing such a levy will be kept under review by the Council.

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Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB COMMITTEE	OFFICERS
Approval of Policy and annual review	All cases		
Application for Personal Licence		If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions		If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor		If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	All other cases
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 Minor Variation applications for premises licences and for club premises certificates.			All cases
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises.		If a relevant representation is made.	All other cases
Applications for the classification of unclassified films.		All cases	

Annex B- B&NES Statement of Licensing Policy

Map Outlining the Cumulative Impact Policy area for Bath City Centre



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Further Information

Further information about the Act and this Statement of Licensing Policy can be obtained from:

Licensing Team
Bath & North East Somerset Council
Lewis House
BATH BA1 1JG

Tel: 01225 477531
Fax: 01225 477596
Email: licensing@bathnes.gov.uk
Website: www.bathnes.gov.uk

The Guidance issued under Section 182 of the Act can also be viewed on this site.

Information in relation to large events is available from the Council's Event Safety Co-ordinator:

Public Protection and Health Improvement
Bath & North East Somerset Council
Lewis House
BATH BA1 1JG

Tel: 01225 477563
Fax: 01225 477596
Email: Public_Protection@bathnes.gov.uk
Website: www.bathnes.gov.uk

The Licensing Act 2003 can be viewed online at:

www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en

Annex B- Code of Best Practice for Licensed Premises

The purpose of this Code is to assist applicants and those responsible for managing licensed premises to operate in a safe and responsible manner.

Our aim in publishing this Code of Best Practice, is to build on the good relationships we have already established with the trade and partnership agencies to encourage communication, information sharing and partnership working.

The Code is not statutory guidance but a guide to encourage Best Practice throughout the Authority Area. The four licensing objectives that underpin the framework of the licensing legislation however, should be of paramount consideration at all times.

It's good to talk!

Members of the Licensing Team are here to discuss your licensing needs, as well as all the options available to you. We actively encourage event organisers and applicants to engage in pre-application discussions with any relevant Responsible Authorities or Residents' Associations.

The responsibility for operating a premise in a safe, responsible and compliant manner need not rest with one person. It is sensible that all persons involved in the day to day operation of the premises such as bar staff, door staff and managers, work together to achieve full compliance in respect of their particular authorisation. Team meetings therefore provide an excellent opportunity to remind colleagues of the mandatory conditions and those attached specifically to your licence or certificate.

You may find it of mutual benefit to hold regular meetings with your local residents' associations. During such sessions you could discuss any future plans you may have in respect of your premises, and in turn listen to their concerns.

The Authority acknowledges that one size doesn't fit all and that the individual style and characteristics of the premises will dictate what measures are considered appropriate and necessary for your business or client.

PREVENTION OF CRIME & DISORDER

Don't be afraid to say "No!"

- In times of austerity it is difficult to turn away custom, however you have the right to refuse admission to undesirable patrons and have a legal obligation to refuse to supply alcohol to anyone who is drunk or underage, or to any person who is buying alcohol for someone who is drunk or under age.
- In respect of the above, it's always a good idea to maintain a Refusals Register detailing all refused sales and refused admissions.
- Local "Pubwatch" & "Nightwatch" schemes already operate within the Authority area offering support and an opportunity for the trade to share information. If you are not already

Annex B- Code of Best Practice for Licensed Premises

a member of one of these schemes just contact the Licensing Team at licensing@bathnes.gov.uk or call 01225 477556 for up to date contact details.

Alcohol sold for consumption off the premises

- If you supply alcohol by virtue of a Club Premises Certificate you will already be aware of the mandatory condition requiring all alcohol supplied for consumption off the premises to be in sealed containers. If your premises licence does not endorse this, the Authority would encourage the best practice of all alcohol sold for consumption off the premises being supplied in its original, sealed container.

Dispersal Policy

- Do you have a dispersal policy in place?
- Why not consider employing door staff to supervise your patrons when leaving the premises and to remain on duty for 20 minutes after closing?
- Have you considered allowing your customers to wait inside the premises for their transport home?
- If Late Night Refreshment is permitted under your authorisation, why not serve coffee and non-alcoholic beverages to those who are waiting for transport?
- Please be aware of any vulnerable people on, or within the vicinity of your premises. Are there any young females leaving your premises alone for example? Could you offer to call a cab on their behalf and allow them to wait inside the premises until it arrives?
- Think about displaying 'Don't drink and drive' messages at exits to remind customers of the dangers of drink driving

Drugs Policy

- Advertise the fact that the premise has a "Zero Tolerance" policy in respect of drugs by prominently displaying signage at the premises.
- Refuse entry to any known or suspected drug dealers.
- Although not a legal requirement, premises who implement a drugs policy are demonstrating that they are taking a pro-active approach to safeguarding both their customers and their staff.
- Depending on the nature of the premises, search policies may be appropriate.
- Regularly carry out toilet checks and maintain a record of such checks or employ a toilet attendant or supervisor.

Annex B- Code of Best Practice for Licensed Premises

- Any items seized should be recorded and placed in an envelope or drugs bag detailing what the item is, the date it was found/seized and by whom. Place any items in a safe or drugs box and contact the Police.

Security

- If you are using CCTV it is essential that the system is maintained in good working order.
- Ensure footage is kept for a minimum of 31 days and made available to the Police or Licensing Authority upon request. Train staff so that they are competent at carrying out this task.
- Focus on internal areas that are accessible to the public and areas immediately outside the premises.
- Consider using an alarm system or other security measure so as to protect the premises when it is closed or empty.
- Notices advising “CCTV in operation” can act as a deterrent, as does the use of outside lighting – be careful not to cause a nuisance with regards to the latter.
- Review your security policy regularly.
- If you are a licensed premises in Bath you could participate in the Bath BID’s Nightwatch radio scheme that connects licensed premises with the Police, CCTV and other licensees. Contact the Bath BID Company for more information at 01225 430 640.

Door Staff

- Any door staff or persons employed to supervise the door or carry out security functions must be registered in accordance with the Security Industry Authority (SIA) Regulations.
- Fluorescent jackets, tabards and arm bands can help customers more readily identify those who are employed to carry out a security function at your premises. Fluorescent jackets can be provided free of charge to licencees through the Bath BID Nightwatch scheme. If your authorisation does not require this then ensure that badges worn by SIA registered staff are always prominently displayed.

Search Policies

- Even if the need is considered low, some licensed premises would benefit from having a search policy even if it only consists of randomly searching bags.

Annex B- Code of Best Practice for Licensed Premises

Promote Well-Being and Reduce Anti-Social Behaviour, Crime and Disorder

- If you are among the Authority's growing "off trade" establishments, refuse single can sales and refrain from displaying alcohol by entrances, exits or tills;
- Remove super-strength (10%) cider, lager and beers from your offering.
- Offer a wide range of non-alcoholic beverages
- If you are selling or supplying alcohol for consumption on the premises you **MUST ENSURE** free drinking water is available at all times. It is irrelevant whether the water comes from a tap or is bottled just as long as it is fit for drinking ("potable").
- Ensure all drinks promotions are risk assessed and comply with existing legislation. It is no longer sufficient to show that "all reasonable steps" have been taken – it is now a mandatory condition that all premises selling or supplying alcohol for consumption on the premises **MUST ENSURE** staff do not carry out, arrange or participate in any **IRRESPONSIBLE PROMOTIONS**. You may find the following factors worth considering when determining whether your proposals are irresponsible, or not.

CONSIDER:

- The nature of the premises – is it a family orientated community pub, a restaurant closing at 23:00 or a high volume vertical drinking establishment?
- The nature of the promotion – consider the size and duration of the discount you are proposing; is there a "significant risk" that your promotion will undermine a licensing objective????
- The type of customers your promotion has the potential to attract.
- The number of customers your promotion has the potential to attract along with any knock-on effect this will have in respect of security requirements and staffing levels.
- The history of the premises – is there anything to be learned from the outcome of any previous promotions held at the premises? Has the premises licence been subject to a recent review?
- Are you confident that you can run your promotion without it causing a detrimental effect on the licensing objectives?

The following activities are **not permitted** under any circumstances:

- Drinking games that encourage people to consume a greater amount of alcohol in a shorter period of time or simply to drink as much as possible;
- The use of promotional materials that condone or glamorise anti-social behaviour or drunkenness;

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- Dispensing alcohol directly into the mouth of another.
- Please ensure that no alcohol is sold below the cost of duty plus VAT.
- **“All good things come in small packages”** – as you are no doubt aware, since 1 October 2010 it has been a requirement that all premises selling or supplying alcohol for consumption on the premises make the following alcoholic drinks available in the following measures:
 - Beer or cider: ½ pint;
 - gin, rum, vodka or whiskey: 25ml or 35ml;
 - still wine in a glass: 125ml

In addition to the above, you are now required to display these smaller measures on menus and price lists, and, where a customer does not inform you of their preferred size, you must make your customer aware of the range of sizes available to them. It is important therefore to ensure staff are appropriately trained and all materials such as menus and price lists have been re-printed to avoid breaching this mandatory condition.

“Step up to the plate” and do your bit to help reduce the number of people who are at risk of drinking to excess within our communities.

PREVENTION OF PUBLIC NUISANCE

Sssshhh!

- Displaying signage at all exits requesting customers to be considerate of your neighbours when leaving the premises is a pro-active, cost effective way of promoting this licensing objective.
- Have you considered restricting the use of any outside areas the premises may have as a means of preventing nuisance?
- Closing windows and external doors at 23:00 when regulated entertainment is being provided can greatly reduce noise nuisance to nearby residents.
- Have you considered providing your neighbours with a contact telephone number on which someone at the premises may be reached if noise related problems occur?
- Regular noise monitoring carried out around the perimeter of the premises is simple, cost effective, and will help you to gauge the level of noise other people are experiencing within the vicinity of your premises. If this is something you regularly practice, why not record your findings - they may prove useful in the future.
- Environmental Health Officers are available to offer advice in relation to reducing noise emanating from your premises. In addition the team has produced a Code of Practice and guidance notes on controlling noise at concerts and outdoor events. For further information please email environmental_protection@bathnes.gov.uk or telephone: 01225 477563.

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- Be mindful of any outside lighting – there needs to be a balance between promoting public safety and preventing public nuisance.

First impressions really do count

- Keeping the frontage of your premises clean and clear of litter will not only prevent nuisance but will also make your premises more attractive to potential customers.

PUBLIC SAFETY ON THE PREMISES

- To promote the safety of your customers whilst on the premises consider using polycarbonate or toughened glass after a certain time or during a specific event.
- Ensure that you promptly clear away any empty glasses or abandoned drinks from the bar, tables or outside areas.
- Did you know that licensed premises are regularly prosecuted for not having carried out adequate fire risk assessments?
- Under the Regulatory Reform (Fire Safety) Order 2005 you must risk assess your premises. Fire Safety Officers can offer advice to assist you with your assessment. For further information please contact:

Avon Fire & Rescue Service

Temple Back

Bristol BS1 6EU

Telephone: 0117 9262061 or email: BathCFSEnquiries@avonfire.gov.uk

- Do not carry out any irresponsible drinks promotions at or from your premises that encourage people to drink more than they would ordinarily do or faster than they would ordinarily do.
- Maintain a documented accident record at your premises, detailing the date, time and nature of any accident.
- Have you given due consideration to capacity limits and do you have an evacuation policy in respect of your premises? Have your colleagues received training in respect of this?

Annex B- Code of Best Practice for Licensed Premises

PROTECTION OF CHILDREN FROM HARM

Everyone involved in the licensing process has a duty to protect children from moral, psychological and physical harm.

Age related products

- Always provide training for staff in relation to the sale of alcohol/ age related products. Update training on a regular basis to ensure they are aware and understand the implications of any changes in the legislation. You may find it beneficial to keep a record of training given especially if your premises has a high turnover of staff or operates on a seasonal basis.
- For information relating to the illegal tobacco campaign visit www.stop-illegal-tobacco.co.uk
- Be aware that Test Purchase operations are actively carried out within the Authority Area. To report under-age sales please contact the Trading Standards Team.
- Retailers may reserve the right to refuse to sell alcohol to an adult accompanied by a child, if they believe the alcohol is being purchased for the child.
- As it is a mandatory condition for **all premises** selling or supplying alcohol to have an age verification policy in place, why not protect yourself and your staff by adopting one of the following schemes?

Challenge 21

- Awareness of the need for those involved in selling alcohol to be vigilant in preventing underage sales continues to be raised by The British Beer & Pub Association's "Challenge 21" scheme. The scheme is a reminder to customers that it is illegal to purchase alcohol if you are under 18 years of age, or to purchase alcohol on behalf of anyone else who is under 18 years of age.
- If you choose to adopt this scheme, challenge any person who appears to be under 21 years of age and refuse to serve alcohol to them unless proof of age bearing the persons photograph, date of birth and a holographic mark is produced.
- Hard copies of the "Challenge 21" poster (recently updated to include military I.D.) may be obtained from the BBPA's shop free of charge to members or downloaded for free from:

<http://www.beerandpub.com/industry-briefings/challenge-21>

Annex B- Code of Best Practice for Licensed Premises

Challenge 25

- The “Challenge 25” scheme builds on the Challenge 21 scheme introduced by the BBPA. Anyone involved in selling alcohol to the public can access further information about the scheme by accessing the Wine and Spirit Trade Association (WSTA) website at: <http://www.wsta.co.uk>
- As mentioned above, there is a mandatory condition requiring all premises who sell or supply alcohol to have an age verification policy– **What’s yours?**
- **Did you know that although the holder of the premises licence or club premises certificate has a responsibility in respect of adopting a policy at the premises, it is the Designated Premises Supervisor who is responsible for ensuring that the supply of alcohol at the premises is carried on in accordance with that policy?**
- Do you need a little help drafting a policy? Just flick to the end of the Code – we’ve attached a model policy that you can easily adapt to suit your needs.

Identification

- All age verification policies must require individuals to produce on request identification bearing their photograph, date of birth and either a holographic mark or ultra violet feature.
- Did you know that the Proof of Age Standards Scheme (PASS) was re-launched earlier this year? The good news is that all future cards will be of a standard design so that they are easier to recognise.
- Other acceptable forms of identification are military passes, passports and the photo card part of driving licences.
- The False ID Guidance issued by the Home Office may be accessed from:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98108/false-id-guidance.pdf
- Consider subscribing to the “No proof of age- No sale” toolkit which is published by SWERCOTS. This is a training resource and more information can be found at <http://swercots-partners.org.uk/npoans-demo>

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Restricting Access

- In the first instance the legislation encourages family friendly premises, however, depending on the nature of your premises it may be necessary to restrict children's access to certain areas or to restrict the times that children may remain on the premises.
- You have a duty not only to protect children from the obvious harms associated with alcohol, but also to protect them from wider harms associated with adult entertainment and certain films.

Offences Relating to Children and Alcohol

- Are you fully aware of the offences relating to children under the legislation?
- Did you know that it is an offence:
 - to knowingly allow unaccompanied children under the age of 16 on premises when open and primarily used for the sale or supply of alcohol?
 - to sell alcohol to someone under 18 or supply alcohol to a club member or guest under 18?
 - to sell or supply liquor confectionery to a person under 16 years of age?
 - for an adult to buy or attempt to buy alcohol on behalf of someone under 18 years of age?
 - for someone under 18 years of age to buy alcohol or attempt to buy alcohol?
 - for someone under 18 to consume alcohol in a licensed premises except where the child is 16 or 17 years of age, accompanied by an adult, is having a table meal and beer wine or cider is purchased by the adult?
 - to knowingly allow the consumption of alcohol by a person under 18 on premises authorised by a premises licence, club premises certificate or temporary event notice excepting the above?
 - for an adult to purchase alcohol for someone under 18 to consume on licensed premises excepting the above re 16 and 17 year olds?
 - to give children alcohol if they are under 5 years of age?

Smoke Free

- Actively supervise customers smoking outside of the premises or in any outside areas – remember they may not be aware of conditions that may be attached to your authorisation restricting the use of certain outside areas.
- Remember it is against the law to sell tobacco products from a vending machine directly to the public, and that it is also illegal to display pictures or advertisements of tobacco products on vending machines.

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OTHER MATTERS FOR CONSIDERATION

Have you considered any ancillary permissions or guidelines that may be relevant to your business or client such as those relating to planning, street trading, the placing of tables and chairs on the highway or the use of "A" Boards?

Information regarding all of the above may be accessed via our website at www.bathnes.gov.uk .

Other useful contacts are:

www.drinkaware.co.uk

DHI (Developing Health and Independence)

Tel: 01225 329 411 available from 10am -7pm

Email: info@dhibath.org.uk

Website: <http://www.dhi-online.org.uk/>

Licensing Team

Public Protection Service

Lewis House

Manvers Street

Bath BA1 1JG

Tel: 01225 477556

Email: licensing@bathnes.gov.uk

Model age verification policy to be attached

Annex C

Impacts of the Night Time Economy in Bath and North East Somerset – 2013 Profile

Introduction

The purpose of this report is to assess the effect of the Night Time Economy on the area of Bath and North East Somerset in terms of crime and disorder and environmental impacts, and how these may have changed overtime.

It will analyse the following:

- **Crime data** - The extent and nature of crime and disorder in B&NES as a whole and how this has changed over time in relation to the following:
 - Numbers of incidents
 - Gender of offenders
 - *Age of offenders*
 - *Day of offences*
 - *Time of offences*

How the levels and nature of crime and disorder differs in the following areas within B&NES and how this has altered over time:

- *Bath City Centre*
- *Other significant wards within Bath*
- *Keynsham*
- *Midsomer Norton*
- *Radstock*

The principal hotspots for night time economy related crimes in Bath City Centre.

- **Drink driving offences** - Number and nature of offences overtime
- **Alcohol licence premises** - Numbers and geographical distribution - wards
- **Complaints recorded by the licensing team** – Numbers and types
- **Noise complaints made to the Council:**
 - Type
 - How they were received
 - Geographical distribution – wards
 - When – months complaints were made
 - Trends overtime
- **Street Marshal Records:**
 - Numbers of incidents
 - Locations of incidents in terms of taxi ranks
 - Day of incidents
 - Type of incidents
 - Trends overtime
- **Results from recent Voicebox Residents Surveys:**
 - Bath City Centre at Night
 - Drunk and Rowdy Behaviour
 - Purple Flag Award

Data Sources

- Police Aspire Crime database, Bath and North East Somerset Recorded Crime January 2008 –February 2013
- Bath Police Station B&NES drink driving data – 2010/11 – 2012/13

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- Council's Licensing Team Uniform database, details of licensing activities - current licenses and complaints data 2010 – 2013
- Public Protection Team Service Requests - reported noise complaints, 2006-October 2013
- Monitoring data – Bath BID Street Marshals and Medics Weekly report data August 2012-July 2013
- The Royal Society for the Prevention of Accidents Water Safety Review, River Avon Bath – 2008-2011
- Marketing Means Voicebox 15 Resident Survey Weighted Headlines – March 2009 – June 2009
- Wyman Dillon Voicebox 17 Resident Survey Weighted Headline Results – March 2010 – May 2010
- RMG Clarity Voicebox 21 Resident Survey Reports – November 2012 – January 2013
- Marketing Means Voicebox 22 Resident Survey, Results weighted by age and gender – November 2013 – January 2014

Night Time Economy Related Crime and Disorder Definition

Offences of violent crime and criminal damage occurring between the hours of 20:00 and 04:00 taking place outside of the home not otherwise defined as domestic violence or hate crime.

This definition is designed purely to assess levels of offending within the public realm where alcohol can be deemed likely to have been a contributing factor with a moderate degree of statistical certainty.

Crimes Linked to the Night Time Economy ¹

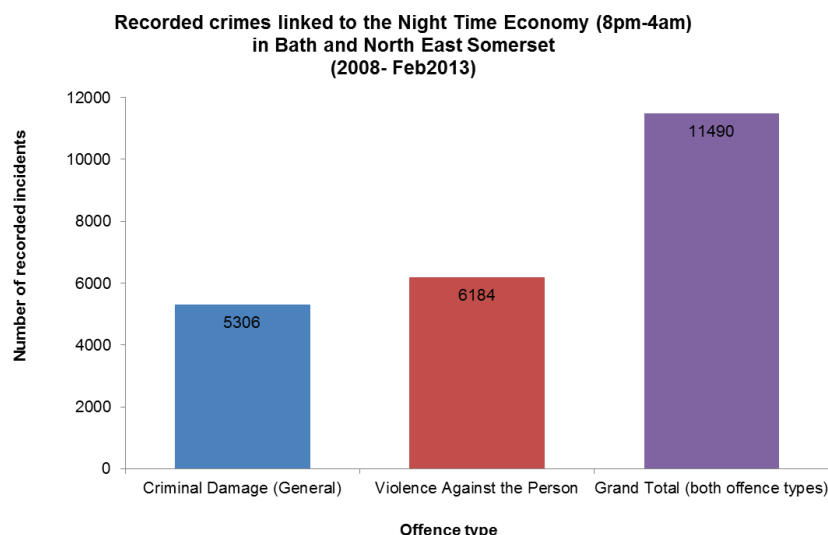


Figure 1: Recorded crimes linked to the Night Time Economy (8pm -4am) in B&NES (2008-February 2013)

In Bath and North East Somerset, between 2008 and February 2013 the police recorded 11,490 crimes (criminal damage and violence against the person) linked to the Night Time Economy (8p-4am), 54% (6,184 incidents) of which were violence against the person incidents and 46% (5,306 incidents) of which were criminal damage incidents.

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Trends over time

There has been a 26% reduction in the number of crimes linked to the Night Time Economy in Bath and North East Somerset over the 5 year period between the year Quarter 4 of 2007/08 - Q3 2008/09, with a total of 2,504 crimes, and the year Quarter 4 2011/12 - Q3 2012/13, with a total of 1,841 crimes.

There was a 14% reduction in the number of crimes linked to the Night Time Economy in B&NES between the year Quarter 4 of 2010/11 - Q3 2011/12, with a total of 2,153, and the year Quarter 4 2011/12 - Q3 2012/13, with a total of 1,841 crimes.

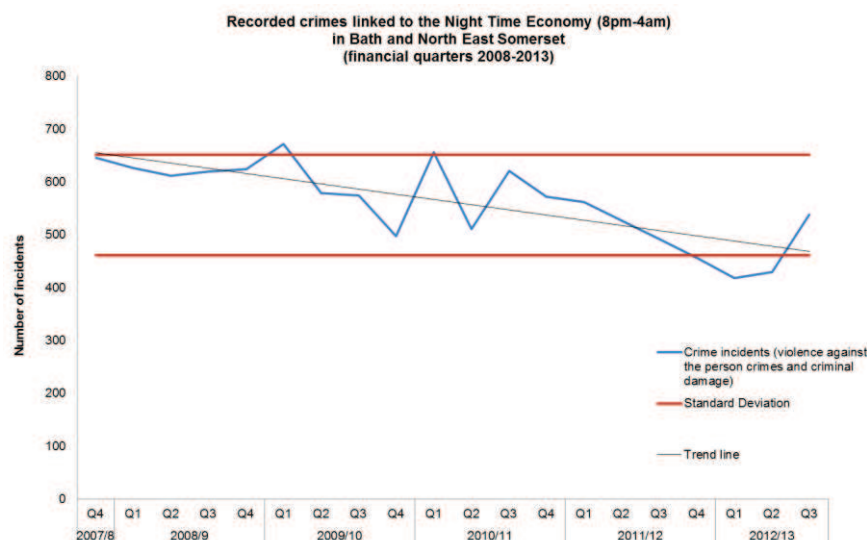


Figure 2: Recorded crimes linked to the Night Time Economy (8pm-4am) in B&NES (financial quarters 2008-2013)

More work is needed to assess the reasons for this decline. This decrease is likely to be caused by a range of factors. Work will also be done to assess whether this reduction is in any way linked to interventions that have been put in place locally.

Gender of offenders

On average, over the 5 year period between the year Quarter 4 of 2007/08 and Q3 2012/13 where the gender of the offenders of crimes linked to the Night Time Economy in B&NES was known and recorded, 80% of the crimes were recorded as being perpetrated by male offenders, and 20% by female offenders.

The recorded gender makeup of offenders during this period has altered slightly, with the proportion of male offenders compared to female offenders increasing from an average of 74% in the year Q4 of 2007/08-Q3 2008/09 to 84% during the year Q4 2011/12 - Q3 2012/13.

The number of crimes which had been recorded as being perpetrated by male offenders increased by 10% between Q4 of 2007/08 - Q3 2008/09 (713 crimes), and the year Q4 2011/12 - Q3 2012/13 (787 crimes).

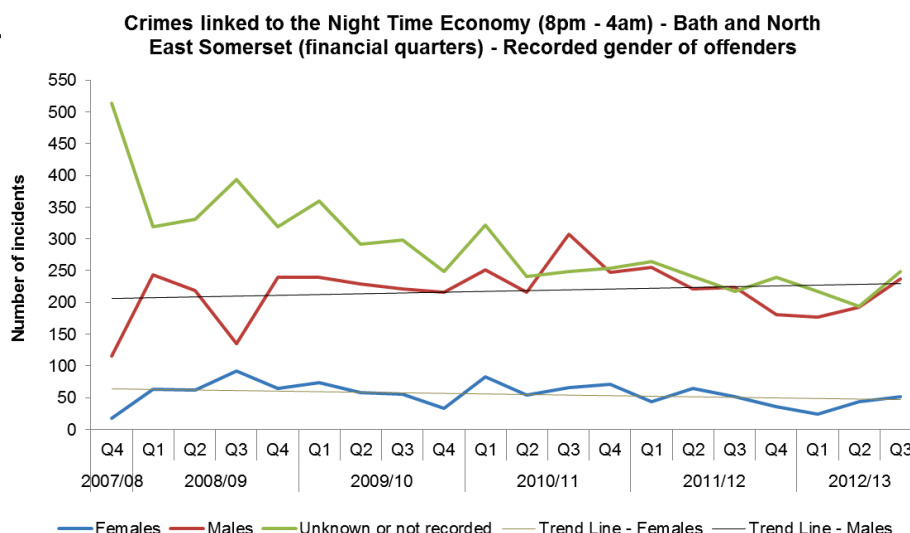


Figure 3: Recorded crimes linked to the Night Time Economy (8pm-4am) in B&NES (financial quarters - 2008 to 2013) – Recorded gender of offenders

However, there has been a 21% reduction in the number of crimes recorded to have been perpetrated by men between the year Q4 of 2010/11 - Q3 2011/12 (990 crimes), and the year Q4 2011/12 - Q3 2012/13 (787 crimes).

In comparison, the number of crimes which had been recorded as being perpetrated by female offenders decreased by 34% between Q4 of 2007/08 - Q3 2008/09 (234 crimes), and the year Q4 2011/12 - Q3 2012/13 (155 crimes).

It is though important to note that during the 5 year period on average each year the gender of the offender was unknown or not recorded for 51% of the crimes linked to the Night Time Economy in B&NES.

Age of offenders

The first year Quarter 4 2007/08 -Q3 2008/09 has not been included in terms of the analysis of the age of offenders because 90% of the crimes during this year had no age recorded, compared to the 46-52% for the other four years.

On average, over the 4 year period between the Q4 of 2008/09 and Q3 2012/13, where the age of offenders of crimes linked to the Night Time Economy in B&NES was recorded:

- 60% of the crimes were recorded as perpetrated by offenders aged 16-27
- 18% by those aged 28-39
- 13% by those aged 40-51
- 5% by those under 16
- 3% by those aged 52-63
- 1% by those aged 64-75
- and less than 1% of crimes were perpetrated by those aged 76 and over.

The recorded age makeup of offenders during this period did not alter a great deal.

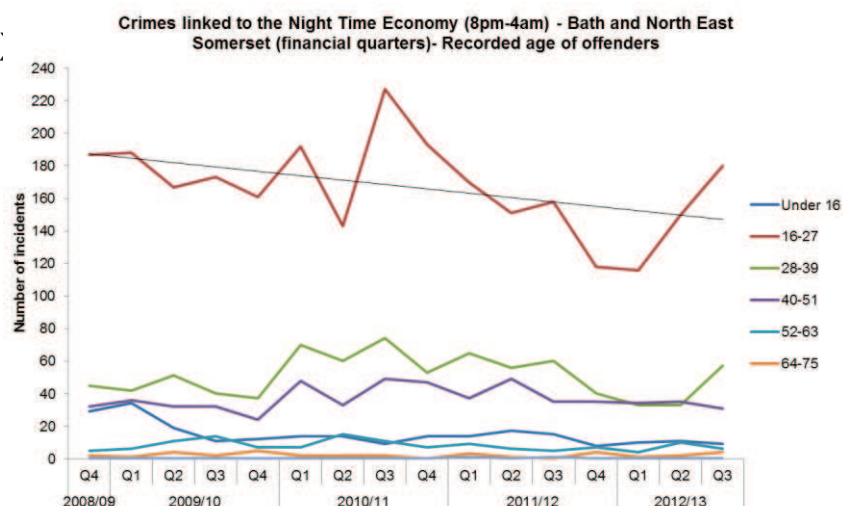


Figure 4: Recorded Crimes linked to the Night Time Economy (8pm-4am) in B&NES (financial 2009 to 2013) – Recorded age of offenders

Offenders aged 16-27 was the only age category with any real notable change during this period, decreasing by 21% between Quarter 4 of 2008/09 - Q3 2009/10 (179 crimes), and the year Q4 2011/12 - Q3 2012/13 (141 crimes).

Day of offences

In terms of the daily distribution of crimes linked to the Night Time Economy in B&NES over the 5 year period between the year Quarter 4 of 2007/08 and Q3 2012/13:

- An average of 24% were recorded as having occurred on a Saturday
- An average of 20% on a Friday
- 19% on a Sunday.
- 10% on both Tuesdays and Thursdays,
- 9% on Wednesdays and 8% on Mondays.

This recorded daily distribution of crimes altered very little during this five year period.

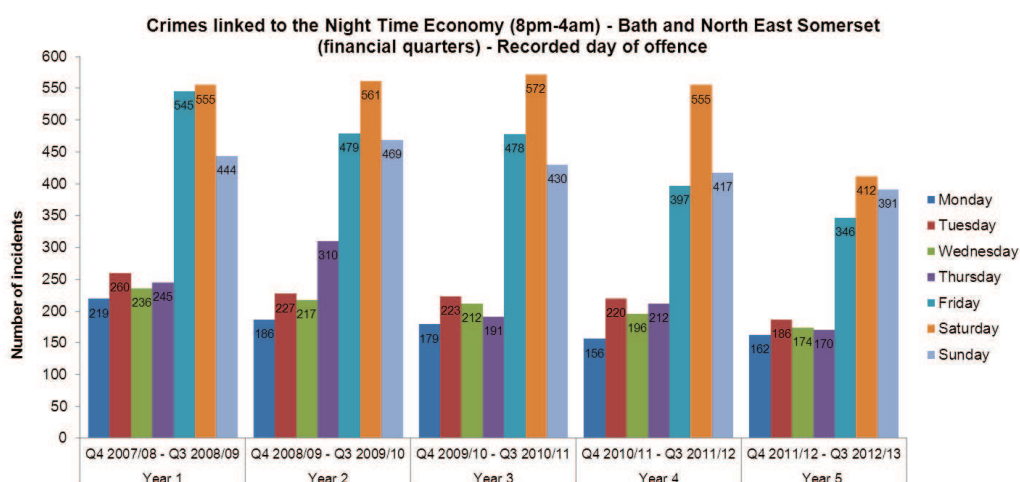


Figure 5: Recorded crimes linked to the Night Time Economy (8pm-4am) in B&NES (financial quarters 2008 to 2013) – Recorded day of offences

It is important to note that though there is a surprisingly high number of night time economy related crimes occurring on a Sunday, a considerable proportion of these will be linked to the Saturday night time economy, as 65% of the crimes recorded as

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occurring on Sunday occurred between midnight and 2:59am, 48% occurred between midnight and 1:59am, and 29% between midnight and 12:59pm.

Between Year 1 and Year 5, all days of the week have experienced a decrease in the numbers of crimes, with the greatest decline occurring on a Friday with a 37% reduction from 545 in Year 1 to 346 in Year 5, followed by Thursday, with a reduction of 31% from 245 crimes in Year 1 to 170 in Year 5. There was a 26% reduction in the number of crimes occurring on a Saturday, from 555 in Year 1 and 412 in Year 5.

Time of offences

By far the greatest proportion of crimes linked to the Night Time Economy in B&NES over the 5 year period Q4 of 2007/08 and Q3 2012/13, were recorded as having occurred between 00:00 (12pm) and 00:59, with an average of 30% of crimes, followed by 23:00-23:59 and 22:00-22:59, both with an average of 12%. This means that during this period 54% of the crimes linked to the Night Time Economy were recorded to have occurred between 22:00-00:59.

The only real notable change in the distribution of the recorded times of crimes during this 5 year period was that of the proportion occurring between 00:00-00:59, which increased from 25% in Year 1 (Q4 2007/08-Q3 2008/09), to 33% in Year 5 (Q4 2011/12-Q3 2012/13).

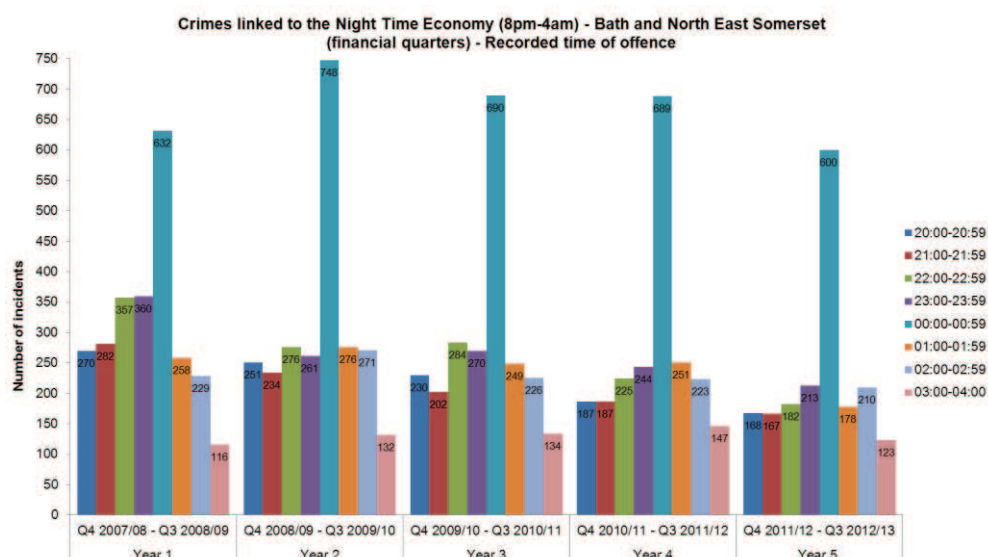


Figure 6: Recorded crimes linked to the Night Time Economy (8pm-4am) in B&NES (financial quarters 2008 - 2013) – Recorded day of offences

Between Year 1 and Year 5, each hour except 03:00-04:00, experienced a decrease in the numbers of crimes:

- 49% decline between 22:00-22:59, from 357 to 182
- 41% reduction between 21:00-21:59, from 282 to 167 and 23:00-23:59, from 360 to 213
- 38% decline between 20:00-20:59, from 270 to 168.

In comparison, there was only a 5% reduction in the number of crimes occurring between 00:00-00:59, from 632 to 600, and the numbers of crimes recorded as having occurred between 03:00-04:00 actually increased by 6%, from 116 to 123.

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Bath City Centre

There has been a 25% reduction in the number of crimes linked to the NTE in Bath city centre (Abbey and Kingsmead wards) over the 5 year period between the year Q4 of 2007/08 - Q3 2008/09 (910 crimes), and the year Q4 2011/12 - Q3 2012/13 (679 crimes).

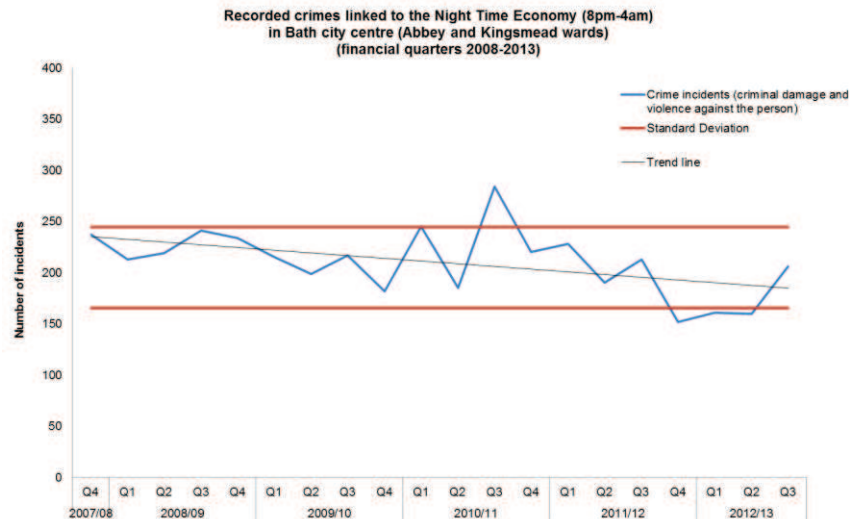


Figure 7: Recorded crimes linked to the Night Time Economy (8pm-4am) in Bath City Centre (financial quarters 2008 - 2013)

Other significant wards within Bath

Five other wards within Bath have also been identified as having experienced comparatively high incidents of crimes linked to the NTE between 2008 and February 2013, Twerton, Southdown, Walcot, Widcombe, and Westmoreland.

There has been a 19% reduction in the number of crimes in these wards over the 5 year period between the year Q4 of 2007/08 - Q3 2008/09 (436 crimes), and the year Q4 2011/12 - Q3 2012/13 (355 crimes).

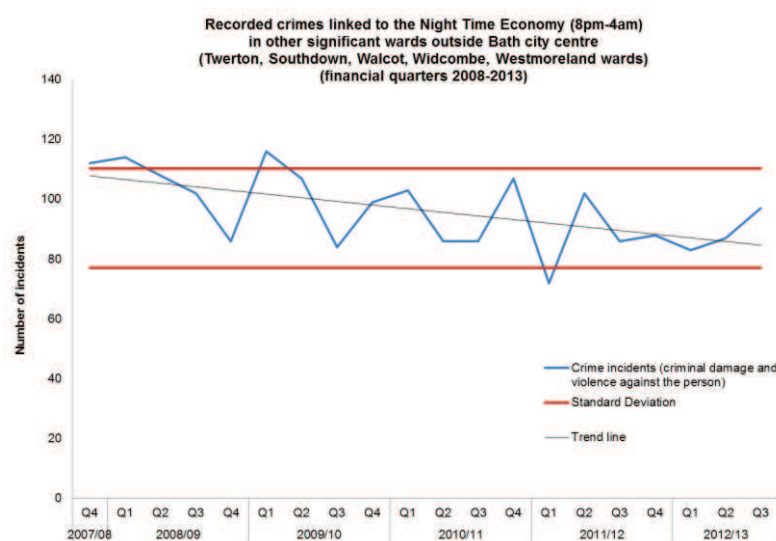


Figure 8: Recorded crimes linked to the Night Time Economy (8pm-4am) in other significant wards outside Bath City Centre (financial Quarters 2008 - 2013)

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Keynsham

Keynsham (Keynsham North, Keynsham South, and Keynsham East wards) has experienced a particularly sharp decline in crimes linked to the NTE; with a 45% reduction over the 5 year period between the year Quarter 4 of 2007/08 - Q3 2008/09 (191 crimes), and the year Q4 2011/12 - Q3 2012/13 (106 crimes). Much of this reduction has occurred during the most recent couple of years, between the year Q4 of 2010/11 - Q3 2011/12 (193 crimes), and the year Q4 2011/12 - Q3 2012/13 (106 crimes), there was a 45% reduction crimes.

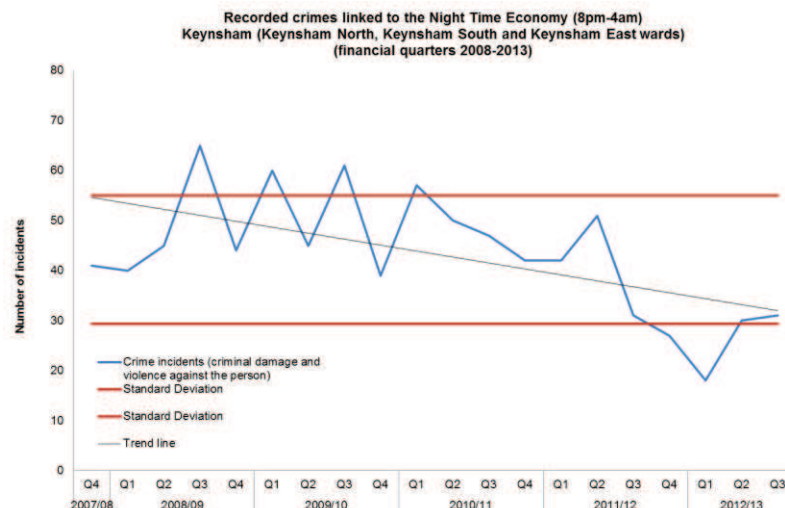


Figure 9: Recorded crimes linked to the Night Time Economy (8pm-4am) in Keynsham (financial quarters 2008 - 2013)

Midsomer Norton

There has been a 37% reduction in the number of crimes linked to the NTE in Midsomer Norton (Midsomer Norton North and Midsomer Norton Redfield wards) over the 5 year period between the year Q4 of 2007/08 - Q3 2008/09 (156 crimes), and the year Q4 2011/12 - Q3 2012/13 (99 crimes).

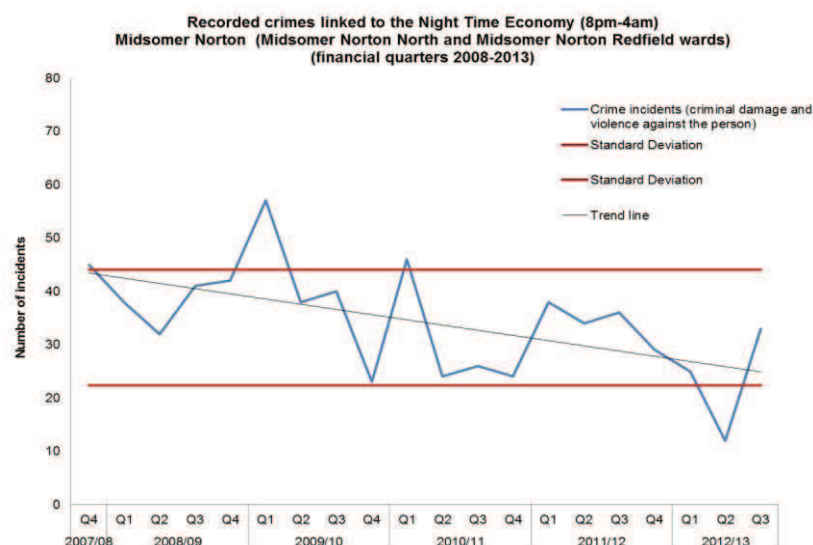


Figure 10: Recorded crimes linked to the Night Time Economy (8pm-4am) in Midsomer Norton (financial quarters 2008 - 2013)

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Radstock

Radstock (Radstock ward) like Keynsham has experienced a particularly sharp decline in the number of crimes linked to the NTE; with a 48% reduction over the 5 year period between the year Q4 of 2007/08 - Q3 2008/09 (67 crimes), and the year Quarter 4 2011/12 - Q3 2012/13 (35 crimes). Between the year Q4 of 2010/11 - Q3 2011/12 (55 crimes), and the year Q4 2011/12 - Q3 2012/13 (35 crimes), there was a 36% reduction in crimes.

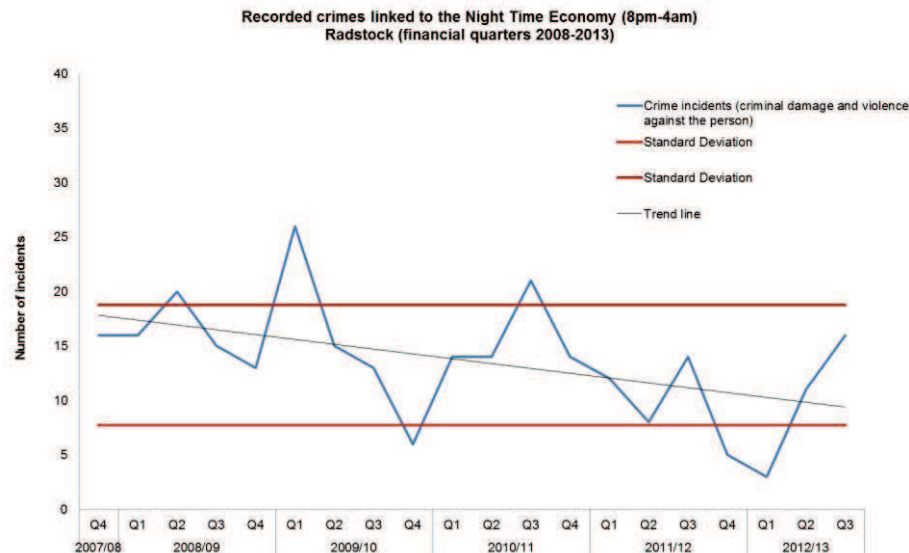


Figure 11: Recorded crimes linked to the Night Time Economy (8pm-4am) in Radstock (financial quarters 2008 - 2013)

Make up of Night Time Economy Crimes

Bath City Centre

In Bath city centre (Abbey and Kingsmead wards), between 2008 and February 2013 the police recorded 4,302 crimes (criminal damage and violence against the person) linked to the NTE (8p-4am), making up 64% of the all the recorded crimes linked to the NTE in B&NES as a whole.

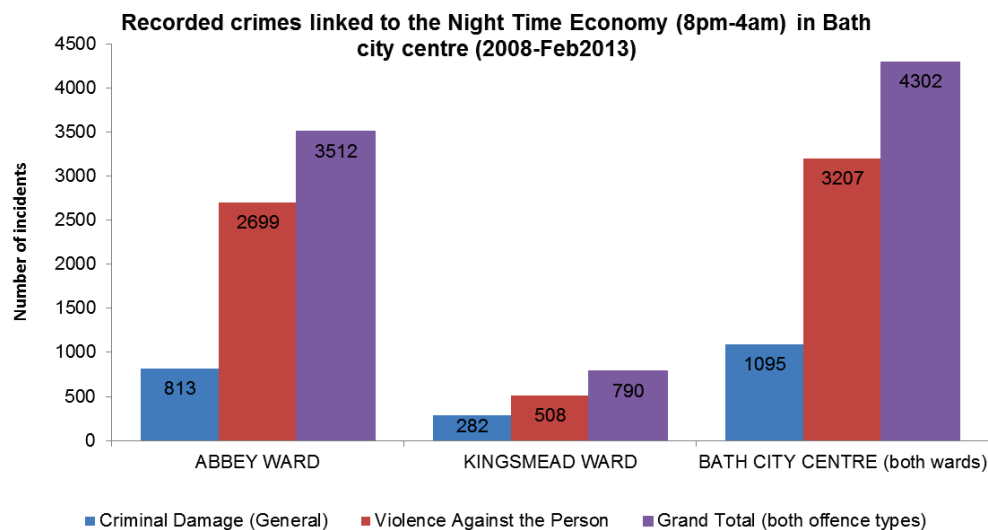


Figure 12: Recorded crimes linked to the Night Time Economy (8pm-4am) in Bath city centre (financial quarters 2008 - 2013)

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The vast majority of these crimes, 75% (3,207 incidents) were violence against the person incidents, compared to the 25% (1,095 incidents) of which were criminal damage. This means that 52% of all the recorded violence against the person crimes linked to the NTE in B&NES during this period occurred in Bath city centre, and 21% of all the NTE related recorded criminal damage incidents.

Within Bath city centre, 84% (3,512 incidents) recorded crimes linked to the NTE during this period occurred in Abbey ward, and 16% (790 incidents) recorded crimes linked to the NTE occurred in Kingsmead ward.

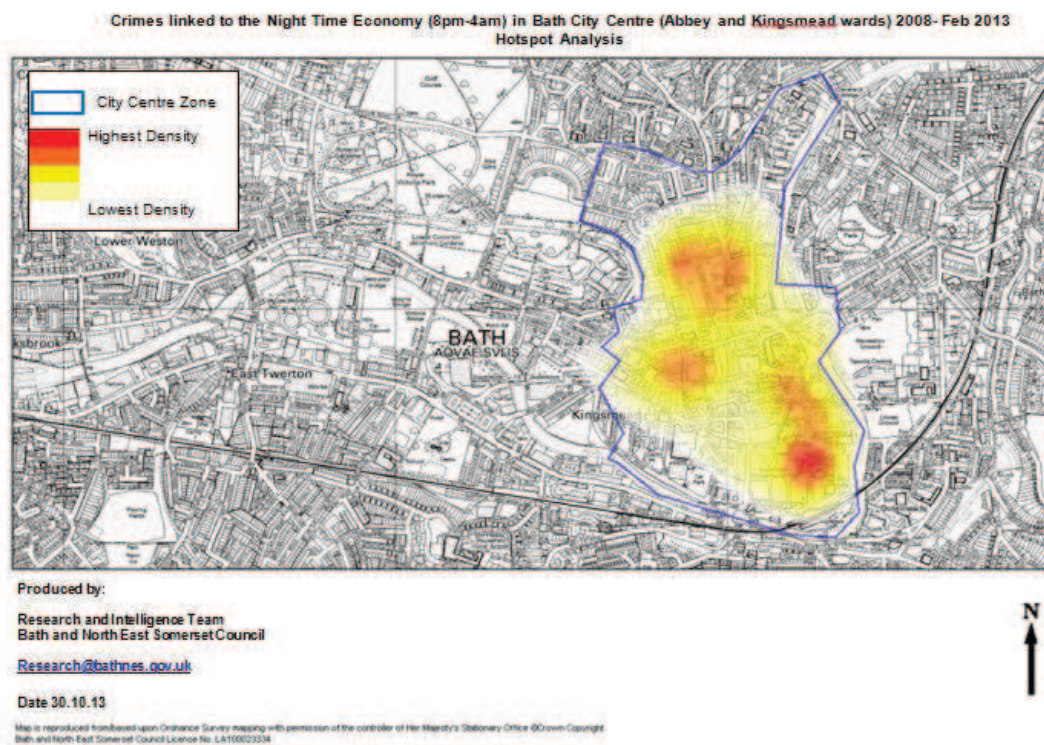


Figure 13: Recorded crimes linked to the Night Time Economy (8pm-4am) in Bath city centre (2008 – February 2013) – Hotspot Analysis

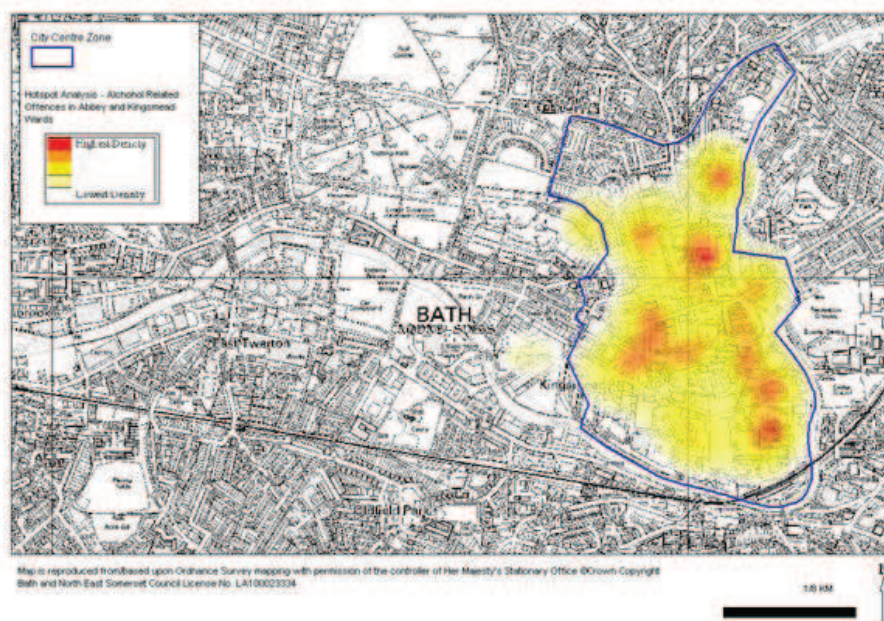


Figure 14: Recorded crimes linked to the Night Time Economy (8pm-4am) in Bath city centre (November 2004 – October 2006) – Hotspot Analysis

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Figures 13 and 14 show how the concentration of crimes linked to the NTE in Bath City Centre has changed since the last hotspot analysis was carried out in 2006. The hotspot areas continue to be within the city centre zone, and on the whole there has not been a great deal of change in their location. There does however appear to be fewer hotspots than before, but those that remain cover larger areas.

Other significant wards within Bath

Five other wards within Bath have also been identified as having experienced comparatively high incidents of crimes linked to the NTE between 2008 and February 2013, Twerton, Southdown, Walcot, Widcombe, and Westmoreland. During this period the police recorded 1,969 crimes (criminal damage and violence against the person) linked to the NTE, making up 17% of the all the recorded crimes linked to the NTE in B&NES as a whole.

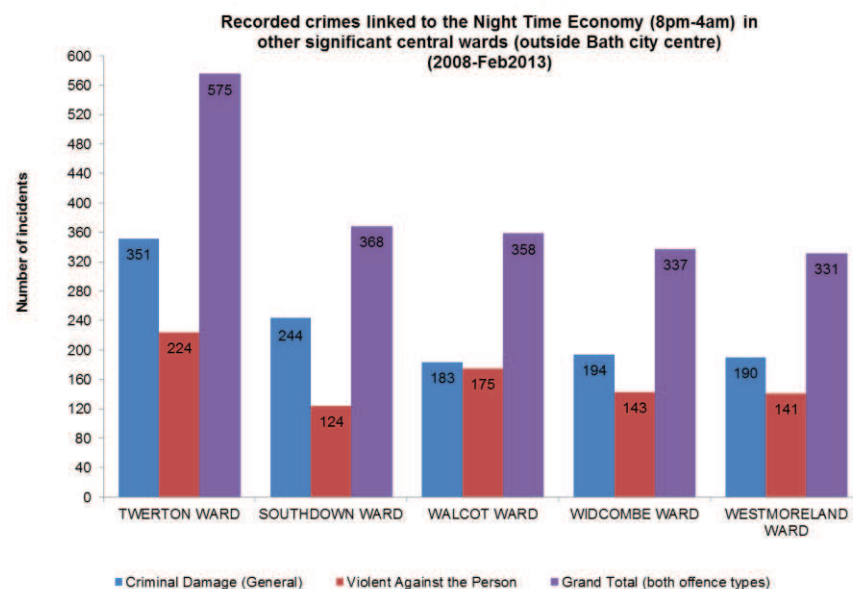


Figure 15: Recorded crimes linked to the Night Time Economy (8pm-4am) in other significant wards outside Bath city centre (2008 – February 2013)

Unlike the wards that make up Bath city centre, over half of the NTE related crimes occurring during this period in these five wards were incidents of criminal damage, making up 59%, 1,162 of the recorded crimes, compared to the 41% (807 incidents) of which were violence against the person crimes. This means that 13% of all the recorded violence against the person crimes linked to the NTE in B&NES during this period occurred in these five wards, and 22% of all the NTE related recorded criminal damage incidents.

Out of these five wards:

- 29%, 575 recorded occurred in Twerton,
- 19%, 368 incidents in Southdown
- 18%, 358 crimes in Walcot,
- 17%, 337 incidents in Widcombe
- and 17%, 331 crimes in Westmoreland

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Keynsham

In Keynsham (made up of Keynsham North, Keynsham South and Keynsham East wards), between 2008 and February 2013 the police recorded 886 crimes (criminal damage and violence against the person) linked to the NTE, making up 8% of the all the recorded crimes linked to the NTE in B&NES as a whole.

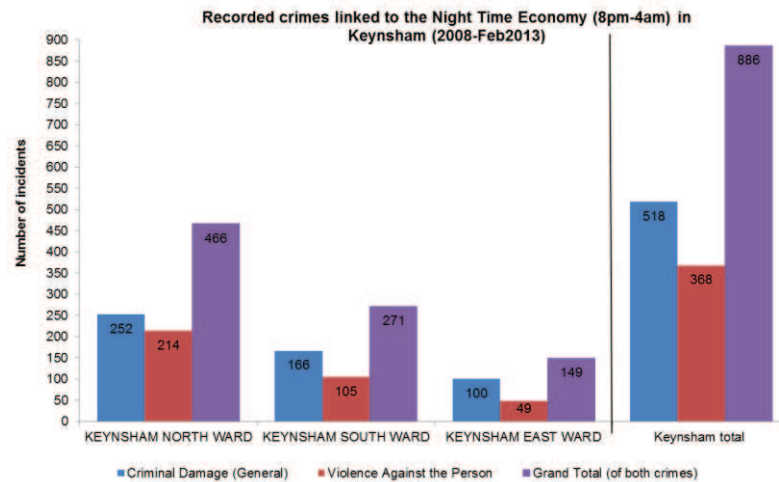


Figure 16: Recorded crimes linked to the Night Time Economy (8pm-4am) in Keynsham (2008 – February 2013)

58% of these recorded crimes, (518 crimes) were criminal damage incidents and 42% (368 crimes) were violence against the person crimes. This means that 6% of all the recorded violence against the person crimes linked to the NTE in B&NES during this period occurred in Keynsham, and 10% of all the NTE related recorded criminal damage incidents.

Within Keynsham, 53%, 466 recorded crimes occurred in Keynsham North, and 31%, 271 incidents in Keynsham South, and 17%, 149 crimes in Keynsham East.

Midsomer Norton

In Midsomer Norton (made up of Midsomer Norton North and Midsomer Norton Redfield wards), during this period the police recorded 697 crimes (criminal damage and violence against the person) linked to the NTE, making up 6% of the all the recorded crimes linked to the NTE in B&NES as a whole.

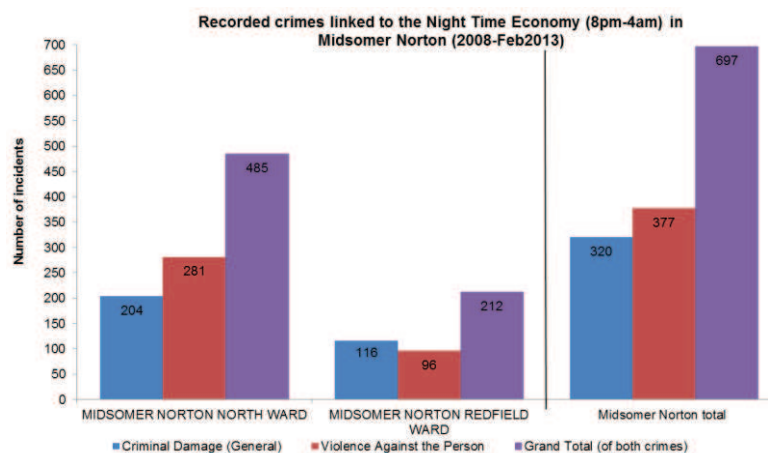


Figure 17: Recorded crimes linked to the Night Time Economy (8pm-4am) in Midsomer Norton (2008 – February 2013)

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54% of these recorded crimes, (377 crimes) were violence against the person incidents and 46% (320 crimes) were criminal damage incidents. This means that 6% of all the recorded violence against the person crimes linked to the NTE in B&NES during this period occurred in Midsomer Norton, and 6% of all the NTE related recorded criminal damage incidents.

Within Midsomer Norton, 70% (485 incidents) of recorded crimes linked to the NTE during this period occurred in Midsomer Norton North, and 30% (212 incidents), in Midsomer Norton Redfield.

Radstock

In Radstock, only made up of the Radstock ward, between 2008 and February 2013 the police recorded 278 crimes (criminal damage and violence against the person) linked to the NTE, making up 2% of the all the recorded crimes linked to the NTE in B&NES.

54% of these recorded crimes, (150 crimes) were criminal damage incidents and 46% (128 crimes) were violence against the person incidents. This means that 3% of all the recorded criminal damage crimes linked to the NTE in B&NES during this period occurred in Radstock, and 2% of all the NTE related violence against the person incidents.

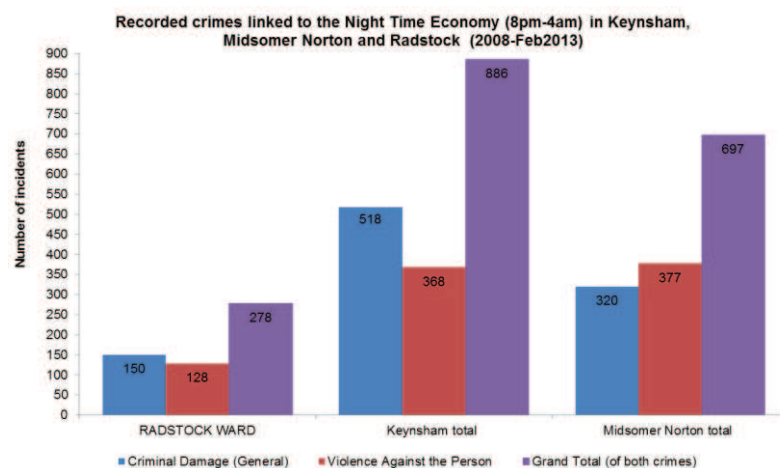


Figure 18: Recorded crimes linked to the Night Time Economy (8pm-4am) in Radstock, Keynsham and Midsomer Norton (2008 – February 2013)

Drink Driving Offences²

The table below outlines the numbers of arrests coming through B&NES custody for offences linked to drink driving for the 3 year period 2010/11 to 2012/13.

Arrest Reason	2010/11	2011/12	2012/13
In charge of motor vehicle - excess alcohol	21	6	16
Positive Breath Test	148	162	121
Refused Breath Test	8	4	5
Grand Total	177	172	142

Table 1: Numbers of arrests coming through B&NES custody for offences linked to drink driving for the 3 year period 2010/11 to 2012/13

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The table indicates that on the whole the numbers of drink driving offences reduced in this three year period, with slight variations across offence types. It is important to note that the refused breath test arrests do not necessarily result in a positive breath test.

The other offence types that could be attributed to drink driving are:

- Unfit through drink or drugs
- Death by careless driving under the influence of alcohol

No arrests were found for the above offence types but it is important to bear in mind that the data search was for the primary reason for arrest, and thus these may have been given as secondary reasons for some offenders.

The police have an initiative called operation Tonic to tackle drink driving and their media campaigns normally occur in July and December.

Premises with Alcohol Licenses³

In June 2013 there were 724 premises with alcohol licenses in B&NES, 56% (405 premises) have late night opening times after 11pm, and 7%, 51 premises are open after 1am.

Distribution of these 724 premises with alcohol licenses:

Study areas and wards	Number of premises with alcohol licenses	% of B&NES
Bath City Centre	262	36%
Abbey	218	30%
Kingsmead	44	6%
Other significant wards within Bath	68	9%
Twerton	10	1%
Southdown	7	1%
Walcot	13	2%
Widcombe	25	3%
Westmoreland	13	2%
Keynsham	33	5%
Keynsham East	14	2%
Keynsham North	11	2%
Keynsham South	8	1%
Midsomer Norton	27	4%
Midsomer Norton North	20	3%
Midsomer Norton Redfield	7	1%
Radstock	14	2%

Table 2: Distribution of the 724 premises with alcohol licenses in B&NES in June 2013, by ward.

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Licensed premises with late night opening:

Study areas and wards	Numbers of premises open after 11pm	% of the 724 premises B&NES	% of the 405 premises open after 11pm in B&NES
Bath City Centre	176	24%	43%
Abbey	143	20%	35%
Kingsmead	33	5%	8%
Other significant wards within Bath	25	3%	6%
Twerton	4	1%	1%
Southdown	0	0%	0%
Walcot	6	1%	1%
Widcombe	15	2%	4%
Westmoreland	8	1%	2%
Keynsham	18	2%	4%
Keynsham East	7	1%	2%
Keynsham North	6	1%	1%
Keynsham South	5	1%	1%
Midsomer Norton	14	2%	3%
Midsomer Norton North	12	2%	3%
Midsomer Norton Redfield	2	0%	0%
Radstock	8	1%	2%
Not Known	25	3%	6%
Total for B&NES	405	56%	100%

Table 3: Distribution of the premises with alcohol licenses that can stay open after 11pm in B&NES in June 2013, by ward.

Study areas and wards	Numbers of premises open after 1am	% of all 724 premises in B&NES	% of the 405 premises open after 11pm in B&NES	% of the 51 premises open after 1am in B&NES
Bath City Centre	32	4%	8%	63%
Abbey	30	4%	7%	59%
Kingsmead	2	0%	0%	4%
Other significant wards within Bath	5	1%	1%	10%
Twerton	0	0%	0%	0%
Southdown	0	0%	0%	0%
Walcot	1	0%	0%	2%
Widcombe	4	1%	1%	8%
Westmoreland	0	0%	0%	0%
Keynsham	1	0%	0%	2%
Keynsham East	0	0%	0%	0%
Keynsham North	1	0%	0%	2%
Keynsham South	0	0%	0%	0%
Midsomer Norton	0	0%	0%	0%
Midsomer Norton North	0	0%	0%	0%
Midsomer Norton Redfield	0	0%	0%	0%
Radstock	1	0%	0%	2%
Not Known	0	0%	0%	0%
Total for B&NES	51	7%	13%	100%

Table 4: Distribution of the premises with alcohol licenses that can stay open after 1am in B&NES in June 2013, by ward.

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Complaints to the Council's Licensing Team ⁴

Between 2010 and 2013 the Licensing Team in the Council recorded 52 complaint incidents relating to the impacts of premises serving alcohol in B&NES. These were made up of 63 individual complaints:

- 56% (35 complaints) of these related to noise pollution, either relating to people (24%) or music (32%).
- 8% (5 complaints) were relating to other perceived incidents of crime and disorder and antisocial behaviour, including aggressive and violent behaviour.
- 6% of complaints were related to underage sales
- 5% of complaints were related to irresponsible drinks promotions
- 5% were related to breach of opening times.

Noise complaints made to the Council's Public Protection Team ⁵

Between January 2006 and October 2013 there were 7,960 complaints made to the Council's Public Protection Team regarding noise.

Types of complaint

During this period:

- 65%, 5,209 complaints were made about noise coming from a domestic dwelling
- 19%, 1,477 complaints made about noise from premises of entertainment or with alcohol licenses, such as pubs and clubs
- 14%, 1,086 complaints were about noise coming from the street (inc. buskers)
- 2%, 188 complaints were regarding students in domestic dwellings

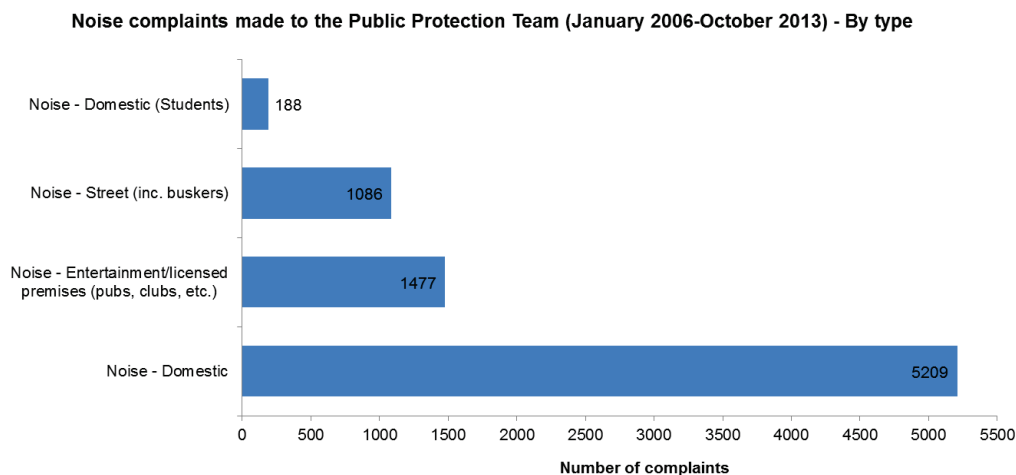


Figure 19: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – By type

How complaints were received

Between January 2006 and October 2013:

- 39.8%, 3167 noise complaints were received by telephone
- 36.7%, 2921 noise complaints were received by the Emergency/Out of Hours Service.

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- 10.3%, 822 complaints were received by email
- 4.9%, 387 complaints were received by letter
- 1.2%, 95 complaints were made at the Council's reception

The following methods each made up less than 1% of the ways in which people made noise complaints to the council during this period, via an officer/member of staff, memorandum, on site, council connect, facsimile, petition, Councillor, personal visit, and referrals from others.

Wards of addresses being complained about

During the period between January 2006 and October 2013, the locations that noise complaints were made about came from 36 wards:

- Abbey ward had the greatest number of locations with 1027 complaints, making up 13% of all complaints,
- followed by Kingsmead with 471, 6%,
- Walcot with 362, 5%,
- and Twerton with 335, 4%.

The complaints directed at each of the remaining wards made up 3% or less for each ward. It is though worth noting that no postcode was recorded for 22% of complaints (1767) and so we are not able to identify these wards.

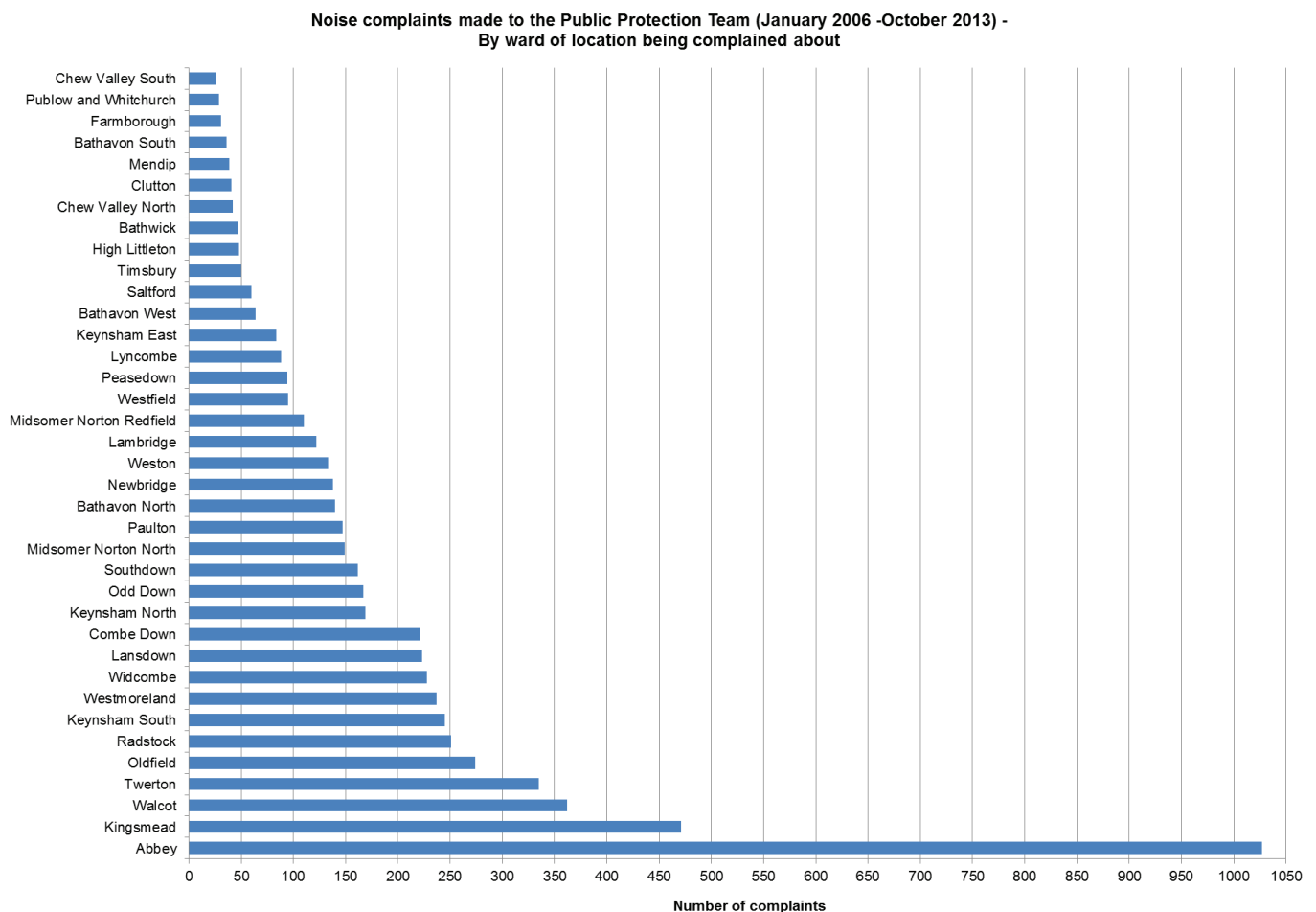


Figure 20: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – By ward of location being complained about

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Unsurprisingly, because Abbey is in Bath city centre the greatest proportion of complaints were made about entertainment premises such as pubs and clubs (47%), followed by domestic dwellings (37%), a significant proportion was also made about noise on the street (15%).

In contrast, in terms of the types of complaints made about locations in the other three wards that had the most recorded noise complaints made about them, complaints about domestic dwellings made up the greatest proportion of complaints:

- Kingsmead, 73%
- Walcot, 86%
- and Twerton, 91%

This is followed by complaints made about entertainment premises such as pubs and clubs:

- Kingsmead, 20%
- Walcot, 10%
- Twerton, 7%

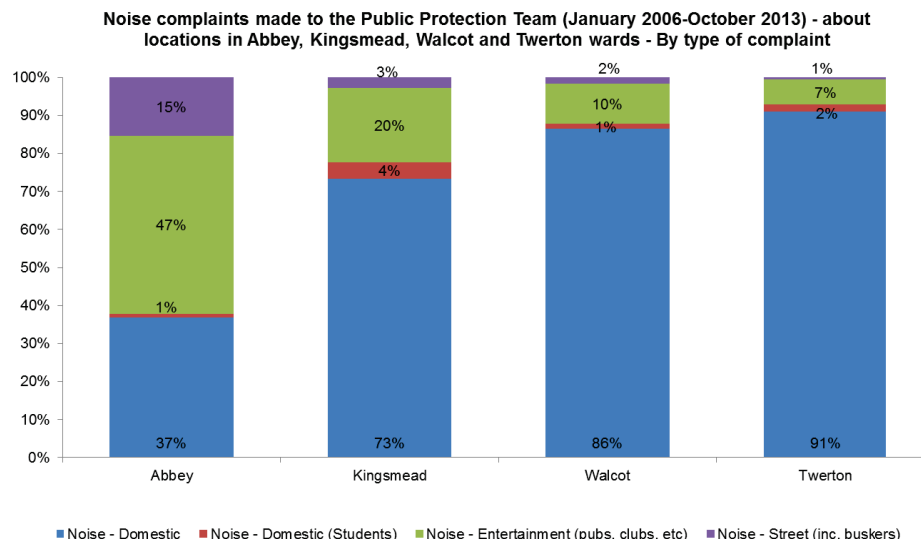


Figure 21: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – about locations in Abbey, Kingsmead, Walcot and Twerton wards – By type of complaint

Wards of complainant addresses

During the period between January 2006 and October 2013, noise complainants came from 36 recorded wards. The wards of complainant that made the greatest number of complaints were:

- Abbey with 1177 complaints, making up 15% of all complaints,
- followed by Kingsmead with 497, 6%,
- Walcot with 365, 5%,
- Twerton with 343, 4%,
- and Oldfield with 292, 4%.

The remaining recorded wards of complainants each made up 3% or less of complaints. It is though worth noting that no postcode was recorded for 15% of complaints (1767) and so we are not able to identify these wards.

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The distribution of ward of complainant is very similar to that of the locations that noise complaints were made about, thus indicating that most complainants made noise complaints about locations within their wards of residence, this reflects the fact that a considerable proportion of complaints were made about noise from domestic dwellings.

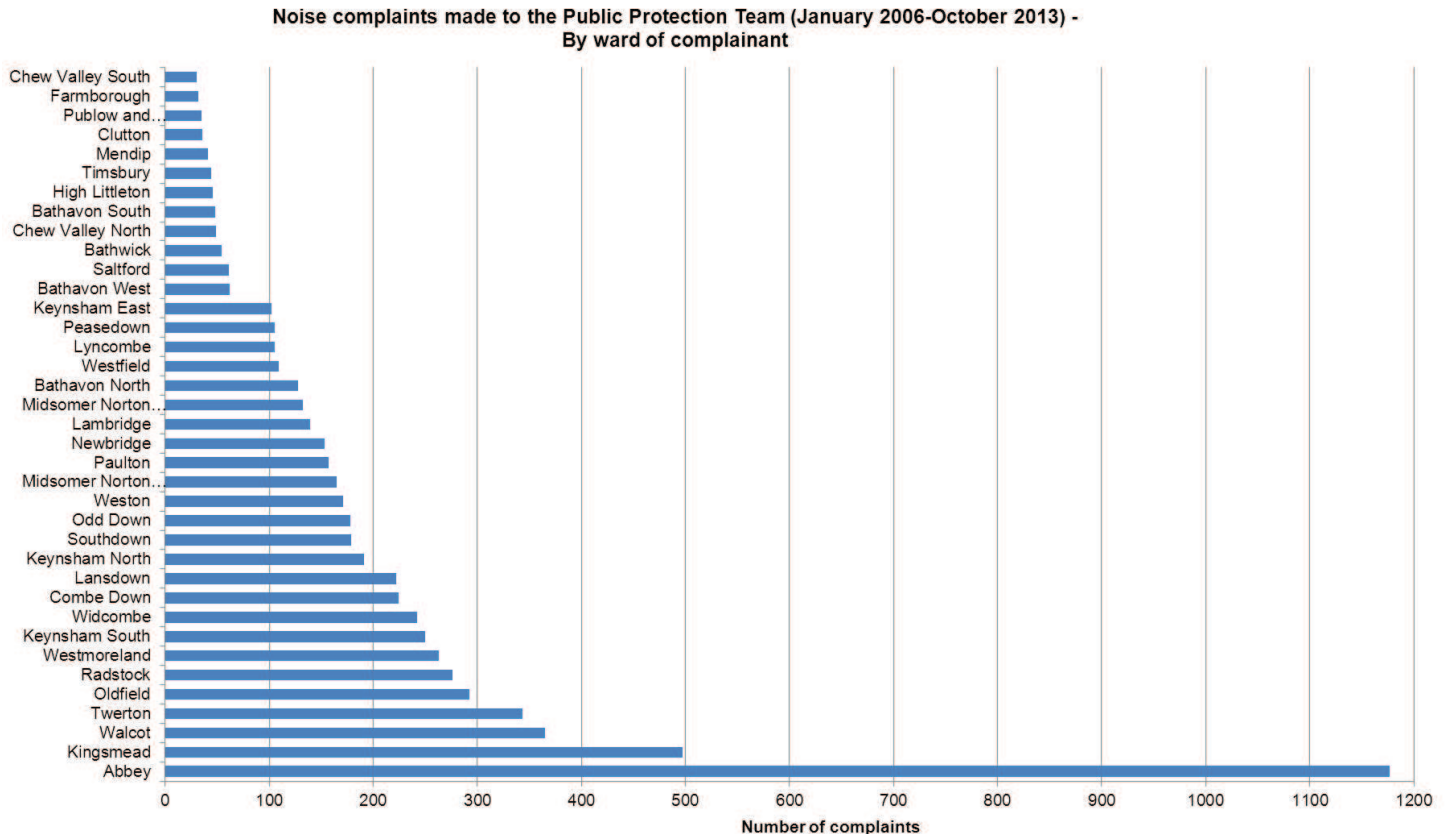


Figure 22: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – By ward of complainant

Again unsurprisingly in Abbey the greatest proportion of complaints were made about entertainment premises such as pubs and clubs (34%), very closely followed by domestic dwellings (33%), and noise on the street (33%).

In terms of the types of complaints from the other wards of complainant address from which the greatest number of noise complaints came from, domestic dwellings made up the greatest proportion of the complaints:

- Kingsmead, 71%
- Walcot, 84%
- Twerton, 92%

These were followed by complaints made about entertainment premises such as pubs and clubs:

- 18% in Kingsmead,
- 10% in Walcot,
- 5% in Twerton
- and 8% in Oldfield.

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Complaints by month

During the seven year period between 2006 and 2012, the months when the Public Protection Team received the highest number of noise complaints were the summer months of June with 779, July with 800 and August with 794, each accounting for 11% of all complaints. These months were followed by those of spring and autumn, with the lowest number of complaints in the winter months January, February, November and December, each with fewer than 500 complaints, and each, making up between 7-5% of all complaints

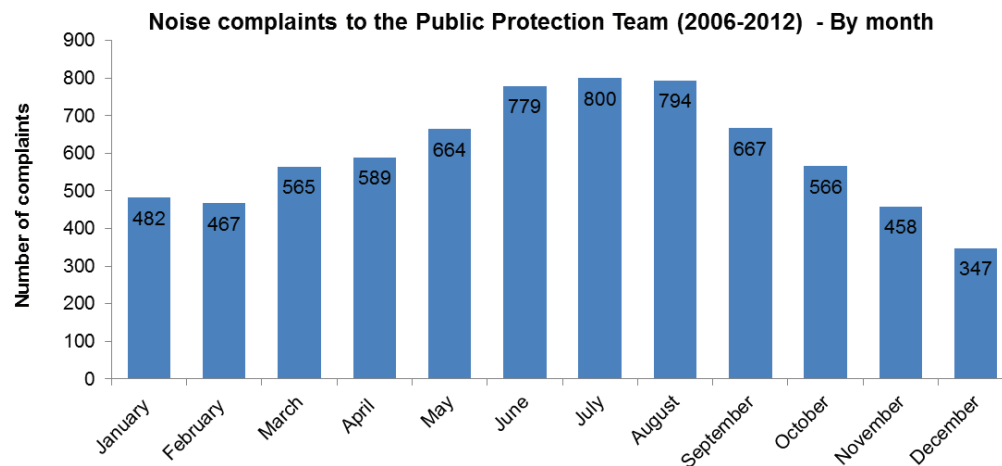


Figure 23: Noise complaints made to the Public Protection Team in B&NES (2006-2012) – By month

Trends overtime

Between January 2006 and October 2013, the average number of noise complaints each month decreased by 13%, from an average of 90 complaints a month in 2006, to an average of 78 per month in 2013. This decline though maybe linked to the changes in recording practices that occurred during this period.

The number of complaints in 2006 was 1,076, compared to 867 in 2012 (2013 is an incomplete year), this represents a 19% decline in the number of complaints. The numbers of complaints remained above 1,000 per year until 2011, and since then they continued to stay below 868 per year.

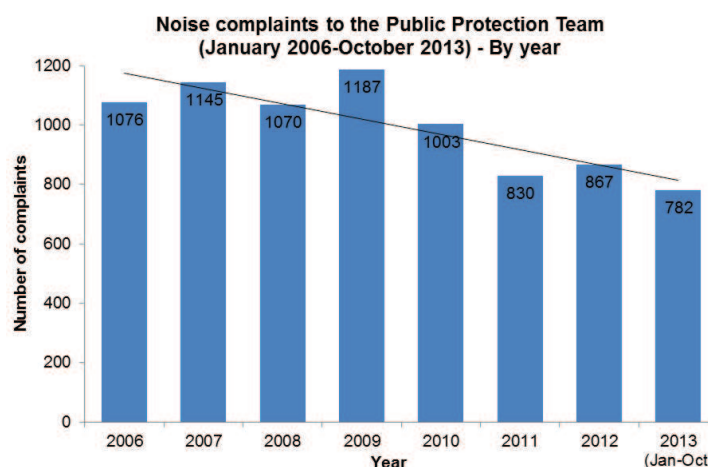


Figure 24: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – By year

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Trends overtime –Types of complaints

During the period January 2006 to October 2013, noise complaints about domestic dwellings continued to makeup the greatest proportion of complaints. Apart from a marked reduction in the proportion of complaints these make up in 2013 to 49%, between 2006-2012 they made up 61%-71% of the complaints. However, the overall numbers of noise complaints about domestic dwellings between 2006 and 2012 (2013 is an incomplete year) decreased, in 2006 it was 732, compared to 529 in 2012, this represents a 28% decline in the number of complaints.

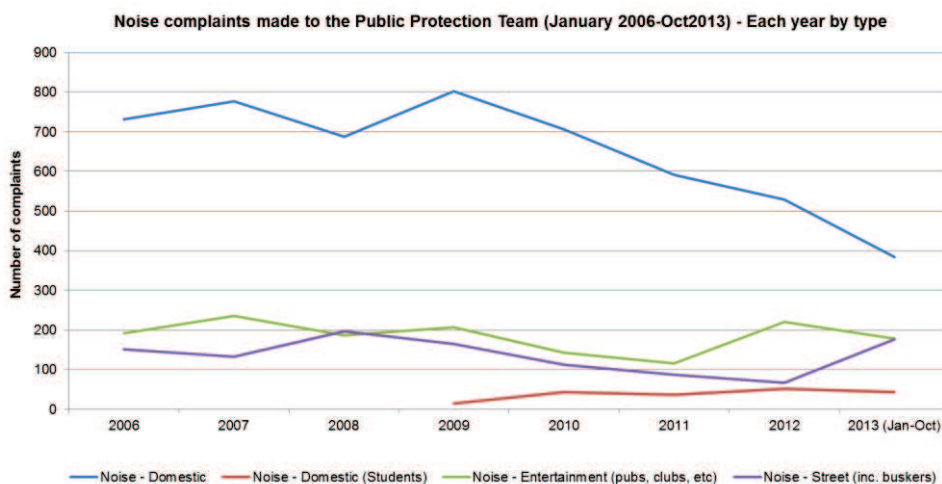


Figure 25: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – Each year by type

Throughout this period noise complaints about places of entertainment such as pubs and clubs made up the second greatest proportion of complaints (jointly second with complaints about street noise in 2013). Numbers of these complaints remained fairly stable during these years, fluctuating between the greatest number in 2007 with 236 complaints, and the lowest number in 2012 with 115 complaints. These complaints made up the greatest proportion in 2012 with 25%, and the lowest proportion in 2010 and 2011 with 14%.

These complaints are closely followed by the numbers of complaints about street noise, which also remained fairly stable, fluctuating between the highest number in 2008 with 196 complaints and the lowest number in 2012 with 66 complaints. These complaints made up the greatest proportion in 2013 with 23%, and the lowest proportion in 2012 with 8%.

Lastly, complaints about noise from students does not seem to have been recorded as a separate category until 2009, whereby it only made up 1% of the complaints with 14, numbers of these complaints after an initial rise to 43 in 2010, have remained between 52 and 36, 6-4%.

Trends overtime – How complaints were received

Throughout the period January 2006 to October 2013, the greatest proportion of noise complaints were received via telephone and/ or through the Emergency/Out of Hours Service. The proportion of complaints received via telephone remained between 40-44% from 2006 to 2011, however since then the proportion has declined to 27% in 2012, and 31% in 2013. This reflects a reduction in the numbers of

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complaints received by phone which have decreased by 51% from 477 in 2006 to 232 in 2012 (2013 is an incomplete year).

The proportion of complaints received by the Emergency/Out of Hours Service remained between 33-43% from 2006 to 2012, however in 2013 this proportion has declined to 29%. This reflects a distinct 38% reduction in the numbers of complaints received by the Out of Hours Service between the peak in 2009 with 511 complaints, to 315 complaints in 2012.

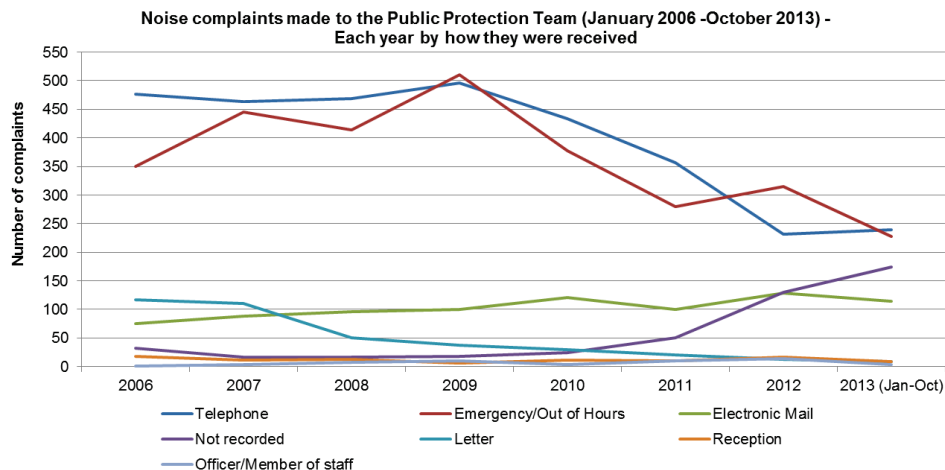


Figure 26: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – Each year by how they were received

The proportion of complaints received via email has increased from between 7-9% in 2006-2009, and to 12-15% in 2010-2013. This reflects a rise in the numbers of complaints received by email which have increased by 71% from 75 in 2006 to 128 in 2012.

In comparison, the proportion of complaints received via letter has decreased from between 10-11% in 2006-2007, to 5-1% in 2008-2013. This reflects a decline in the numbers of complaints received by letter which have decreased by 89% from 117 in 2006 to 13 in 2012. All the other methods of communication made up 2% or less during this period.

Lastly, it is worth noting that the proportion and number of complaints where no method of complaint has been recorded increased considerably from 51 in 2011 (6%) to 130 in 2012 (15%), and has remained high in 2013 with 174 complaints, making up 22%.

Trends overtime - Wards of addresses being complained about

Throughout the period 2006 to 2012 the greatest number of noise complaints were about locations in Abbey, these peaked in 2009 with 179, making up 16% of all complaints, and the lowest number of these were in 2007 with 105, 9%.

The wards with the second, third and fourth greatest number of noise complaints made about them, Kingsmead, Walcot and Twerton fluctuated with similar numbers, between 72-19 complaints, making up between 7%-2% each. On average, Kingsmead had the greatest number of complaints each year with 59, followed by Walcot with 45, and Twerton with 42.

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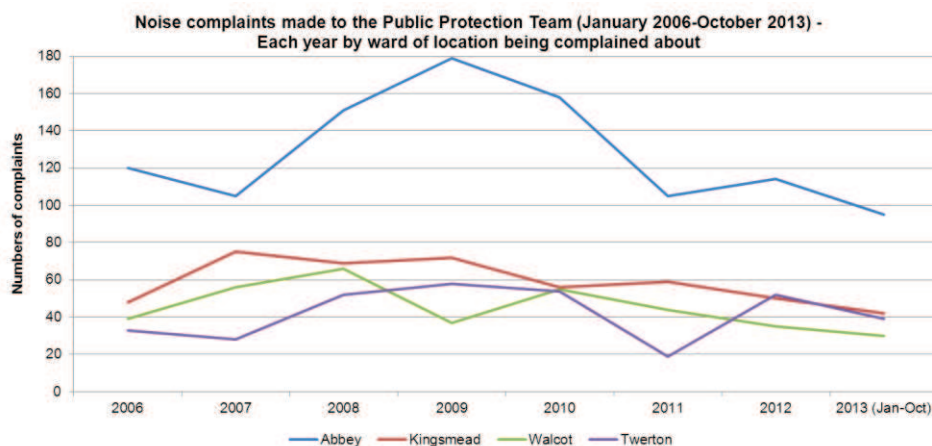


Figure 27: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – Each year by ward of location being complained about

Trends overtime - Wards of complainant addresses

Throughout the period 2006 to 2012 the greatest number of noise complaints came from complainants in Abbey, these peaked in 2009 with 203, making up 17% of all complaints, and the lowest number of these were in 2006 with 115, 11%. However, the numbers and proportion have increased since then, with 159 (20%) complaints being made from complainants from Abbey even in the incomplete year of January to October 2013.

During this period the wards with the second, third, fourth and fifth greatest number of noise complaints made about them, Kingsmead, Walcot, Twerton and Oldfield fluctuated with similar numbers, between 73-19 complaints, making up between 8%-2% each. On average, Kingsmead had the greatest number of complaints each year with 62, followed by Walcot with 46, Twerton with 43, and Oldfield with 37.

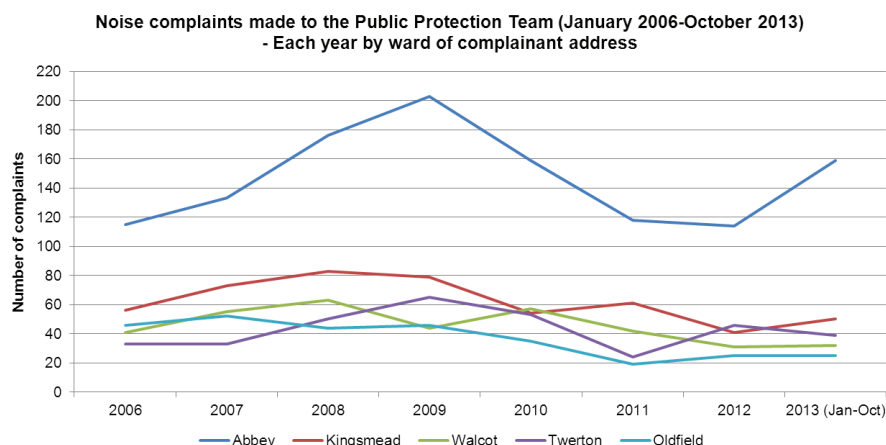


Figure 28: Noise complaints made to the Public Protection Team in B&NES (January 2006-October 2013) – Each year by ward of complainant address

Records from the Street Marshals and Medics in Bath ⁶

There are three groups of Street Marshals and Medics working in the evenings in Bath, those patrolling the city centre, and those located at the Kingsmead and Orange Grove Taxi Ranks. Apart from two weeks in December 2012 when the Marshals and Medics worked an extra evening on the Monday patrolling Bath city centre and at the Orange Grove Taxi Rank, during the year August 2012 to July 2013

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they worked on Fridays and Saturdays at these two sites, and in addition at Orange Grove Taxi Rank, on Thursdays as well. There are only records of the Street Marshals and Medics working on Fridays and Saturday evenings at the Kingsmead Taxi Rank for four months in 2012, August to November.

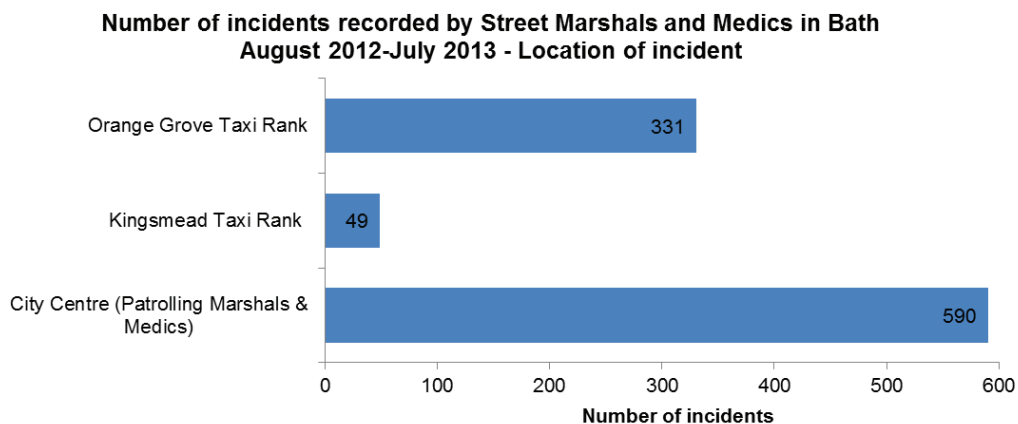


Figure 29: Numbers of incidents recorded by Street Marshals and Medics in Bath (August 2012-July 2013) – By location of incident

Marshals and the hours they worked

During this year each night there was an average of 4 Marshals/Medics patrolling the City Centre, working on average 18 hours a night. Each night there was also on average of 2 Marshals/Medics working at the Orange Grove Taxi Rank, an average of 9 hours, and for each night during the four month period 2 Marshals/Medics worked at the Kingsmead Taxi Rank for 8 hours each night.

Incidents

On these evenings during this year the Street Marshals and Medics in Bath, recorded 970 incidents. This is an average of 19 incidents recorded on these days each week during this period. These incidents either relate to accidents or anti-social and/or criminal behaviour and were distributed accordingly:

- Marshals and Medics patrolling Bath city centre, 60%, 590 incidents (an average of 11 each week)
- Orange Grove Taxi Rank, 34%, 331 incidents (an average of 6 each week)
- Kingsmead Taxi Rank, 5%, 49 recorded incidents (an average of less than 5 incidents each week during the four month period).

For the nights patrolled by the Marshals and Medics during this year 82,303 people used the Orange Grove Taxi Rank (an average of 1,583 people for the three days), which meant only 0.4% of users were recorded to have caused or experienced an incident.

For the four months August to November 2012 for the two nights a week patrolled by the Marshals and Medics, 6,244 people were recorded to have used the Kingsmead Taxi Rank (an average of 120 people for the two days), which meant only 0.8% of users were recorded to have caused or experienced an incident.

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Days incidents occurred

Out of the 854 incidents recorded by the Street Marshals and Medics during the year August 2012 to July 2013 at all three sites on a Friday and Saturday, 507 occurred on a Saturday, 59%, and 347 on a Friday, 41%. These are broken down by location in the graph below.

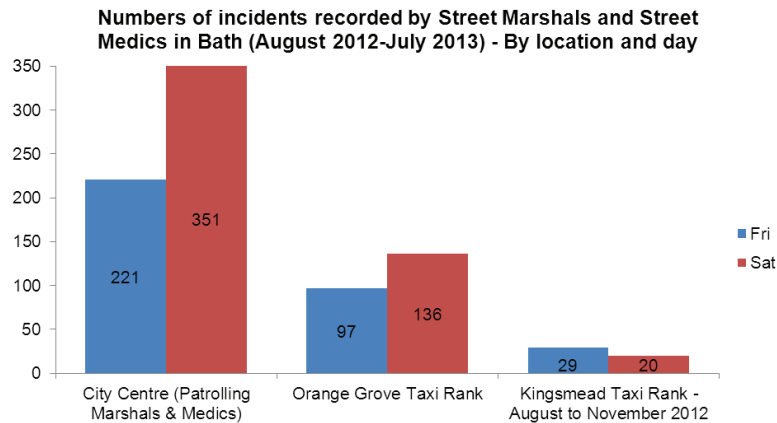


Figure 30: Numbers of incidents recorded by Street Marshals and Medics in Bath (August 2012-July 2013) – By location and day

During this period:

- 93 incidents were also recorded as occurring on a Thursday at the Orange Grove Taxi Rank,
- 18 were recorded by the City Centre patrols on the two Mondays in December (24th and 31st December)
- 5 incidents were recorded on the same two Mondays at the Orange Grove Taxi Rank.

Type of incidents

According to the Street Marshals and Medics, out of the 907 incidents they recorded in Bath between August 2012 and July 2013, there were 161 occurrences that required police attendances, 17% of incidents, but there were also 809 occurrences, 83% of incidents that through their actions they were able to prevent the need for police. The Street Medics and Marshals also recorded that during this period 220 occurrences, 23% were medical incidents, and that their interventions were able to prevent the need for an ambulance in 154 cases, 16% of incidents.

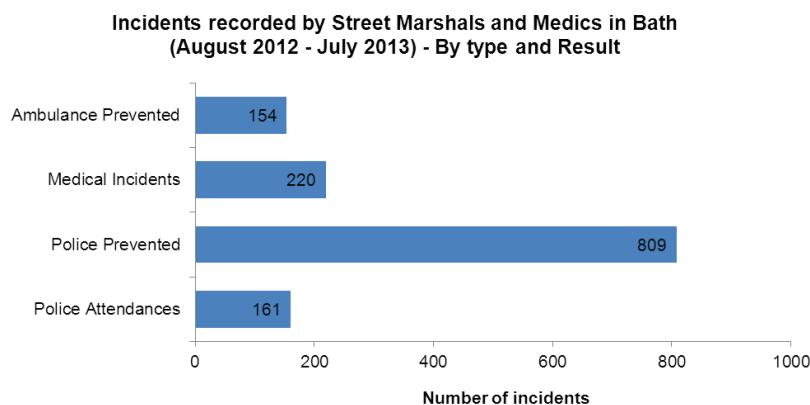


Figure 31: Numbers of incidents recorded by Street Marshals and Medics in Bath (August 2012-July 2013) – By type and result

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Trends overtime – Number of Orange Grove Taxi Rank Users

According to the records from the Street Marshals and Medics between August 2012 and July 2013, the average number of users of the Orange Grove Taxi Rank for the three day period of Thursday, Friday and Saturday, has decreased by 34% from an average of 2,049 in first ten weeks (2012), to an average of 1,352 in the last ten weeks (2013).

Number of users per week (Thurs,Fri & Sat) of the Orange Grove Taxi Rank as recorded by the street Marshals and Medics (August 2012 - July 2013)

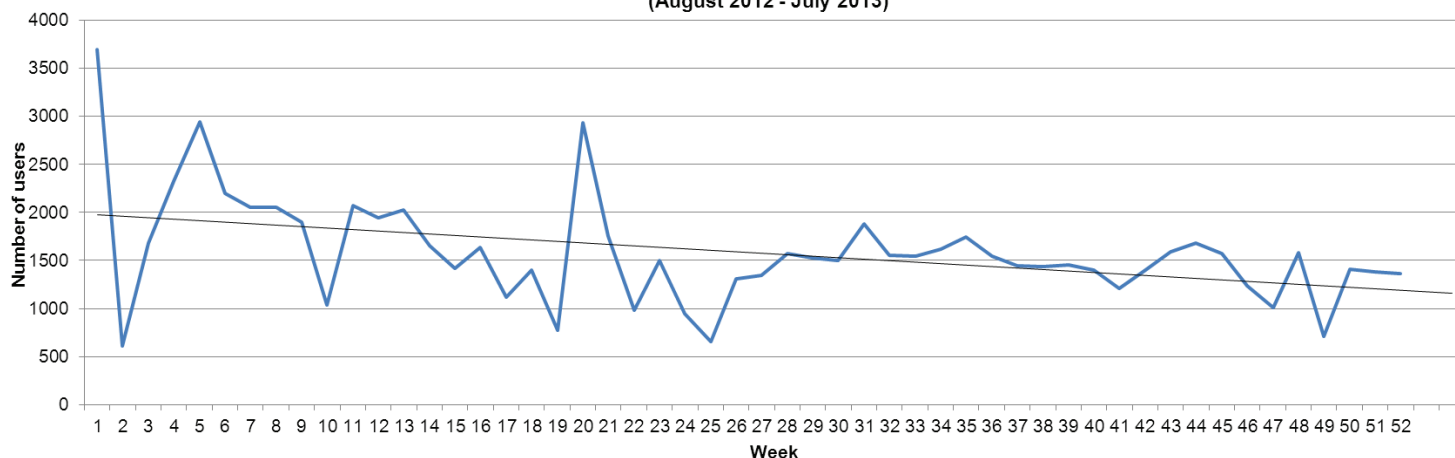


Figure 32: Numbers of users per week (Thurs, Fri & Sat) of the Orange Grove Taxi Rank as recorded by the Street Marshals and Medics in Bath (August 2012-July 2013)

Trends overtime – Number of incidents – Bath City Centre and Orange Grove Taxi Rank

During the year August 2012 to July 2013, there was virtually no change in the average number of incidents recorded per week (Fri & Sat) by Street Marshals and Medics patrolling Bath city centre, with an average of 11 incidents per week in the first ten weeks (2012), and an average of 12 in the last ten weeks (2013).

However, the average number of incidents recorded per week (Thurs, Fri & Sat) by Street Marshals and Medics at the Orange Grove Taxi Rank decreased from 9 in the first ten weeks to 5 in the last ten weeks, though this may reflect the decrease in users of the taxi rank during this period.

Trends overtime – Days of incidents - Bath City Centre and Orange Grove Taxi Rank

In terms of the distribution of the incidents as recorded by the Street Marshals and Medics patrolling Bath city centre over the two days of Friday, and Saturday during the year August 2012 to July 2013, the proportion of incidents occurring on a Saturday increased from an average of 58% in the first ten weeks (2012), to 71% in the last ten weeks (2013). Therefore, conversely the average proportion on a Friday decreased from 42% in the first ten weeks, to an average of 29% in the last ten weeks.

During the same year, the distribution of the incidents as recorded by the Street Marshals and Medics at the Orange Grove Taxi Rank over the three days of Thursday, Friday, and Saturday, remained roughly the same for the proportion of

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incidents occurring on a Saturday, with an average of 33% in the weeks 4-13 (first ten weeks when marshals are working on Thursdays) and 32% in the last 10 weeks.

The average proportion on a Friday decreased from an average of 41% in the weeks 4-13, to an average of 22% in the last ten weeks. Thus, conversely the average proportion recorded to have occurred on a Thursday increased from 26% in the weeks 4-13, to an average of 47% in the last ten weeks.

Trends overtime – Types of incidents - Bath City Centre and Orange Grove Taxi Rank

According to the records kept by the Street Marshals and Medics patrolling Bath city centre and at the Orange Grove Taxi Rank between August 2012 and July 2013, there has been no significant changes over time in the number or proportion of occurrences that required police attendances, where actions had prevented the need for police, or those that were medical incidents, or where interventions were able to prevent the need for an ambulance.

Voicebox Residents Survey

The large scale Voicebox Resident Survey aims to provide an insight into the Bath and North East Somerset and its local communities and to capture resident's views on their local area and council services. The questionnaires are posted to 3,150 addresses selected randomly in the local authority area. Selected respondents also have the opportunity to complete the survey online.

Bath City Centre at Night ^{7 8}

The Voicebox Surveys carried out in 2012 and 2013 asked a couple of questions relating to Bath City Centre at night. In 2012 a total 850 residents completed the questionnaire between the 23rd November 2012 and the 11th January 2013; a response rate of 27%. In 2013 a total 1,189 residents completed the questionnaire between the 25th November 2013 and the 18th January 2014; a response rate of 38%.

It is important to bear in mind that different weighting was used in 2012 and 2013. In 2012 the results were weighted by gender, employment and tenure, whereas in 2013 the results were weighted by age and gender. Weighting of results are done to better reflect the demographics of the area.

The results to the question – How often do you visit Bath City Centre after 5pm? – are very similar for 2012 and 2013.

Respondents that said they visit Bath City Centre after 5pm once a week or more frequently:

- 2012 – 29%
- 2013 – 31%

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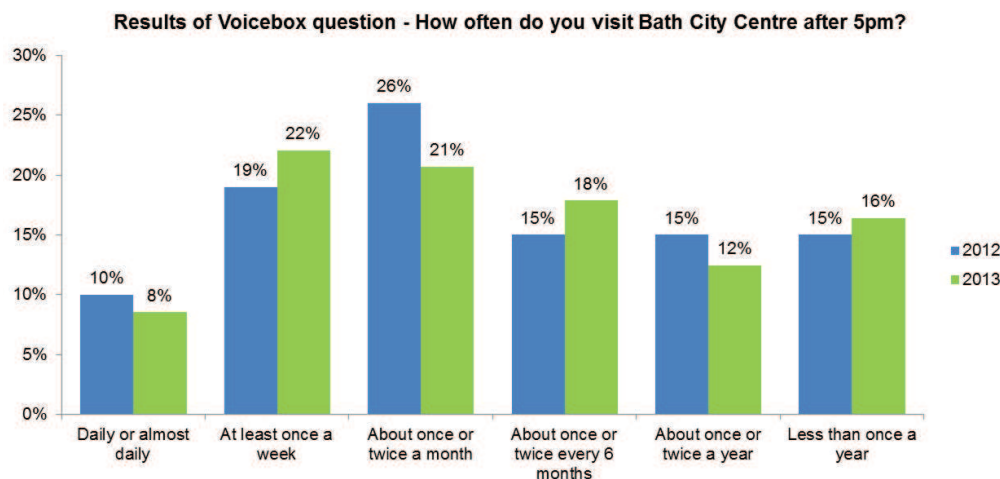


Figure 34: Results of the Voicebox question – How often do you visit Bath City Centre after 5pm? (2012 and 2013)

When respondents were asked how safe they felt at various times of night in 2012 and 2013, the results indicate that respondents feel less safe as the night goes on. Nevertheless, there were more respondents that felt safe between each of those times than those respondents who did not feel safe.

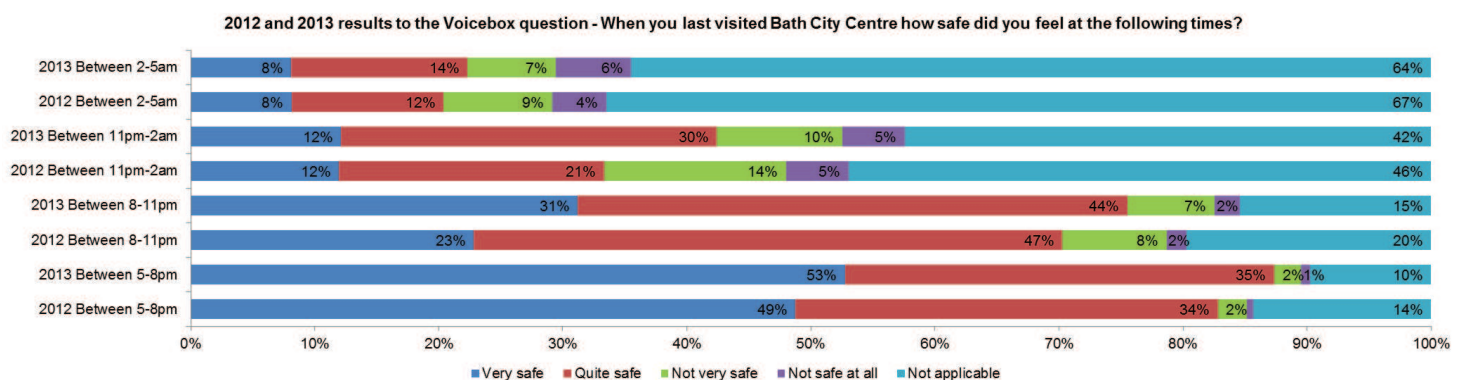


Figure 35: Results of the Voicebox question – When you last visited Bath City Centre how safe did you feel at the following times? (2012 and 2013)

As Table 6 shows, comparing the results of the 2012 and 2013 Voicebox surveys suggests that between 2012 and 2013, for all times of the night there has been an increase in the proportion of B&NES residents who feel very or quite safe.

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Table 6: Results of the Voicebox question – When you last visited Bath City Centre how safe did you feel at the following times? (2012 and 2013)

	Between 5-8pm		Between 8-11pm		Between 11pm-2am		Between 2-5am	
	2012	2013	2012	2013	2012	2013	2012	2013
Very or quite safe	83%	87%	70%	75%	33%	42%	20%	22%
Not very safe or not safe at all	3%	3%	10%	9%	19%	15%	13%	13%

Drunk and Rowdy Behaviour ^{910 11}

When asked in 2009, 2010, and 2012 about drunk and rowdy behaviour in public places in their local area:

- In 2012 only 7% of respondents believed that it was a very big problem, this a reduction when compared to 2010 (9%) and 2009 (11%).
- There has also been a decline in those that stated that it was a fairly big problem, 14% in 2012, compared to 20% in 2010 and 2009.
- This means that there has been a significant decrease in the proportion of respondents that believe that drunk and rowdy behaviour is a very big or fairly big problem, 21% in 2012, compared to 29% in 2010 and 31% in 2009.
- The most common response in 2012 was that this behaviour was not a very big problem (47%), this is an increase from 2010 (34%) and 2009 (42%).

Although most did not believe drunk and rowdy behaviour to be a very big problem, these respondents were nevertheless indicating that they thought drunk and rowdy behaviour was a small problem. Therefore, when combining responses in 2012, 72% of respondents did indicate that they thought this behaviour was, to some extent, a problem in their area. However, in 2012 the proportion of respondents who stated that this behaviour is not a problem at all was quite high, at 28%.

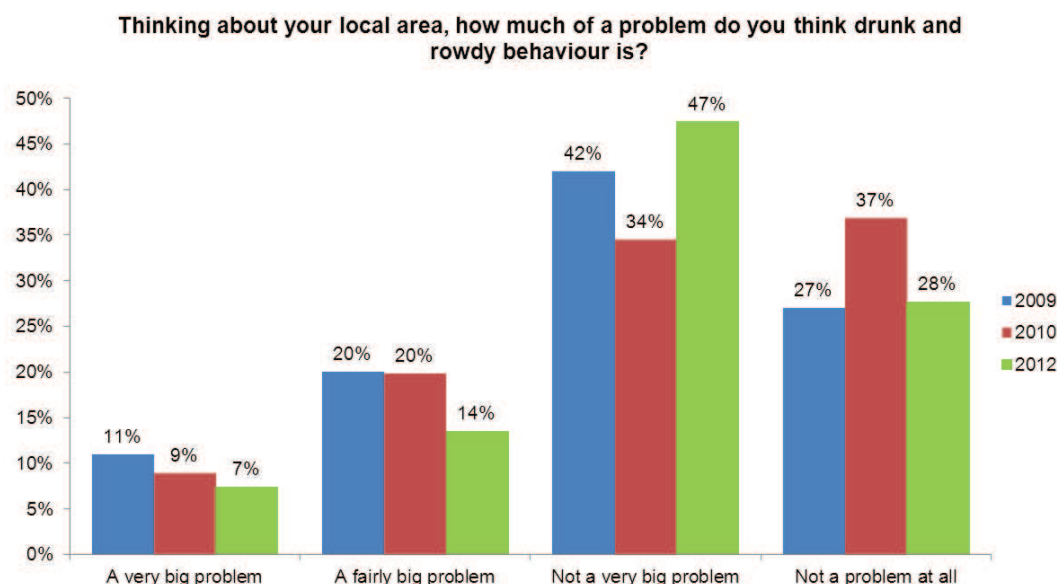


Figure 36: Results of the Voicebox question – Thinking about your local area, how much of a problem do you think drunk and rowdy behaviour is? (2009, 2010 and 2012)

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*Purple Flag Award*¹²

The Purple Flag Award is a national award which recognises cities that are safe and enjoyable places for a night out. The Voicebox Survey carried out in 2013 asked a couple of questions relating to the Purple Flag Award.

When respondents were asked whether they knew about the purple flag award:

- Less than 1% said they knew a lot about it
- 5% sated they knew a bit about it
- 14% said they had heard of it but knew very little about it
- 81% sated that they had never heard of it

When respondents were asked whether they knew that Bath has Purple Flag Status, only 6% stated that they did know, whereas 94% said that they did not.

¹ Urry N (2013) In-house analysis of data from Police Aspire database, Crimes (violence against the person and criminal damage) linked to the Night Time Economy (8pm – 4am) in Bath and North East Somerset between 2008-February 2013, Research and Intelligence Team, Bath and North East Somerset Council

² Cripps H (30/08/13) Email correspondence from Helen Cripps, Continuous Improvement Officer from Bath Police Station concerning B&NES Drink Driving data – 2010/11-2012/13

³ Urry N (2013) In-house analysis of data from Uniform database, Details of licensing activities - Current licenses and complaints data 2010 – 2013, Licensing Team, Bath and North East Somerset Council

⁴ Urry N (2013) In-house analysis of data from Uniform database, Details of licensing activities - Current licenses and complaints data 2010 – 2013, Licensing Team, Bath and North East Somerset Council

⁵ Urry N (2013) In-house analysis of Noise Complaints, Public Protection Team Service Requests 2006- October 2013, Public Protection Team, Bath and North East Somerset Council

⁶ Urry N (2013) In-house analysis, Monitoring data – Bath BID Street Marshals and Medics Weekly report data August 2012-July 2013, Safe and Sound

⁷ RMG Clarity (2013) Voicebox 21 Resident Survey, Bath City Centre Report, Bath and North East Somerset Council – November 2012 – January 2013

⁸ Marketing Means (2014) Voicebox 22 Resident Survey, Results weighted by Age and Gender, Bath and North East Somerset Council – November 2013 – January 2014

⁹ RMG Clarity (2013) Voicebox 21 Resident Survey, Community Engagement Report, Bath and North East Somerset Council – November 2012 – January 2013

¹⁰ Wyman Dillon (2010) Voicebox 17 Resident Survey Weighted Headline Results, Bath and North East Somerset Council – March 2010 – May 2010

¹¹ Marketing Means (2009) Voicebox 15 Resident Survey Weighted Headlines, Bath and North East Somerset Council – March 2009 – June 2009

¹² Marketing Means (2014) Voicebox 22 Resident Survey, Results weighted by Age and Gender, Bath and North East Somerset Council – November 2013 – January 2014

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	13th November 2014
TITLE:	The Local Council Tax Support Scheme (LCTS) 2015-16
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: <ol style="list-style-type: none"> 1. Section 13 a Local Government Finance Act 1992 – Local Scheme 	

1 THE ISSUE

To consider a proposal for continuation of the Local Council Tax Support scheme (LCTS) into its third year, with the policy to incorporate uprating of national personal allowances and benefits as necessary.

2 RECOMMENDATION

- 2.1 Council is recommended to approve delegated authority for the Lead Cabinet Member for Resources and the Section 151 Officer of Bath & North East Somerset Council to agree that there are no changes to the existing Council Tax Support Scheme for 2015-16, other than the application of national uprating adjustments and technical changes to ensure legal compliance as soon as practical.

3. FINANCIAL IMPLICATIONS

- 3.1 The Council implemented a cost neutral Local Council Tax Support Scheme in 2013/14 to reflect the reduced Government funding available.. The gross cost of Council Tax Support is £8.87 million as measured at end of September 2014 (Sept 2013: £9.19 million). The fall in cost of the scheme since last year is due to a decrease in number of claimants of 475 (Sept 2014: 11,171, Sept 2013: 11,646).
- 3.2 Given the reduced cost of the scheme, it is anticipated the existing scheme will remain able to accommodate expected growth in pensioner population, plus any increased unemployment within the working age population, as well as an allowance for contingencies.

- 3.3 Recognising the financial challenge faced by the Council, any changes to the scheme which increase costs above the current budgeted position would require the Council to identify alternative savings to mitigate.
- 3.4 It is recognised that Council Tax collection rate is being maintained close to historic levels, and this will be reflected in the tax base report.
- 3.5 The Council is committed to reducing Fraud and Error and the existing scheme has proven simple to understand, and administer in practice, which assists in this aim. Resources will be maintained to ensure Fraud and Error is at a minimum.
- 3.6 Support for our most vulnerable residents is currently provided through the local Welfare Support Scheme which is funded by Social Fund contributions. The government is withdrawing the funding for this scheme from 1st April 2015, support from the council will be considered as part of the Budget process for 2015/16.

4. CORPORATE OBJECTIVES

- 4.1 The delivery of Council Tax Support at a time of severe budget pressures remains a challenge.
- 4.2 The scheme provides incentive to work while, at the same time, protecting pensioners and vulnerable people, and therefore will support the Council objective of:
- Building a stronger economy

5. THE REPORT

- 5.1 Council Tax Benefit was replaced with the Local Council Tax Support scheme in April 2013.
- 5.2 The Government specified that certain groups such as pensioners will be protected and should see no changes to their entitlement. However, each Council can consider whether to protect other groups and how to fund any extra protections.
- 5.3 The current scheme protects claimants who are considered by the Council to be vulnerable.
- 5.4 The Council defined the vulnerable as those in receipt of a :
- Support Component of Employment and Support Allowance (ESA)
 - Enhanced Disability Premium
 - Enhanced Disability for Dependents
 - Disability Premium for Dependents
 - Severe Disability Premium

5.5 The claimants in receipt of the above premiums/components, are considered to be vulnerable as they are in need of care and support, and therefore could not be expected to work. Furthermore a concession in the scheme has been made for those households which include a disabled child.

5.6 For people other than pensioners or the vulnerable, the Council applies the criteria below for its Local Council Tax Support :

- Maximum eligible amount set at 78%
- Local Council Tax Support paid to a maximum Council Tax band D
- No Second Adult Rebate
- Child Benefit and Child Maintenance included as an income in calculation of entitlement
- No Underlying Entitlement
- Those people with Capital/Assets over £10,000 will not be entitled
- No non dependant deductions
- No entitlement to backdating.

5.7 For the third year of the scheme, the Council will update its policy document under Section 13a of the Local Government Finance Act 1992. This sets out the existing rules for assessing Local Council Tax Support, and will continue to apply from 1st April 2015. (existing Policy shown at Appendix1)

5.8 The scheme is designed to be simple and equitable across all groups, and it seeks to give incentive to work where possible.

5.9 Though there are alternatives, the current scheme is still considered the best option to meet the requirements through 2015-16.

6. RISK MANAGEMENT

6.1 The report author and Lead Cabinet Member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7. EQUALITIES

7.1 The Local Council Tax Support scheme reflects most of the characteristics of the former Council Tax Benefit scheme prior to April 2013, though it is simpler and therefore does not have an adverse effect on people that are particularly vulnerable or have protected characteristics.

7.2 A full Equality Impact Assessment on Local Council Tax Support was written when the scheme was created and this will continue to be reviewed in light of scheme outcomes.

8. CONSULTATION

8.1 Consultation on continuation of the scheme has already been conducted with Cabinet Member; Other B&NES Services; Section 151 Finance Officer; Chief Executive; Monitoring Officer; Staff.

8.2 In the absence of change to the scheme for 2015-16, there is no need to repeat a public consultation as was performed prior to initiation of Local Council Tax Support from April 2013.

9. ISSUES TO CONSIDER IN REACHING THE DECISION

Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations

10. ADVICE SOUGHT

The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director – Business Support) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Ian Savigar, Director for Customer Services, Tel; 01225 477327</i>
Sponsoring Cabinet Member	<i>Councillor David Bellotti</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council
Council Tax Reduction Scheme Policy
S13A (2) and Schedule 1a of the Local Government Finance Act 1992

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1.0 Introduction to the Council Tax Reduction Scheme (Council Tax Support)

- 1.1 The following policy has been adopted by the Council and details the Council Tax Reduction scheme adopted by the authority for the period 1st April 2013 until 31st March 2014.
- 1.2 This policy details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13a of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2013 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and the Local Government Finance Act 1992 (as amended). The Council has **no** discretion in relation to the calculation of council tax support in respect of the pension age scheme and it is designed to provide broadly the same level of support provided within the previous (Council Tax Benefit) scheme.

The scheme for working age applicants – the council's local policy

- 1.4 The adopted scheme for working age applicants is a means test, which compares income against an assessment of living allowances or *applicable amounts* (unless otherwise stated). Full details of the working age policy of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this policy only applies to a person who;
- has not attained the qualifying age for state pension credit; or
 - has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance.
- 1.5 This policy shall not apply in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit. The scheme shall not apply to any applicant who is subject to immigration control under Section 115 of the Immigration and Asylum Act 1999 and non-economically active EEA nationals.
- 1.6 The Council has resolved that there will be *two* classes of persons who will receive a reduction in line with adopted scheme (from hereafter referred to as Support). There will be *two* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from support as specified within section 7 of this policy.

Class A

To obtain support the individual (or partner) must:

- have not attained the qualifying age for state pension credit¹; or
- has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- is not deemed to be absent from the dwelling;
- who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the

¹ Section 5 of this policy

- authority's scheme;
- f. be somebody in respect of whom a maximum council tax support² amount can be calculated;
 - g. not have capital savings above 10,000³;
 - h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their (living allowance) *applicable amount*⁵ or the applicant or partner is in receipt of Income Support, Jobseekers allowance (income based) or Employment and Support Allowance (income related); and
 - i. has made a valid application for support⁶.

Maximum council tax reduction stated in d. above is defined within section 57 of this policy

Class B

To obtain support the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷;
- b. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- c. is not deemed to be absent from the dwelling;
- d. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- e. be somebody in respect of whom a maximum council tax support⁸ amount can be calculated;
- f. not have capital savings above £10,000⁹;
- g. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*¹⁰ is **more** than their (living allowances) *applicable amount*¹¹;
- h. have made a valid application for support¹²;
- i. be a person in respect of whom amount A exceeds amount B where
 - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount.

Maximum council tax reduction stated in d. above is defined within section 57 of this policy

The capital limit set in classes A and B above will be £16,000 where the applicant is in receipt of;

- Support Component of Employment and Support Allowance (ESA); or
- Enhanced Disability Premium (EDP); or
- Enhanced Disability Premium for Dependents; or
- Disability Child Premium for Dependents (DCP); or
- Severe Disability Premium (SDP).

² Sections 57 to 63 of this policy

³ Sections 33 to 42 and Schedule 5 of this policy

⁴ Sections 15 to 32 and Schedules 3 and 4 of this policy

⁵ Sections 12 to 14 and Schedule 1 of this policy

⁶ Sections 68 to 74a of this policy

⁷ Section 5 of this policy

⁸ Sections 57 to 63 of this policy

⁹ Sections 33 to 42 and Schedule 5 of this policy

¹⁰ Sections 15 to 32 and Schedules 3 and 4 of this policy

¹¹ Sections 12 to 14 and Schedule 1 of this policy

¹² Sections 68 to 74a of this policy

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

1.7 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from support, such as a person from abroad with limited leave to remain. The definition of a pension credit age person is a person who;

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

The three prescribed classes are as follows;

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

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

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum council tax reduction amount can be calculated;
- c. in respect of whom a maximum council tax reduction amount can be calculated;
- d. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority’s scheme;
- e. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- f. not have capital savings above £16,000; and
- g. who has made an application for a reduction under the authority’s scheme.

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

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

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

Class C: alternative maximum council tax reduction

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

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

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

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

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who jointly with the applicant falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Reductions attracted by classes: protection of pensioner-related awards

Class A Reduction (support)

- 1.8 If an individual matches the criteria in Class A, including that *income* is less than their *applicable amount (living allowances)*(as set out in regulations) in their case, that person qualifies for 100% reduction on their council tax liability.

Class A – special provisions for state pension credit

- 1.9 Central Government regulations set out that an individual in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service) will have both his income and capital counted as zero. This means that the individual's income will automatically be less than their applicable amount, and they will qualify for 100% reduction of their council tax liability.
- 1.10 Where a person has been awarded only the *savings credit* element of state pension credit, the council is required to use the information in relation to income and capital provided by the Department of Work and Pensions (DWP) Pension Service when calculating their reduction in

liability.

Class B Reduction (support)

- 1.11 If an individual matches the criteria in Class B, it will mean the individual's *income* is greater than their *applicable amount (living allowances)* (as defined in central government regulations). Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

Class C Reduction (support)

- 1.12 This may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income as indicated by prescribed low wages bands or prescribed working-age benefit indicators.
- 1.13 This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances. As follows;

Second Adult	Alternative Maximum Council Tax Support
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—	is less than £183.00 per week; - 15 per cent of the council tax due in respect of that day; is not less than £183.00 per week but less than £239.00 per week; - 7.5 per cent of the council tax due in respect of that day;
(c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, income-related employment and support allowance or income support, living with a full-time student(s).	100 per cent. of the council tax due in respect of that day.

Additional information in relation to the pension age scheme

Non-dependent deductions

- 1.14 Once the reduction award is calculated, it will be subject to a downwards adjustment to take into account non-dependent adults that normally reside in the dwelling who would be expected to contribute to council tax. Deductions for such non-dependent adults will be prescribed by central government

Living allowance – the applicable amount

- 1.15 The individual's *living allowance*, or *applicable amount*, is made up of four elements set within central government regulations. These will be:
- a personal allowance in respect of the applicant;
 - an amount in respect of any child or young person who is part of his family;
 - a *family premium* element (where the applicant is part of a family of which at least one member is a child or young person); and
 - any *premium* amount, set out in central government regulations, which is applicable to the individual.

Calculation of income and capital

- 1.17 Income and capital will be calculated for a person who has attained the qualifying age for state pension credit in line with provisions under The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012. The income and capital of an applicant's partner (or, to mitigate the risk of over-claiming in a polygamous marriage, partners) will continue to be treated as income of the applicant.
- 1.18 Income or capital of any child or young person will *not* be treated as income or capital of the applicant.

Income and capital for those on state pension credit

- 1.19 For those in receipt of the *guarantee credit* element of state pension credit, the whole of their income and capital will be disregarded. This will mean that they automatically qualify, under Class A, for 100% council tax support.
- 1.20 Where a person has been awarded only the *savings credit* element of state pension credit, the council is required to use the information in relation to income and capital provided by the Department of Work and Pensions (DWP) Pension Service when calculating their reduction in liability.

Calculation of income where a person is not in receipt of state pension credit

- 1.21 For those who have reached the qualifying age for state pension credit, but are not in receipt of this state pension credit, provisions relating to income, its calculation on a weekly basis, what is to be regarded as income and what is to be disregarded as income in line with the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012

Calculation of capital

Calculation of capital where a person is not in receipt of state pension credit

- 1.22 Provisions relating to capital will operate in accordance Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012.

Disregard of certain incomes

- 1.23 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following;
- a war disablement pension;
 - a war widow's pension or war widower's pension;
 - a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in

- consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria

Tariff income on capital

- 1.24 Once an amount of capital is calculated, net of any amounts to be disregarded, this will be treated as if it is income of £1 for every £500 (or part of £500) in excess of £6,000.

Calculation of Support

- 1.25 Once the total income amount has been calculated, it will be compared with the *applicable amount (living allowance)*, to determine whether the individual falls into Class A (income less than applicable amount) or Class B (income greater than applicable amount).
- 1.26 Persons in Class A will receive 100% council tax reduction against their council tax liability. (This liability will be net of any council tax discounts under the Local Government Finance Act 1992 and non-dependent deductions under the central government regulations for persons of pension credit eligible age).
- 1.27 Persons in Class B will receive support equivalent to 20% of the difference between their income and applicable amount on their net council tax liability.
- 1.28 Where a person of pension credit age is jointly liable for council tax and who has a second adult who is not their partner and does not pay rent in respect of the dwelling, they may fall under Class C, where conditions the set out in regulations are met.

Applications and evidence

- 1.29 The Council may accept applications in writing, electronically, by telephone or by any other means, as it feels appropriate. The date of claim will be the date of first contact. Withdrawals can be effected in the same way and will have effect on the same day any notice of withdrawal is received by the authority. The authority may request any such information; certificates, documents or evidence as it feels is reasonable to establish and verify the claim for support.

Entitlement

- 1.30 Entitlement to council tax support for persons who have attained the age for state pension credit begins on the first day of the first week after the application is made. The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 set out that people of pension- credit eligible age will be able to back-date their applications by three months, provided they were entitled to pension-credit age reduction at the start of the three month back-dated period. Advanced applications will be accepted.

Decisions

- 1.31 The regulations for the scheme for persons who have attained the qualifying age for state pension credit require the authority to notify the applicant in writing of its decision within 14 days from the date that all relevant information and evidence relating to the application has been received by the billing authority, and include information on how an appeal to the council tax bill can be made by the applicant initially to the billing authority and eventually, if

appropriate to the Valuation Tribunal

Changes of circumstance

- 1.32 Regulations set out the dates from which various prescribed changes of circumstance are to take effect. In particular, the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 set out the dates from which changes of circumstance in relation to awards of state pension credit will be taken into account. The billing authority, under local discretion, may allow more time if it sees fit.

Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2013/2014

Sections 2- 8

Definitions and interpretation

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

2.1 In this policy–

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

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

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

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

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

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

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

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

‘alternative maximum council tax support’ (Second Adult Rebate) means the amount determined in accordance with section 62 and Schedule 2;

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

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

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

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

‘attendance allowance’ means–

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

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

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

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

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

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

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

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

‘the benefit Acts’ means the Act and the, the Jobseekers Act 1995 and the Welfare Reform Act 2007;

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

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

that Order;

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

'child' means a person under the age of 16;

'child benefit' has the meaning given by section 141 of the SSCBA;

'the Children Order' means the Children (Northern Ireland) Order 1995;

'child tax credit' means a child tax credit under section 8 of the Tax Credits Act;

'the Children Order' means the Children (Northern Ireland) Order 1995;

'claim' means a claim for council tax support; **'applicant'** means a person claiming council tax support;

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

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

'the Consequential Provisions Regulations' means the Housing Benefit and Council tax support (Consequential Provisions) Regulations 2006;

'contributory employment and support allowance' means a contributory allowance under Part 1 of the Welfare Reform Act;

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

'council tax benefit' means council tax benefit under Part 7 of the SSCBA;

'council tax reduction scheme' has the same meaning as **'council tax support or reduction'**

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

'couple' means;

- a. a man and a woman who are married to each other and are members of the same household;
- b. a man and a woman who are not married to each other but are living together as husband and wife;
- c. two people of the same sex who are civil partners of each other and are members of the same household; or
- d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,
and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;

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

'designated authority' means any of the following;

the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

'designated office' means the office designated by the authority for the receipt of claims for council tax support;

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

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

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

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

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

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

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

'Employment and Support Allowance Regulations' means the Employment and Support Allowance Regulations 2008;

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

'the Employment, Skills and Enterprise Scheme' means a scheme under section 17A (schemes for assisting persons to obtain employment; 'work for your benefit' schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

'employment zone' means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **'employment zone programme'** means a programme established for such an area or areas designed to assist applicants for a jobseeker's allowance to obtain sustainable employment;

'employment zone contractor' means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

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

'extended payment (or reduction)' means a payment of council tax support payable pursuant to section 60;

'extended payment (or reduction) period' means the period for which an extended reduction is payable in accordance with section 60A or 61A of this policy;

'extended payment or extended reduction (qualifying contributory benefits)' means a payment of council tax support payable pursuant to section 61;

'family' has the meaning assigned to it by section 137(1) of the Act;

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

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

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

'housing benefit' means housing benefit under Part 7 of the Act; **'the Housing Benefit Regulations'** means the Housing Benefit Regulations 2006;

'Immigration and Asylum Act' means the Immigration and Asylum Act 1999;

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

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

'Income Support Regulations' means the Income Support (General) Regulations 1987(a);

'independent hospital'—

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

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

(c) in Scotland, means an independent health care service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

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

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

'Jobseekers Act' means the Jobseekers Act 1995; **'Jobseeker's Allowance Regulations'** means the Jobseeker's Allowance Regulations 1996;

'limited capability for work' has the meaning given in section 1(4) of the Welfare Reform Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'new dwelling' means, for the purposes of the definition of 'second authority' and sections 60C, 61C, 96 and 97, the dwelling to which a applicant has moved, or is about to move, in which the applicant is or will be resident;

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

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

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

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

(i) arising out of an exceptional event or exceptional circumstances, or

(ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and—

(i) 'local authority' has the meaning given by section 270(1) of the Local Government Act 1972 ;and

(ii) 'qualifying individuals' means individuals who have been, or without the assistance might otherwise be:

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life; and 'local authority' means a local authority in England within the meaning of the Local Government Act 1972;

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

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

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

'partner' in relation to a person, means

(a) where that person is a member of a couple, the other member of that couple;

(b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

'payment' includes part of a payment;

'pensionable age' has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

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

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

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

'person on income support' means a person in receipt of income support;

'personal independence payment' has the meaning given by Part 4 of the Welfare Reform Act 2012;

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

'personal pension scheme' means—

a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;

c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

'policy of life insurance' means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums

for a term dependent on human life;

'polygamous marriage' means a marriage to which section 133(1) of the Act refers namely;

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

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

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

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

'qualifying contributory benefit' means;

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

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

'qualifying income-related benefit' means

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) an employment zone programme;
- (b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or
- (c) the Employment, Skills and Enterprise Scheme;■

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

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- (c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- (d) a public authority in consequence of a function relating to disability under section 149 of the Equality Act 2010;

- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- (f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- (g) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- (h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- (i) the Care Quality Commission in consequence of a function under section 4 or 5 of the Health and Social Care Act 2008,
- (j) the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- (k) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

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

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

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

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

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

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

'State Pension Credit Act' means the State Pension Credit Act 2002;

'student' has the meaning prescribed in section 43;

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

'support or reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

'the Tax Credits Act' means the Tax Credits Act 2002;

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

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

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

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

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

'Universal Credit' means any payment of Universal Credit payable under the Welfare Reform Act 2012;

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

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

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

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

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

'water charges' means;

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

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

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

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

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

- 2.2 In this policy, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this policy, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this policy, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 2.4A For the purposes of this policy, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment

and support allowance is payable to him or would be payable to him but for section 18 of that Act.

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

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

3.0 Definition of non-dependant

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

3.2 This paragraph applies to;

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

3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–

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

4.0 Requirement to provide a National Insurance Number¹³

4.1 No person shall be entitled to support unless the criteria below in 4.2 is satisfied in

¹³ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

relation both to the person making the claim and to any other person in respect of whom he is claiming support.

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

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

4.3 Paragraph 4.2 shall not apply–

- a. in the case of a child or young person in respect of whom council tax support is claimed;
- b. to a person who;
 - i. is a person in respect of whom a claim for council tax support is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
 - iii. is a person from abroad for the purposes of this policy as defined in section 2.2; and
 - iv. has not previously been allocated a national insurance number.

5.0 Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit

5.1 This policy for working age applicants does not apply in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit, except where either partner receives Income Support, Jobseekers Allowance (Income Based) or Employment and Support Allowance (Income Related)

5.2 This scheme also applies to a person if;

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

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this policy as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;

- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,

- 6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.
- 7.0 Persons from abroad – exempted from claiming under this scheme**
Class of person excluded from this scheme: persons treated as not being in Great Britain
- 7.1 The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- 7.2 Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with;
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC ;or
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen)
- 7.5 A person falls within this sub-paragraph if the person is;
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in

Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

- (e) a person granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971 on the rejection of their claim for asylum;
- (f) a person who has humanitarian protection granted under those rules; or
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

7.6 A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

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

7.8 In this paragraph

'claim for asylum' has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

'EEA Regulations' means the Immigration (European Economic Area) Regulations 2006;

'Person subject to immigration control' has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

8.0 Temporary Absence (period of absence)

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

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

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

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

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;

- i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 13 weeks; and

- c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as

- i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

8.4 This paragraph applies to a person who is;

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 6.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007, or, detained in custody pending sentence upon conviction;
- b. resident in a hospital or similar institution as a patient;
- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- d. following, in the United Kingdom or elsewhere, a training course;
- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 6.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

This paragraph applies to a person who is;

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
- b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

- 8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—
- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
 - c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

8.7 In this section;

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

Sections 9 - 11

The family for Council Tax Support purposes

9.0 Membership of a family

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

For the purposes of the policy a child is further defined as a 'child or young person'

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

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

- 9.2 Paragraph 9.1 shall not apply to a person who is;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income- related employment and support allowance; or has an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.

- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

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

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies

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

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

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

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

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

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

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

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

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

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

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

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

Sections 12 – 14 & Schedule 1

Living Allowances (Applicable Amounts) for Council Tax Support purposes

12.0 Applicable amounts (Living Allowances)

12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case;

- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this policy;
- b. an amount determined in accordance with paragraph 2 of Schedule 1 of this policy in respect of any child or young person who is a member of his family;
- c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium);
- d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 20 of Schedule 1 of this document (premiums).
- e. the amount of either the
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 21 and 22 of Schedule 1 of this document (the components)
- f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 23 to 24 of Schedule 1 of this policy (transitional addition).

13.0 Polygamous marriages

13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case;

- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this policy as if he and that partner were a couple;
- b. an amount equal to the lowest amount within paragraph 1 of Schedule 1 of this policy in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this policy (applicable amounts or living allowances) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- d. if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in paragraph 3 of Schedule 1 of this policy (family premium);
- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this policy (premiums).
- f. the amount of either the;
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance within paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this policy (transitional addition)

14.0 Applicable amount: persons who are not pensioners who have an award of universal credit

14.1 In determining the applicable amount for a week of an applicant

(a) who has, or

(b) whose partner has, or

(c) who (jointly with his partner) has,

an award of universal credit, the authority will use the calculation or estimate of the maximum amount of the applicant, or the applicant's partner, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

14.2 The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

14.3 In this paragraph "maximum amount" means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Support purposes

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

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

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

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

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

15A.0 Calculation of income and capital: persons who are not pensioners who have an award of universal credit

15A.1 In determining the income of an applicant

- a. who has, or
- b. who (jointly with his partner) has,

an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of

- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);
- (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);
- (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
- (d) section 16 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

15A.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

15A.4 sections 16 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)

15A.5 In determining the capital of an applicant;

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

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

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

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

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this policy and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 17.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

17.2 The conditions of this paragraph are that;

- a. the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

17.3 The maximum deduction to which paragraph 17.1 c) above refers shall be;

- a. where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

The amounts stated in this paragraph shall be amended in accordance with the Housing Benefit Regulations 2006 (as amended)

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

18.0 Treatment of child care charges

18.1 This section applies where an applicant is incurring relevant child-care charges and;

- a. is a lone parent and is engaged in remunerative work;
 - b. is a member of a couple both of whom are engaged in remunerative work; or
 - c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- a. is paid statutory sick pay;
 - b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
 - c. is paid an employment and support allowance;
 - d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations; or
 - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations.
- 18.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the applicant for care, which is provided
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September

- following their sixteenth birthday; or
- b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
- c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
- d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
- e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; Act 2001, or
 - ii. local authorities registered under section 83(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
- f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
- g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
- h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- m. by a person who is not a relative of the child wholly or mainly in the child's home.

18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where

- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work- related activity component on account of his having limited capability for work
- b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;

- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
 - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005;
- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

18.12A For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

- 18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—
- in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
 - who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

18.14 For the purposes of paragraph 18.1 a person on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—

- in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
- the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
- she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—

- the date that leave ends;
- if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

- 'qualifying support'** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
- 'child care element'** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

18.17 In this section 'applicant' does not include an applicant;

- who has, or
- who (jointly with his partner) has,
an award of universal credit

19.0 Average weekly earnings of employed earners

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

- over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - 5 weeks, if he is paid weekly; or
 - 2 months, if he is paid monthly; or
- whether or not sub-paragraph 16.1 i) or ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated

as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

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

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

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

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26

20.0 Average weekly earnings of self-employed earners

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

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

21.0 Average weekly income other than earnings

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

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

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

22.0 Calculation of average weekly income from tax credits

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

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

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

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is

- due to be paid;
- c. a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

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

23.0 Calculation of weekly income

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

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined—
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.

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

24.0 Disregard of changes in tax, contributions etc.

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

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

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

25.0 Earnings of employed earners

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

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly,

- exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—(i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- g. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- i. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- k. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- l. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

25.2 Earnings shall not include—

- a. subject to paragraph 25.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension
- d. any payment in respect of expenses arising out of the applicant's participation in a service user group.

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

26.0 Calculation of net earnings of employed earners

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

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

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

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

having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

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

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

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

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

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

27.0 Earnings of self-employed earners

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

27.2 ‘Earnings’ shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor shall it include any sports award.

27.3 This paragraph applies to—

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

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

- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

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

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of social security contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

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

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

- a. subject to paragraphs 28.5 to 28.8, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

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

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

- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for–
- the replacement in the course of business of equipment or machinery; and
 - the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 28.8 For the avoidance of doubt–
- deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
 - a deduction shall be made thereunder in respect of–
 - the excess of any value added tax paid over value added tax received in the assessment period;
 - any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - any payment of interest on a loan taken out for the purposes of the employment
- 28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- income tax; and
 - social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - one-half of the amount calculated in accordance with paragraph 28.11 in respect of any qualifying contribution.
- 28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
 - in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- 28.12 In this section, ‘qualifying premium’ means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.
- 29.0 Deduction of tax and contributions of self-employed earners**
- 29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period

is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

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

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

29.3 In this section 'chargeable income' means–

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

30.0 Calculation of income other than earnings

30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 30.2 to 30.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

30.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 30.1, any sum, where applicable, specified in Schedule 4..

30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.

30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, the amount of that benefit to be taken into account is the amount as if it had not been reduced.

30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 30.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.

30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—

$$\frac{A - (B \times C)}{D}$$

Where

Where

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax support immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

- 30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5

- 30.10 In this section— ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of sections 43 to 45, ‘assessment period’ means—

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

whichever of these dates is earlier

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

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

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

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

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations

made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

31.0 Capital treated as income

- 31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with sections 33 to 42 of this policy exceeds £6,000, be treated as income.
- 31.2 Any payment received under an annuity shall be treated as income.
- 31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.
- 31.4 Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income
- 31.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

32.0 Notional income

- 32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.
- 32.2 Except in the case of—
- a discretionary trust;
 - a trust derived from a payment made in consequence of a personal injury;
 - a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
 - any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
 - any sum to which paragraph 48(a) of Schedule 5 refers;
 - rehabilitation allowance made under section 2 of the 1973 Act;
 - child tax credit; or
 - working tax credit,
 - any sum to which paragraph 32.13 applies;
- any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made—
- to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;

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

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

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- c. pursuant to section 2 of the 1973 Act in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a person's participation in the Work for Your Benefit Pilot Scheme
- e. in respect of a previous participation in the Mandatory Work Activity Scheme;
- f. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- g. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

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

32.9 Subject to paragraph 32.10, where—

- a. applicant performs a service for another person; and
- b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

32.10 Paragraph 32.9 shall not apply—

- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a

volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

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

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

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

32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this policy shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (32.3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

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

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

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council Tax Support purposes

33.0 Capital limit

33.1 For the purposes of this section (no entitlement to support if capital exceeds prescribed amount), the prescribed amount is £10,000. Where the applicant is in receipt of;

- Support Component of Employment and Support Allowance (ESA);
- Enhanced Disability Premium (EDP); or
- Enhanced Disability Premium for Dependents; or
- Disability Child Premium for Dependents (DCP); or
- Severe Disability Premium (SDP).

The amount specified £16,000.

34.0 Calculation of capital

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

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

35.0 Disregard of capital of child and young person

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

36.0 Income treated as capital

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

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

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

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

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

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

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

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

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

37.0 Calculation of capital in the United Kingdom

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

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

38.0 Calculation of capital outside the United Kingdom

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

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- b. in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

39.0 Notional capital

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

39.2 Except in the case of

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

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

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

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

- (c) used for any council tax or water charges for which that applicant or member is liable; to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

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

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme;
- (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (c) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

39.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case

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

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

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

40.0 Diminishing notional capital rule

40.1 Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;

- (a) in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are

- satisfied; or
- (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
- (b) in the case of a week in respect of which paragraph 40.1(a) does not apply but where
- (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.
- 40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that
- (a) he is in receipt of council tax support; and
 - (b) but for paragraph 39.1, he would have received an additional amount of council tax support in that week.
- 40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of
- (a) the additional amount to which sub-paragraph 40.2 (b) refers;
 - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);
 - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations (notional capital).
- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of
- (a) the amount of council tax support to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
 - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;

- (c) if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this policy, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.

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

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

40.6 The conditions are that

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

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

40.8 For the purposes of this section

- (a) 'part-week'
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax support is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 40.4 (c),(d) and (e) means –
- (aa) a period of less than a week which is the whole period for which income support, an

- income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- (bb) any other period of less than a week for which it is payable;
 - (b) 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purpose of determining his entitlement to council tax support; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
 - (c) 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

41.0 Capital jointly held

- 41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

42.0 Calculation of tariff income from capital

- 42.1 Where the applicant's capital calculated in accordance with this scheme exceeds £6,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 of in excess of £6,000 but not exceeding £10,000
- 42.2 Notwithstanding paragraph 42.1 where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly tariff income of £1.
- 42.3 For the purposes of paragraph 42.1, capital includes any income treated as capital under section 36 (income treated as capital).

Sections 43 - 56

Definition and the treatment of students for Council Tax Support purposes

43.0 Student related definitions

43.1 In this policy the following definitions apply;

‘academic year’ means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

‘access funds’ means;

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

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

‘contribution’ means;

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

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

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

‘education authority’ means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

‘full-time course of study’ means a full time course of study which;

- a. is not funded in whole or in part by the Secretary of State under section 14 of the

Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;;

- b. is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- c. is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

'full-time student' means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

'grant' (except in the definition of 'access funds') means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

'grant income' means

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

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

'last day of the course' means;

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

'period of study' means—

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

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

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

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

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

'standard maintenance grant' means—

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

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

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

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

43.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

- (a) in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending:
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

43.3 For the purposes of sub-paragraph (a) of paragraph 2.8, the period referred to in that sub-paragraph shall include;

- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation

immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

44.1 The following sections relate to students who claim Council Tax Support

45.0 Students who are excluded from entitlement to council tax support

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council Tax Support under Classes A and B of the Council's reduction scheme however they will be able to claim under Class C (alternative maximum council tax support or second adult rebate).

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

45.3 Paragraph 45.2 shall not apply to a student

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

1998;

(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or

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

on account of his disability by reason of deafness.

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

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

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

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

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

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
(i) engaged in caring for another person; or
(ii) ill;

(b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

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

(a) the day on which he resumes attending or undertaking the course; or

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

46.0 Calculation of grant income

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

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

(a) intended to meet tuition fees or examination fees;

(b) in respect of the student's disability;

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

47.0 Calculation of covenant income where a contribution is assessed

- 47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.
- 47.2 The weekly amount of the student's covenant shall be determined—
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding from the resulting amount, £5.
- 47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

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

- 48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;
- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
 - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
 - (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
 - (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.
- 48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph 48.1, except that;
- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
 - (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

49.0 Student Covenant Income and Grant income – non disregard

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

50.0 Other amounts to be disregarded

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

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

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

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

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

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

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

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

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to

- (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

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

52.0 Treatment of payments from access funds

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.
- 52.4 Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

53.0 Disregard of contribution

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

54.0 Further disregard of student's income

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

55.0 Income treated as capital

- 55.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.
- 55.2 Any amount paid from access funds as a single lump sum shall be treated as capital.
- 55.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

56.0 Disregard of changes occurring during summer vacation

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

Sections 57 – 63

The calculation and amount of Council Tax Support

57.0 Maximum council tax support

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 78 per cent, of the amount A/B where;

- (a) A is the **lower** of either;
- i. the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; or
 - ii. the amount set by the appropriate authority as the council tax for the relevant financial year in respect of a dwelling within Band D subject to any discount which may be appropriate to the person's circumstances; and
- (b) B is the number of days in that financial year.

57.1A Where the applicant is in receipt of;

- Support Component of Employment and Support Allowance (ESA); or
- Enhanced Disability Premium (EDP); or
- Enhanced Disability Premium for Dependents; or
- Disability Child Premium for Dependents (DCP); or
- Severe Disability Premium (SDP).

The amount specified in paragraph 57.1 shall be 100% of the band relevant to the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act

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

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

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

58.0 Non-dependant deductions

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax support) shall be;

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £0.00x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £0.00 x 1/7.

58.2 In the case of a non-dependant aged 18 or over to whom paragraph 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) less than £183.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £183.00, but less than £316.00, the deduction to be made under this section shall be £6.55;
- (c) not less than £316.00, but less than £394.00, the deduction to be made under this

section shall be £8.25;

- 58.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.
- 58.4 In applying the provisions of paragraph 58.2 in the case of a couple or, as the case may be a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- 58.5 Where in respect of a day—
- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - (b) receiving in respect of himself
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (c) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (d) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- 58.7 No deduction shall be made in respect of a non-dependant if;
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full time student within the meaning of section 44.0 (Students); or
 - (d) he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - (i) 'patient' has the meaning given in paragraph (7) of section 8, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a

patient continuously for a period equal in duration to the total of those distinct periods.

- 58.8 No deduction shall be made in respect of a non-dependant;
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
 - (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- 58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income—
- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

59.0 Council tax support taper (applies to persons defined within Class B)

- 59.1 The prescribed percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax support, shall be $2\frac{6}{7}$ per cent. Where an applicant's income exceeds their applicable amount, their council tax support shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax support as defined within section 57 of this policy

60.0 Extended reductions

- 60.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where;
- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
 - (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.
- 60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- 60.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in

receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

60.4 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where—

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).

60.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

60A.0 Duration of extended reduction period

60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

60A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

60B.0 Amount of extended reduction

60B.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of—

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 60 (extended reductions) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the applicant.

60B.2 Paragraph 60B1 does not apply in the case of a mover.

60B.3 Where an applicant is in receipt of an extended reduction under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

60C Extended reductions – movers

60C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

60C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

60C.4 Where—

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction until the end of the extended reduction period.

60D.0 Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement

60D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

61.0 Extended reductions (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

61.2 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where;

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which

- (c) entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph 61.1(b).

61A.0 Duration of extended reduction period (qualifying contributory benefits)

61A.1 Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

61A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

61B.0 Amount of extended reduction (qualifying contributory benefits)

61B.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 61 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

61B.2 Paragraph 61B.1 does not apply in the case of a mover.

61B.3 Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

61C.0 Extended reductions (qualifying contributory benefits) – movers

61C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

61C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

61C.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction (qualifying contributory benefits) until the end of the extended reduction period.

61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement

61D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction– movers).

61E.0 Extended reductions: - Movers Generally ¹⁴

61E.1 Where;

- a. an application is made to a billing authority ("the current authority") for a reduction under this scheme, and
- b. the applicant, or the partner of the applicant, is in receipt of an extended reduction from
- c. (i) another billing authority in England;
(ii) a billing authority in Wales;
(iii) a local authority in Scotland; or
(iv) a local authority in Northern Ireland.

the current billing authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

62.0 – 63.0

¹⁴ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

Sections 64 – 67

Changes of circumstances within Council Tax Support

64.0 Date on which entitlement is to begin

- 64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.
- 64.2 Where a person is otherwise entitled to council tax support and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

- 67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under an authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.
- 67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- 67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- 67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- 67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- 67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- 67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- 67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the

purposes of this scheme.

67.9 Sub-paragraph (10) applies if

- (a) the applicant or his partner has attained the age of 65; and
- (b) either
 - (i) a non-dependant took up residence in the applicant's dwelling; or
 - (ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under paragraph 29 increased.

67.10 Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (9)(b) takes effect from the effective date.

67.11 In sub-paragraph (10), but subject to sub-paragraph (12), "the effective date" means

- (a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since
 - (i) the date on which the applicant's entitlement to a reduction under this scheme first began; or
 - (ii) the date which was the last effective date in respect of such a change,

whichever is the late, the date which falls 26 weeks after the date on which the first such change occurred;

where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

67.12 If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

Sections 68– 74A

Claiming and the treatment of claims for Council Tax Support purposes

68.0 Who may claim¹⁵

68.1 In the case of a couple or members of a polygamous marriage an application shall be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

- (a) a deputy has been appointed by the Court of Protection with power to apply, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and paragraph (2) does not apply to him, an authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
- (b) explain the possible consequences (including prosecution) of failing to comply with

¹⁵ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

- that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

69.0 Procedure by which a person may apply for a reduction under the authority's scheme¹⁶

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

69.2. An application may be made;

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

- 69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.
- (2) The form must be provided free of charge by the authority for the purpose.

- 69.4 (1) Where an application made in writing is defective because—
- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
- (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
- the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

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

- 69.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

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

- 69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

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

¹⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 69.9 (1) Where an applicant;
(a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
(b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),
the application is to be treated as made on the date determined in accordance with sub-paragraph (2).
(2) That date is the latest of;
a. the first day from which the applicant had continuous good cause;
b. the day 6 months before the date the application was made;
c. the day 6 months before the date when the applicant requested that the application should include a past period.
- 69A.0 **Date on which an application is made**
- 69A.1 Subject to sub-paragraph (7), the date on which an application is made is;
(a) in a case where;
(i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
(ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,
the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
(b) in a case where;
(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
(iii) the application is received at the designated office within one month of the date of the change,
the date on which the change takes place;
(c) in a case where;
(i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
(ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,
the date of the death or separation;
(d) in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
(e) in any other case, the date on which an application is received at the designated office.
- 69A.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
 - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
- have been entitled to that allowance.

69A.3 Where there is a defect in an applications by telephone;

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

69A.5 The conditions are that—

- (a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where an application is not on approved form or further information requested by authority applies;
 - (i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
 - (ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,

in either case, within such longer period as the authority may consider reasonable; or

- (c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

70.0 Submission of evidence electronically

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

71.0 Use of telephone provided evidence

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

72.0 Information and evidence¹⁷

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

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

(a) the application is accompanied by;

(i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or

(ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or

(b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;

(i) evidence of the application for a national insurance number to be so allocated; and

(ii) the information or evidence enabling it to be so allocated.

72.3 Sub-paragraph (2) does not apply;

(a) in the case of a child or young person in respect of whom an application for a reduction is made;

(b) to a person who;

(i) is a person treated as not being in Great Britain for the purposes of this scheme;

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and

(iii) has not previously been allocated a national insurance number.

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

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

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

(a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and

(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

72.7 This sub-paragraph applies to any of the following payments;

(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET

¹⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

(b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);

(c) a payment which is disregarded under paragraph 58.9.

72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;

(a) the name and address of the pension fund holder;

(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

73.0 Amendment and withdrawal of application¹⁸

73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

73.2 Where the application was made by telephone the amendment may also be made by telephone.

73.3 Any application amended is to be treated as if it had been amended in the first instance.

73.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

73.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

74.0 Duty to notify changes of circumstances¹⁹

74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;

(a) between the making of an application and a decision being made on it, or

(b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.

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

(a) in writing; or

(b) by telephone—

¹⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

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

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

- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

Sections 75- 90

Decisions, decision notices and awards of Council Tax Support

75.0 Decisions by the authority²⁰

75.1 An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision²¹

76.1 The authority must notify in writing any person affected by a decision made by it under its scheme;
(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;
(a) informing the person affected of the duty imposed by paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;
(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

76.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

76.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

76.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

76.8 This sub-paragraph applies to—
(a) the applicant;
(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
(i) a deputy appointed by the Court of Protection with power to claim, or as the

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

case may be, receive benefit on his behalf; or
(ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
(iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

(c) a person appointed by the authority to act for a person unable to act.

77.0 Time and manner of granting council tax support²²

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

²² Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

78.0 Persons to whom support is to be paid²³

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction under paragraph 14(1)(b) must be made to that person.

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

79.0 Shortfall in support / reduction²⁴

79.1 Where, on the revision of a decision allowing a reduction under an authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled²⁵

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82.0 Payment where there is joint and several liability²⁶

82.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and

²³ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

²⁴ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

²⁵ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

²⁶ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

(c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate, it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

82.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

83 – 87 Not used

88.0 Diminution of notional capital

88.1 Where notional capital has been used in the calculation of Council Tax Support. Further calculations may be undertaken every thirteen weeks to reduce the notional capital by the amount of council tax support that would have been awarded if the notional capital had not been taken into account in the calculation.

89.0 Not used

90.0 Not used

Sections 91 – 94

Collection, holding and forwarding of information for Council Tax Support purposes

91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

91.1 The authority will use information provided by the DWP and HMRC for the purposes of council tax support, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012.

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Support with the DWP or HMRC as appropriate.

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for council tax support, the council may receive or obtain the information or evidence from–

- (a) persons making claims for council tax support;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to, or obtained.

93.0 Recording and holding information

93.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax support.

94.0 Forwarding of information

94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax support to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax support.

Sections 95 – 98

Revisions, Written Statements, Termination of Council Tax Support

95.0 Persons affected by Decisions

95.1 A person is to be treated as a person affected by a relevant decision of the authority here that person is;

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this policy;

96.0 Revisions of Decisions

96.1 Subject to the provisions in this policy, a relevant decision ('the original decision') may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;

- i) one month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

97.0 Written Statements

97.1 Subject to the provisions in the policy, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Support. The request must be received within one month of the date of the notification being issued by the authority.

98.0 Terminations

98.1 The authority may terminate support in whole or in part the Council Tax Support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council Tax Support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

98.2 The authority may terminate, in whole or in part the Council Tax Support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council Tax Support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority²⁷

- 99.1 .A person who is aggrieved by a decision of the authority, which affects;
(a) the person's entitlement to a reduction under its scheme, or
(b) the amount of any reduction to which that person is entitled,
may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
(a) consider the matter to which the notice relates;
(b) notify the aggrieved person in writing;
(i) that the ground is not well founded, giving reasons for that belief; or
(ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act²⁸

- 100.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;
- (a) in writing,
 - (b) by means of an electronic communication in accordance this scheme or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 100.2 Where;
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c)

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A²⁹
Electronic Communication

²⁹ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) Regulations 2012

101.0 Interpretation

101.1 In this Part;

“information” includes an application, a certificate, notice or other evidence; and
“official computer system” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.

102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

102.4 The second condition is that the person uses an approved method of;

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

103.1 The authority may use intermediaries in connection with;

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;

- (a) by this section; and

(b) by or under an enactment,
are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or

(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107

Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for council tax support;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this policy;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013

Schedule 1
Applicable Amounts (Living Allowances)

Personal Allowance

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£71.70
b) is aged not less than 25	£71.70
c) is aged not less than 18 but less than 25	£56.80
2. Lone Parent	£71.70
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£112.55
b) Where one member is aged not less than 18	£112.55
c) Polygamous Addition	£40.85

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- Paragraph 17 or 18 is satisfied in relation to the applicant; or
- The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period— (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£65.62
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£65.62

(2) In column (1) of the table in paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the

- Housing Benefit Regulations 2006 applies, £22.20;
b. in any other case, £17.40;

Premiums

4. Except as provided in paragraph 5, the premiums specified in this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- 6 (1) The following premiums, namely–
- a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and
 - d. carer premium to which paragraph 13 applies,
- may be applicable in addition to any other premium which may apply under this Schedule
7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
- a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.
- (2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£31.00
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£44.20
Severe Disability Premium	£59.50
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£59.50
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£119.00
Disabled Child Premium	£57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£33.30 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £15.15 in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a

	polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied; (c) £21.75 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.
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The components

17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006
18. The amount of the work-related activity component is £28.45. The amount of the support component is £34.80

Transitional Addition

19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

Amount of transitional addition

20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

Schedule 2

Not Used

Schedule 3

Sums to be disregarded in the calculation of earnings

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
 - (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax support the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in
 - (aa) paragraph 25.1(e), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in
 - (aa) paragraph 25.1(g) or (h), or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax support—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,
any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), or (j).
2. In the case of an applicant who, before first day of entitlement to council tax support;
 - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would

have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3.
 - (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
 - (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
 - (3) This paragraph applies where
 - (a) he is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
 - (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5.
 - (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this policy as being in receipt of carer's allowance.
 - (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8.
 - (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
 - (c) an auxiliary coastguard in respect of coast rescue activities;
 - (d) a person engaged part-time in the manning or launching of a life boat;
 - (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).
- (2) If the applicant's partner is engaged in employment;
 - (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.
- 9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.
- 10. In a case to which none of the paragraphs 3 to 9 applies, £5.
- 10A. (1) Where;
 - (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
 - (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
 - (c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

 - (2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.
 - (3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).
 - (4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.
 - (5) This sub-paragraph applies to a person who is;
 - (a) in receipt of a contributory employment and support allowance;
 - (b) in receipt of incapacity benefit;
 - (c) in receipt of severe disablement allowance; or
 - (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975

- (6) 'Exempt work' means work of the kind described in;
(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
15. Any earnings of a child or young person.
16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
(b) the applicant—
(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
(ii) is a member of a couple and
(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
(bb) his applicable amount includes a family premium; or
(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;
(aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;
(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or

- (3) The following are the amounts referred to in sub-paragraph (1);
 - (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
 - (c) £17.10
 - (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.
17. In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

Schedule 4

Sums to be disregarded in the calculation of income other than earnings

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 32.8 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant or partner is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income shall be disregarded
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
 - (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14.
 - (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
 - (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15.
 - (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made,

- in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
 - (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.
- 16.** 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 17.** Subject to paragraph 35, £15 of any;
- (a) widowed mother's allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
- (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998(c), that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

20. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to—
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
- whichever is less.
21. Any payment made to the applicant by a child or young person or a non- dependant.
22. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
23. (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
24. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
25. Any income which is payable in a country outside the United Kingdom for such period during

which there is a prohibition against the transfer to the United Kingdom of that income.

26. (1) Any payment made to the applicant in respect of a person who is a member of his family—
 - (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
 - (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
27. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
 - (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
 28. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by—
 - (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
 29. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
 - 29A. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority

in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

30. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
31. Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
32. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare fund provision
33. Any payment under Part 10 of the Act (Christmas bonus for pensioners).
34. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
35. The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.
36. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and

who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either;

(i) to that person's parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

37. Any housing benefit or council tax benefit

38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

39. - 40. not used

41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

42. Not used

43. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).

44. Not used

45. (1) Any payment or repayment made—

(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).

46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

48. (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

48A. (1) Where an applicant is in receipt of;

- Support Component of Employment and Support Allowance (ESA); or
- Enhanced Disability Premium (EDP); or
- Enhanced Disability Premium for Dependents; or
- Disability Child Premium for Dependents (DCP); or
- Severe Disability Premium (SDP)

Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In paragraph (1)

'child maintenance' means any payment towards the maintenance of a child or young person,

including any payment made voluntarily and payments made under;

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

49. Not used.

50. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

51. Any guardian's allowance.

52. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

53. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

54. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

55 (1) Any payment which is
(a) made under any of the Dispensing Instruments to a widow, widower or
(b) surviving civil partner of a person;
(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
(ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

55A. Any council tax support or council tax benefit to which the applicant is entitled.

56. Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10

56A.–56B. Not used

57. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
58. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.
(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
59. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
60. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
61. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
62. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001
63. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
64. Where an applicant is in receipt of;
 - Support Component of Employment and Support Allowance (ESA); or
 - Enhanced Disability Premium (EDP); or
 - Enhanced Disability Premium for Dependents; or
 - Disability Child Premium for Dependents (DCP); or
 - Severe Disability Premium (SDP)Any amount of Child Benefit

Schedule 5
Capital to be disregarded

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital **but only** where in the applicant or partner is in receipt of;
 - Support Component; or
 - Enhanced Disability Premium (EDP); or
 - Enhanced Disability Premium for Dependants; or
 - Disability Child Premium for Dependents (DCP); or
 - Severe Disability Premium (SDP)within either their the Council Tax Reduction, income support, income based -jobseeker's allowance or income-related employment and support allowance.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub- leases or sub-tenancies.
8. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such

period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the applicant where—

- (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;

- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
- (b) an income-related benefit under Part 7 of the Act;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit
- (f) an income-related employment and support allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax support, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph(2), 'the award of council tax support' means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.
11. Any sum—
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home,
- for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
12. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax support or to increase the amount of that support.
13. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
14. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A. (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
- (2) But sub-paragraph (1)
- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
- (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
- (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
15. The value of the right to receive any income under a life interest or from a life rent.
16. The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
17. The surrender value of any policy of life insurance.
18. Where any payment of capital falls to be made by instalments, the value of the right to receive

any outstanding instalments.

19. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
20. Any social fund payment made pursuant to Part 8 of the Act.
21. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
22. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
23. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
24. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal

proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service

(Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 41A. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
42. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
43. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
44. Not used
45. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
46. (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax support), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax support), sub-paragraph (1) shall not have effect.
47. (1) Any sum of capital to which sub-paragraph (2) applies and
 - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.(2) This sub-paragraph applies to a sum of capital which is derived from;
 - (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
48. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
 - (a) award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

49. Any payment to the applicant as holder of the Victoria Cross or George Cross.
50. Not used
51. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
52. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
53. (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
- (i) regulations made under section 518 of the Education Act 1996;
- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to;
- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
- (ii) regulations made under section 181 of that Act ;
- or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 53A.-53B. Not used
54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—
- (a) the applicant;

- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

57. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or

- (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (5) In this paragraph, a reference to a person—
 - (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;
 - (c) acting in place of the diagnosed person's parents,at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
'trust payment' means a payment under a relevant trust.
- 58. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner
 - (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,during the Second World War.
- 59 (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
- 60. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	13 th November 2014	
TITLE:	Treasury Management Monitoring Report to 30 th September 2014	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Performance Against Prudential Indicators		
Appendix 2 – The Council’s Investment Position at 30 th September 2014		
Appendix 3 – Average monthly rate of return for 1 st 6 months of 2014/15		
Appendix 4 – The Council’s External Borrowing Position at 30 th September 2014		
Appendix 5 – Arlingclose’s Economic & Market Review Q2 of 2014/15		
Appendix 6 – Interest & Capital Financing Budget Monitoring 2014/15		
Appendix 7 – Summary Guide to Credit Ratings		
Appendix 8 – Proposed amendments to the 2014/15 Treasury Management Strategy		

1 THE ISSUE

1.1 In February 2012 the Council adopted the 2011 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report after the end of each financial year.

1.2 This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2014/15 for the first six months of 2014/15.

2 RECOMMENDATION

The Council agrees that:

2.1 the Treasury Management Report to 30th September 2014, prepared in accordance with the CIPFA Treasury Code of Practice, is noted

2.2 the Treasury Management Indicators to 30th September 2014 are noted.

2.3 The proposed amendments to the 2014/15 Treasury Management Strategy set out in paragraphs 5.19-23 and Appendix 8 are approved.

3 RESOURCE IMPLICATIONS

3.1 The financial implications are contained within the body of the report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 These are detailed in paragraphs 2.1 – 2.3 above.

5 THE REPORT

Summary

- 5.1 The average rate of investment return for the first six months of 2014/15 is 0.43%, which is 0.04% above the benchmark rate.
- 5.2 The Council's Prudential Indicators for 2014/15 were agreed by Council in February 2014 and performance against the key indicators is shown in **Appendix 1**. All indicators are within target levels, with the exception of one voluntary indicator, measuring the liquidity of the council's investments, as detailed in 5.13 and Appendix 1(8).

Summary of Returns

- 5.3 The Council's investment position as at 30th September 2014 is given in **Appendix 2**. The balance of deposits as at 30th June 2014 and 30th September 2014 are also set out in the pie charts in this appendix.
- 5.4 The Council is the accountable body for the West of England Revolving Investment Fund (RIF) and received grant funding of £57 million at the end of the 2011/12 financial year. The Council acts as an agent and holds these funds on behalf of the West of England Local Enterprise Partnership until they are allocated in the form of repayable grants to the constituent Local Authorities to meet approved infrastructure costs. Since these funds are invested separately from the Council's cash balances and have been placed short term with the Debt Management Office and other Local Authorities, they are excluded from all figures given in this report. The current value of the fund is £44.8 million.
- 5.5 Gross interest earned on investments for the first six months totalled £81k. Net interest, after deduction of amounts due to Schools, the West of England Growth Points, CHC and other internal balances, is £43k. **Appendix 3** details the investment performance, showing the average rate of interest earned over this period was 0.43%, which was 0.04% above the benchmark rate of average 7 day LIBID +0.05% (0.39%).

Summary of Borrowings

- 5.6 No new borrowing has taken place in the first half of 2014/15. The Council's total borrowing was £70 million as at the 30th September 2014. The Council's Capital Financing Requirement (CFR) as at 31st March 2014 was £153 million with a projected total of £215 million by the end of 2014/15 based on the capital programme approved at February 2014 Council. This represents the Council's underlying need to borrow to finance capital expenditure, and demonstrates that the borrowing taken to date relates to funding historical capital spend.

- 5.7 Subsequent to the end of the reporting period, £8 million of borrowing was arranged on 2nd October with two Local authorities for a two year period. The borrowing was undertaken to replenish cash-flow used to fund a specific commercial estate investment opportunity.
- 5.8 Following Local Government Reorganisation in 1996, Avon County Council's residual debt is administered by Bristol City Council. All successor Unitary Authorities make an annual contribution to principal and interest repayment, for which there is a provision in the Council's revenue budget. The amount of residual debt outstanding as at 31st March 2014 apportioned to Bath & North East Somerset Council is £14.54m. Since this borrowing is managed by Bristol City Council and treated in the Council's Statement of Accounts as a deferred liability, it is not included in the borrowing figures referred to in paragraph 5.6.
- 5.9 The borrowing portfolio as at 30th September 2014 is shown in **Appendix 4**.

Strategic & Tactical Decisions

- 5.10 As shown in the charts at **Appendix 2**, investments continue to be focussed on UK banks and building societies that have either already or are likely to receive support from the UK Government should they experience financial difficulties. To increase diversification, the Council invests in AAA rated Money Market funds, with a balance of £3.7m invested in these as at 30th September 2014.
- 5.11 The Council continues to not hold any direct investments with banks in countries within the Eurozone reflecting both on the underlying debt issues in some Eurozone countries and the low levels of interest rates. The Council's investment counterparty list does not currently include any banks from Portugal, Ireland, Greece, Spain and Italy.
- 5.12 The Council's average investment return is running slightly above the budgeted level of 0.35%.
- 5.13 The Council has adopted a voluntary indicator of its exposure to liquidity risk, which is that the amount of cash available from maturing investments, to meet unexpected payments within a rolling three month period without additional borrowing, should not fall below £15m. The liquidity balance figure on 30th September 2014 was below the indicator (£9.85m). This was due to delaying the planned borrowing by a week in order to take advantage of short term inter-authority rates dropping at the beginning of each month. This borrowing of £8m was arranged on 2nd October at a lower cost than the market was offering during the previous weeks.

Future Strategic & Tactical Issues

- 5.14 Our treasury management advisors economic and market review for the second quarter 2014/15 is included in **Appendix 5**.
- 5.15 The Bank of England base rate has remained constant at 0.50% since March 2009. The stronger economic growth seen in the UK over the past six months is likely to use up spare capacity more quickly than previously assumed and the Council's treasury advisors, Arlingclose, have brought forward their estimate of the timing for the first rise in Bank Rate to Q3 2015.

- 5.16 In their opinion, in addition to two MPC members having voted for a rate rise in August and September, the rhetoric from MPC members has certainly become more hawkish, but the lack of inflationary signals is expected to allow policymakers to hold off monetary tightening for longer than the market currently expects. However, the near-term risk is that the Bank Rate could rise sooner than anticipated.
- 5.17 The benefits of the Council's current policy of internal borrowing are monitored regularly against the likelihood that long term borrowing rates are forecast to rise in future years. The focus is now on the rate of increase and the medium-term peak and, in this respect, the current forecast is that rates will rise slowly and to a lower level than in the past.
- 5.18 Future borrowing is therefore likely to be driven by a need to maintain an appropriate working cash balance rather than any immediate changes to interest rates.
- 5.19 The UK is implementing the final bail-in provisions of the EU Bank Recovery and Resolution Directive to commence in January 2015, a year ahead of most other countries. Credit rating agencies have stated they plan to review EU banks' ratings in line with each country's implementation of the directive. Many UK banks have standalone ratings in the "BBB" category, with uplifts for potential government support taking them into the "A" category. Arlingclose advise there is therefore a realistic risk that some major UK banks' credit ratings will fall below A- this financial year if this uplift is removed.
- 5.20 The Council has two broad options to respond to this risk:
- a) amend the Treasury Management Strategy to allow investment in lower rated UK banks, or
 - b) prepare to invest without using any of the major UK banks.
- 5.21 Although it may be possible to operate without these banks, by investing more money in Money Market Funds, for example, Arlingclose have stated that they may continue to advise on investments in the major UK banks if they become rated BBB+.
- 5.22 It is therefore recommended that the Council is asked to respond by amending the 2014/15 Treasury Management Strategy in line with the changes shown at Appendix 8 in order to be able to respond to the changes that may occur in January 2015.
- 5.23 The s.151 Officer will consider the investment advice provided by Arlingclose at the time of any ratings change, should it occur, before any investments are made with potentially affected UK counterparties.

Budget Implications

- 5.24 A breakdown of the revenue budget for interest and capital financing and the forecast year end position based on the period April to September is included in **Appendix 6**. This is currently forecast to remain on target for 2014/15.

- 5.25 This position will be kept under review during the remainder of the year, taking into account the Council's cash-flow position and the timing of any new borrowing required.

6 RATIONALE

- 6.1 The Prudential Code and CIPFA's Code of Practice on Treasury Management requires regular monitoring and reporting of Treasury Management activities.

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

- 8.1 Consultation has been carried out with the Cabinet Member for Community Resources, Section 151 Finance Officer and Monitoring Officer.

- 8.2 Consultation was carried out via e-mail.

9 RISK MANAGEMENT

- 9.1 The Council's lending & borrowing list is regularly reviewed during the financial year and credit ratings are monitored throughout the year. All lending/borrowing transactions are within approved limits and with approved institutions. Investment and Borrowing advice is provided by our Treasury Management consultants Arlingclose.

- 9.2 The CIPFA Treasury Management in the Public Services: Code of Practice requires the Council nominate a committee to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies. The Corporate Audit Committee carries out this scrutiny.

- 9.3 In addition, the Council maintains a risk register for Treasury Management activities, which is regularly reviewed and updated where applicable during the year.

Contact person	<i>Tim Richens - 01225 477468 ; Mark Angus - 01225 477180</i> Tim_Richens@bathnes.gov.uk Mark_Angus@bathnes.gov.uk
Background papers	<i>2014/15 Treasury Management & Investment Strategy</i> <i>1st Quarter Treasury Performance Report (Cabinet)</i>
Please contact the report author if you need to access this report in an alternative format	

APPENDIX 1

Performance against Treasury Management Indicators agreed in Treasury Management Strategy Statement

1. Authorised limit for external debt

These limits include current commitments and proposals in the budget report for capital expenditure, plus additional headroom over & above the operational limit for unusual cash movements.

	2014/15 Prudential Indicator	2014/15 Actual as at 30th Sep. 2014
	£'000	£'000
Borrowing	215,000	70,000
Other long term liabilities	2,000	0
Cumulative Total	217,000	70,000

2. Operational limit for external debt

The operational boundary for external debt is based on the same estimates as the authorised limit but without the additional headroom for unusual cash movements.

	2014/15 Prudential Indicator	2014/15 Actual as at 30th Sep. 2014
	£'000	£'000
Borrowing	177,000	70,000
Other long term liabilities	2,000	0
Cumulative Total	179,000	70,000

3. Upper limit for fixed interest rate exposure

This is the maximum amount of total borrowing which can be at fixed interest rate, less any investments for a period greater than 12 months which has a fixed interest rate.

	2014/15 Prudential Indicator	2014/15 Actual as at 30th Sep. 2014
	£'000	£'000
Fixed interest rate exposure	177,000	50,000*

* The £20m of LOBO's are quoted as variable rate in this analysis as the Lender has the option to change the rate at 6 monthly intervals (the Council has the option to repay the loan should the rate increase).

4. Upper limit for variable interest rate exposure

While fixed rate borrowing contributes significantly to reducing uncertainty surrounding interest rate changes, the pursuit of optimum performance levels may justify keeping flexibility through the use of variable interest rates. This is the maximum amount of total borrowing which can be at variable interest rates.

	2014/15 Prudential Indicator	2014/15 Actual as at 30th Sep. 2014
	£'000	£'000
Variable interest rate exposure	127,000	20,000

5. Upper limit for total principal sums invested for over 364 days

This is the maximum amount of total investments which can be over 364 days. The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments.

	2014/15 Prudential Indicator	2014/15 Actual as at 30th Sep. 2014
	£'000	£'000
Investments over 364 days	50,000	0

6. Maturity Structure of borrowing

This indicator is set to control the Council's exposure to refinancing risk.

	Upper Limit	Lower Limit	2014/15 Actual as at 30th Sep. 2015
	%	%	%
Under 12 months	50	Nil	29*
12 months and within 24 months	50	Nil	0
24 months and within 5 years	75	Nil	0
5 years and within 10 years	100	Nil	0
10 years and above	100	Nil	71

* The CIPFA Treasury management Code now requires the prudential indicator relating to Maturity of Fixed Rate Borrowing to reference the maturity of LOBO loans to the earliest date on which the lender can require payment, i.e. the next call date (which are at 6 monthly intervals for the £20m of LOBO's). However, the Council would only consider repaying these loans if the Lenders exercised their options to alter the interest rate.

7. Average Credit Rating

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the weighted average credit rating of its investment portfolio. A summary guide to credit ratings is set out at **Appendix 7**.

	2014/15 Prudential Indicator	2014/15 Actual as at 30th Sep. 2014
	Rating	Rating
Minimum Portfolio Average Credit Rating	A	AA

8. Liquidity

The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three month period, without additional borrowing.

	2014/15 Prudential Indicator	2014/15 Actual as at 30th Sep. 2014
Total cash available within 3 months	£15m	£9.85m

The above indicator is a voluntary indicator the Council has chosen to maintain. The liquidity balance figure on 30th September 2014 was below the indicator (£9.85m). This was due to delaying the planned borrowing by a week in order to take advantage of short term inter-authority rates dropping at the beginning of each month. This borrowing of £8m was arranged on 2nd October at a lower cost than the market was offering during the previous weeks.

APPENDIX 2

The Council's Investment position at 30th September 2014

The term of investments, from the original date of the deal, are as follows:

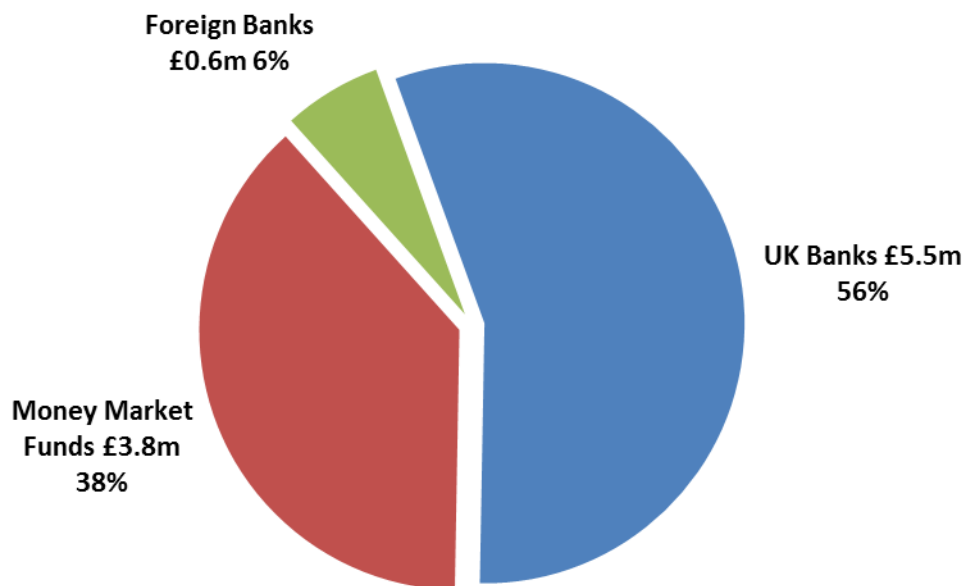
	Balance at 30th Sep. 2014
	£'000's
Notice (instant access funds)	4,850
Up to 1 month	0
1 month to 3 months	0
Over 3 months	5,000
Total	9,850

The investment figure of £9.850 million is made up as follows:

	Balance at 30th Sep. 2014
	£'000's
B&NES Council	-8,401
B&NES CHC	9,572
West Of England Growth Points	688
Schools	7,991
Total	9,850

The Council had an average net positive balance of £37.7m (including Growth Points & B&NES CHC Funding) during the period April 2014 to September 2014.

**Chart 1: Council Investments (£9.85m) as
at 30th Sept 2014**



**Chart 2: Council Investments (£37.0m) as
at 30th June 2014**

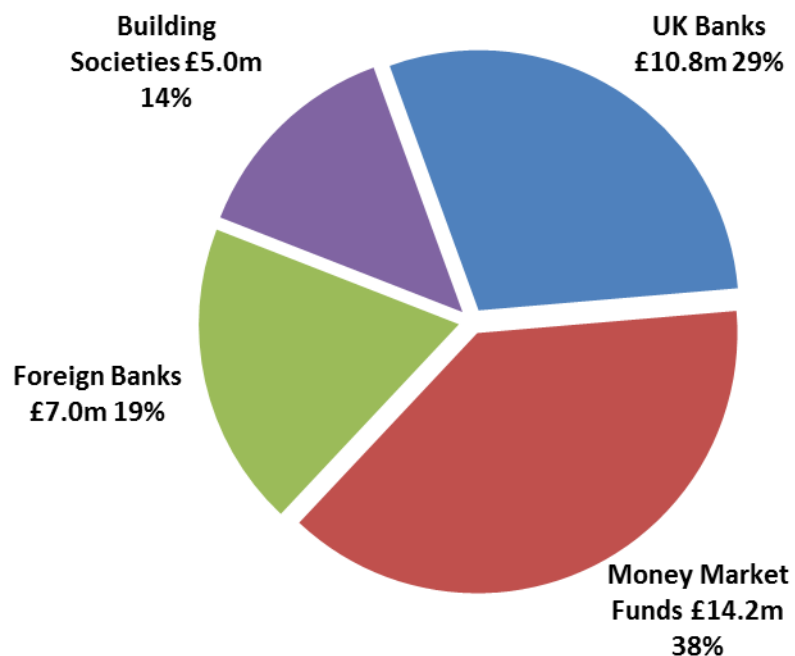


Chart 3: Council Investments per Lowest Equivalent Long-term Credit Ratings (£9.85m) 30th Sept 2014

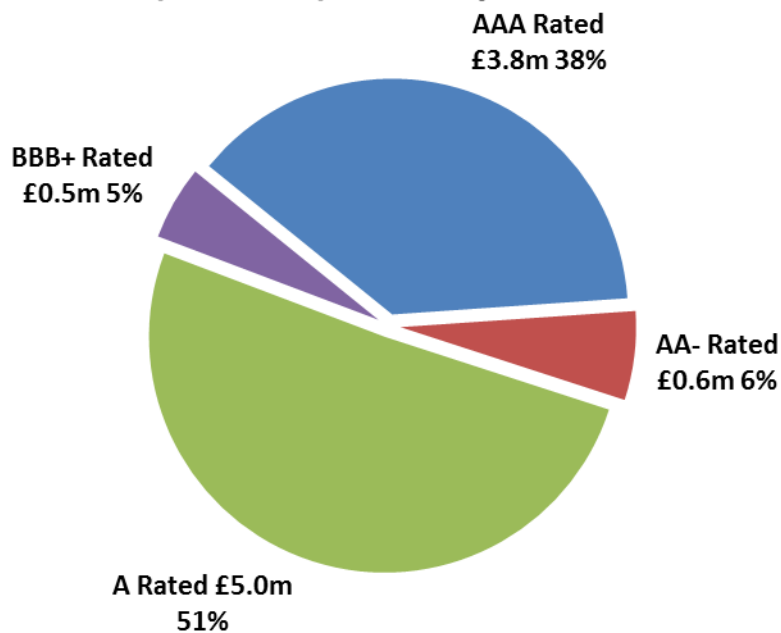
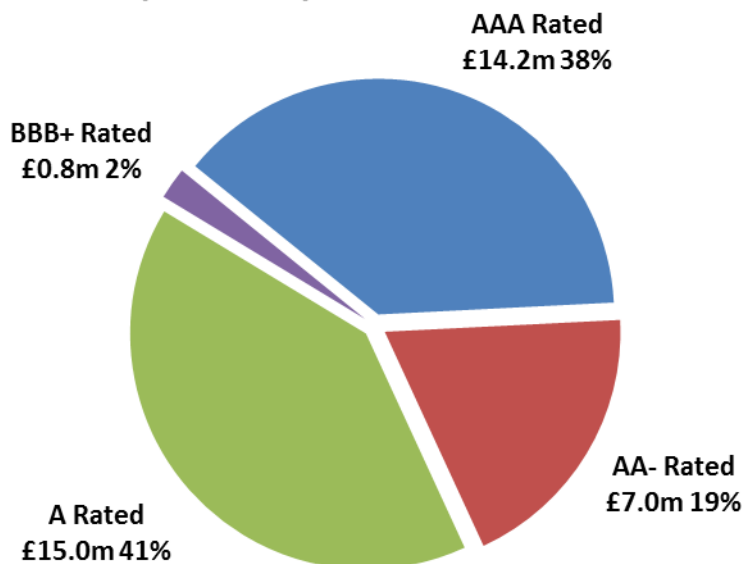


Chart 4: Council Investments per Lowest Equivalent Long-term Credit Ratings (£37.0m) 30th June 2014



APPENDIX 3

Average rate of return on investments for 2014/15

	April %	May %	June %	July %	Aug %	Sep %	Average for Period
Average rate of interest earned	0.40	0.43	0.44	0.47	0.42	0.42	0.43%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Arlingclose)	0.39	0.39	0.40	0.39	0.40	0.40	0.39%
Performance against Benchmark %	+0.01	+0.04	+0.04	+0.08	+0.02	+0.02	+0.04%

APPENDIX 4

Councils External Borrowing at 30th September 2014

LONG TERM	Amount	Start Date	Maturity Date	Interest Rate
PWLB	10,000,000	15/10/04	15/10/35	4.75%
PWLB	5,000,000	12/05/10	15/08/35	4.55%
PWLB	5,000,000	12/05/10	15/08/60	4.53%
PWLB	5,000,000	05/08/11	15/02/31	4.86%
PWLB	10,000,000	05/08/11	15/08/29	4.80%
PWLB	15,000,000	05/08/11	15/02/61	4.96%
KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
Eurohypo Bank*	10,000,000	27/04/05	27/04/55	4.50%
TOTAL	70,000,000			
TEMPORARY	NIL			
TOTAL	70,000,000			4.71%

*All LOBO's (Lender Option / Borrower Option) have reached the end of their fixed interest period and have reverted to the variable rate of 4.50%. The lender has the option to change the interest rate at 6 monthly intervals, however at this point the borrower also has the option to repay the loan without penalty.

APPENDIX 5

Economic and market review for July to September 2014 (provided by Arlingclose)

Growth and Inflation: The recent strong performance of the UK economy continued with output growing at 0.8% in Q1 2014 and at 0.9% in Q2. The services sector once again grew strongly. On the back of strong consumption growth, business investment appeared to be recovering quickly, albeit from a low base. The annual CPI inflation rate fell to 1.5% year-on-year in August.

Revisions to the GDP methodology, now compliant with the European System of Accounting 2010, mean that growth is now estimated to be 2.7% above its pre-recession peak in Q1 2008 rather than just 0.2% higher, the general theme being that the recession was not as deep and the recovery was earlier than initially estimated. In anticipation of these revisions, the MPC has forecast growth at 3.4% in 2014.

Unemployment: The labour market continued to improve, with strong employment gains and the headline unemployment rate falling to 6.2%. However, earnings growth remained very weak, rising just 0.6% for the three months May-July 2014 when compared to the same period a year earlier. The growth in employment was masked by a large number of zero-hour contracts and involuntary part-time working.

UK Monetary Policy: The MPC made no change to the Bank Rate of 0.5% and maintained asset purchases at £375bn. However, there was a marked shift in tone from the Bank of England's Governor and other MPC members. In his Mansion House speech in June Governor Mark Carney warned that interest rates might rise sooner than financial markets were expecting. Following some mixed messages from Governor Carney later in the summer, the minutes of the August and September MPC meetings revealed a split vote with regards to the Bank Rate. Ian McCafferty and Martin Weale voted to increase Bank Rate by 0.25%, arguing economic circumstances were sufficient to justify an immediate rise. The MPC emphasised that when Bank Rate did begin to rise, it was expected to do so only gradually and would likely remain below average historical levels for some time to come.

In the Bank of England's August Inflation Report the Bank forecast growth to be around 3½% in 2014, easing back thereafter to around its pre-crisis historical average rate. Inflation was forecast to remain at, or slightly below, 2% before reaching the target at the end of the 2-year forecast period.

The Bank's Financial Policy Committee also announced a range of measures to cool the UK's housing market to avert the potential of spiralling house prices derailing a sustainable economic recovery. Key recommendations included lenders stress-testing mortgage applicants can cope with a 3% rise in interest rates; putting a 15% cap on the number of mortgages at more than 4.5 times the borrower's income; and a separate Treasury pledge banning anyone applying for a loan through the Help to Buy scheme borrowing more than 4.5 times their income. The Prudential Regulation Authority also announced that it intends to consult on capital requirements for mortgages.

The result of the Scottish referendum in the end was close, but not as close as many believed it might be. However, the political upheaval set in motion (the Prime Minister's linking of a more devolved Scotland to giving greater powers to English MPs over English-only legislation, the prospect of Scotland's potential freedom to raise taxes not being replicated elsewhere in the UK) is arguably likely to be just as problematic in the run-up to and beyond next year's general election.

Eurozone inflation continued to fall towards zero (HICP inflation registered just 0.3% in September), and there was mounting evidence that the already feeble recovery was losing pace. The unemployment rate remained stubbornly high at 11.5%. The European Central Bank lowered its official benchmark interest rate from 0.15% to 0.05%. The rate it pays on commercial bank balances held with it was also cut further into negative territory from -0.1% to -0.2% and the Marginal Lending Facility rate cut further to 0.3%. The ECB also announced a programme of acquiring Asset Backed Securities (ABS) from banks in an effort to encourage lending which was viewed as being one step away from full blown

Quantitative Easing (QE) adopted by the US, UK and Japanese central banks. The minutes of the Bank of England's MPC meeting in September noted that "*weakness in the euro area had been the most significant development during the month*" and that, if it led once again to uncertainty about the sustainability of euro-area public and external debt, it could damage confidence and disrupt financial markets

There was no change from the US Federal Reserve as the central bank kept policy on its current track with a reduction in asset purchases by \$10 billion per month. Asset purchases are expected to end by October 2014, expectations therefore turned towards the timing of rate increases. The US economy rebounded strongly in Q2 with annualised growth of 4.6%.

Market reaction: Gilt yields have continued to decline and hit a financial year low at the end of August, before ticking upwards in the run up to the Scottish referendum. What has driven yields lower is a combination of factors but the primary drivers have been the escalation of geo-political risk within the Middle East and Ukraine alongside the slide towards deflation within the Eurozone (EZ).

APPENDIX 6

Interest & Capital Financing Costs – Budget Monitoring 2014/15 (April to September)

April to September 2014	YEAR END FORECAST			ADV/FAV
	Budgeted Spend or (Income) £'000	Forecast Spend or (Income) £'000	Forecast over or (under) spend £'000	
Interest & Capital Financing				
- Debt Costs	3,862	3,862	0	
- Internal Repayment of Loan Charges	(8,182)	(8,182)	0	
- Ex Avon Debt Costs	1,388	1,388	0	
- Minimum Revenue Provision (MRP)	6,120	6,120	0	
- Interest on Balances	(110)	(110)	0	
Sub Total - Capital Financing	3,078	3,078	0	

APPENDIX 7

Summary Guide to Credit Ratings

Rating	Details
AAA	Highest credit quality – lowest expectation of default, which is unlikely to be adversely affected by foreseeable events.
AA	Very high credit quality - expectation of very low default risk, which is not likely to be significantly vulnerable to foreseeable events.

A	High credit quality - expectations of low default risk which may be more vulnerable to adverse business or economic conditions than is the case for higher ratings.
BBB	Good credit quality - expectations of default risk are currently low but adverse business or economic conditions are more likely to impair this capacity.
BB	Speculative - indicates an elevated vulnerability to default risk, particularly in the event of adverse changes in business or economic conditions over time.
B	Highly speculative - indicates that material default risk is present, but a limited margin of safety remains. Capacity for continued payment is vulnerable to deterioration in the business and economic environment.
CCC	Substantial credit risk - default is a real possibility.
CC	Very high levels of credit risk - default of some kind appears probable.
C	Exceptionally high levels of credit risk - default is imminent or inevitable.
RD	Restricted default - indicates an issuer that has experienced payment default on a bond, loan or other material financial obligation but which has not entered into bankruptcy filings, administration, receivership, liquidation or other formal winding-up procedure, and which has not otherwise ceased operating.
D	Default - indicate an issuer that has entered into bankruptcy filings, administration, receivership, liquidation or other formal winding-up procedure, or which has otherwise ceased business.

APPENDIX 8

Proposed amendments to the 2014/15 Treasury Management Strategy

Approved Investment Counterparties

The Council may invest its surplus funds with any of the counterparties in the flowing table, subject to the cash and time limits shown:

Counterparty		Cash limit	Time limit
UK Banks and other organisations and securities whose lowest published long-term credit rating from Fitch, Moody's and Standard & Poor's is:	AAA	£15m each	10 years
	AA+		
	AA		5 years
	AA-		
	A+	£10m each	2 years
	A		
	A-		18 months
	BBB+	£5m each	

Non-Specified Investments

Any investment not meeting the definition of a specified investment is classed as non-specified. The Council does not intend to make any investments denominated in foreign

currencies, nor any that are defined as capital expenditure by legislation, such as company shares. Non-specified investments will therefore be limited to long-term investments, i.e. those that are due to mature 12 months or longer from the date of arrangement, and investments with bodies and schemes not meeting the definition on high credit quality. Limits on non-specified investments are shown below.

	£m
Total long-term investments	50
Total investments without credit ratings or rated below A-	15
Total investments in foreign countries rated below AA+	0
TOTAL	60

Security: average credit rating

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the weighted average credit rating of its investment portfolio.

	2014/15
Minimum Portfolio average credit rating	A-

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Motion from the Independent Group

To be moved by Cllr June Player

This Council notes:

- Research indicates that within Bath 2,833 dwellings are occupied as student HMOs, thus housing around 11,300 students, many of which are suitable for occupation as family dwellings. This figure excludes purpose built accommodation & on-campus provision which contain hundreds of units of accommodation within the City. (B&NES Local Plan: Student Numbers & Accommodation Requirements 2011-2029)
- Both of these markets have expanded and are very lucrative private student lettings.
- 7% of Bath's dwellings is estimated to be occupied as student HMOs, which is significantly higher than most other towns/cities. (B&NES Local Plan: Student Numbers & Accommodation Requirements 2011-2029)
- Many family homes have been converted which have priced out other buyers and has diminished the 'normal' housing stock in the City.
- These properties currently pay –
No Council Tax or
No Business Rates
- Following changes to the Local Government Funding system, introduced in 2013/14, there will no longer be additional Government Grant funding for future increases in HMO/purpose built Student accommodation numbers. In fact this Government grant to Councils is already being reduced and will continue to be so. This is a situation that is likely to continue until Government is able to balance its books.
- The Universities housing needs are forecast to grow by 3,200 by 2021 and stabilise thereafter to 2029.
- From our two Universities in 2014/15 we have approx. 16,300 students who need accommodation within our area. (68.4% of total enrolment).
- As the number of HMOs/purpose built student accommodation expand every year, the residents and businesses of B&NES are having to subsidise these lucrative private sector 'businesses'.
- The land used for student purpose built blocks is land that could have been used for employment land/much needed houses, both of which would generate an income to the Council for services.

The time has come for this situation to be reviewed. Whether Council Tax, Business Rates or both should be applied is open to debate. But, somewhere, a contribution to the services that are received should be made by students and/or property owners.

Local Residents, Local Businesses and Local Councils are unable to continue to subsidise these HMOs or purpose built student blocks.

The Council resolves to:

- Ask our two MPs to lobby their parties in Government for changes in the current legislation.
- Write to Central Government to have the legislation changed.
- Write to all other University Cities asking them to lobby their MPs for changes in the legislation as they too are being affected in the same way as B&NES.

Officer briefing note providing factual information on the subject matter of the Council Motion from the Independent Group

Classification of properties between Domestic & Commercial

- The Valuation Office Agency (VOA) is an executive Agency of HM Revenues and Customs and they have the responsibility for valuing properties for the purposes of council tax (domestic properties) and non-domestic rates (commercial properties).
- The VOA is governed by legislation which dictates the classification of a particular property and whether it ultimately attracts a liability for Council Tax or Business rates. The key to whether a property is deemed domestic or commercial relies on the definition of a dwelling as defined within Section 3 of the Local Government Finance Act 1992
- A dwelling is referenced from the now repealed General Rate Act 1967 in which it is defined as a hereditament which is used wholly for the purposes of a private dwelling or private dwellings.
- The Valuation Office Agency has determined that student accommodation is a residential dwelling, and is entered onto the council tax valuation lists accordingly.
- Any household that consists solely of full-time students (that is students studying for at least 21 hours each week for a calendar or academic year) is exempt from paying council tax.

Council Funding

- Up to 2013/14, the Local Government Funding system did recognise, to a degree, the exemption of student dwellings from paying Council Tax via a “resource equalisation” adjustment mechanism.
- In simple terms, an authority with lots of student exemptions would have a lower Council Tax base and therefore generate lower Council Tax income from which to fund services, so this would be “equalised” through higher government grant funding.
- By way of illustration, based on 2,833 dwellings occupied as student HMO’s, assuming these were all Band C rated properties for Council Tax purposes, the Council could have been receiving around £3m in Council Tax if these were not treated as exempt dwellings. The government grant calculations are extremely complex and it is no longer possible to track through specific elements of funding.
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- The grant position was effectively fixed in 2013/14 following changes to the Local Funding System and the element of “resource equalisation” will not be updated until government undertakes the next “reset”, currently planned for 2020. Therefore the Council’s general grant funding will continue to reduce in line with government spending reductions.

Changes in Legislation

- Any change in the position highlighted above in respect of Council Tax and Business Rates chargeable on Student Accommodation would require Government to agree to amend the relevant legislation.

Relevant Housing Statistics

- Within B&NES there are around 6,310 HMOs (B&NES House Condition Survey 2012)
- Research indicates that within Bath 2,833 dwellings are occupied as student HMOs, housing around 11,300 students. This figure excludes purpose built accommodation & on-campus provision. (B&NES Local Plan: Student Numbers & Accommodation Requirements 2011-2029)
- 7% of the city stock is estimated to be occupied as student HMOs which is significantly higher than most other towns/cities. (B&NES Local Plan: Student Numbers & Accommodation Requirements 2011-2029)
- The Universities housing needs are forecast to grow by 3,200 by 2021 and stabilise thereafter to 2029. Most of this demand will be met by purpose built accommodation & on-campus provision.
- Article 4 Planning Directive introduced to mitigate against the concentration of HMOs being experienced in some areas & additional HMO licensing introduced to improve housing conditions within the sector.

Council 13 November, 2014

The Living Wage

Labour Group to move:

- 1 Council notes that, when it last considered this matter on 14 November, 2013 it was agreed “to keep low pay under annual review during each future budget round”.
- 2 Council believes that paying the Living Wage not only benefits employees but also employers and the wider economy, and that the Living Wage has the support of all three main political parties.

Council agrees:

- 3 to ensure that all Bath and North East Somerset Council employees are paid at least the Living Wage as soon as practicable and by no later than April 2015 and refers this matter to the Employment Committee, and further agrees that any financial implications resulting from this are considered as part of the Medium Term Service and Resource Planning process;
- 4 to sign up for accreditation as a Living Wage Employer with the Living Wage Foundation; and therefore:
 - a) refers the procurement aspects of this to Cabinet for consideration; and
 - b) uses its influence as a major local employer and provider of services to urge other local employers to pay the Living Wage.

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Council 13 November, 2014

The Financial Transaction Tax

Labour Group to move:

Council notes that:

- 1 local government will see real term cuts in central grant of 43% over the 2010 Comprehensive Spending Review period, meaning a cut of £20bn in annual grant by 2016;
- 2 extending the current Financial Transaction Tax on shares to other asset classes such as bonds and derivatives could raise £20bn of additional revenue in the UK a year; and
- 3 at least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives estimated to raise £30bn a year.

Council believes that:

- 4 revenues from the FTT could help repair the damage caused by cuts in public services since 2010;
- 5 local government deserves to receive a significant proportion of FTT revenues, making an important contribution to both capital and revenue expenditure such as reversing cuts to council tax benefits; and that
- 6 whilst an FTT might have a negligible effect on jobs in the City of London, investing FTT revenues in a smart and progressive way would see a significant increase in employment levels in other sectors.

Council resolves that:

- 7 the UK government be urged to extend the current FTT on shares to other asset classes, such as bonds and derivatives;
- 8 a letter should be written on behalf of this Council by all four Group Leaders to the Prime Minister, Deputy Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, and Secretary of State for Communities and Local Government stating this council's support for extending FTTs; and
- 9 a further letter should be written to the local MPs outlining this Council's position.

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Bath & North East Somerset Council

NOTE TO COUNCIL ON BEHALF OF CLLR ROBIN MOSS, AS CHAIR OF THE RESOURCES POLICY DEVELOPMENT & SCRUTINY PANEL MEETING ON 29 SEPTEMBER 2014

SUBJECT: The Policy Loan of £500k in Wilmington Farm Solar Array

DATE: Council Meeting, 13 November 2014

PURPOSE: To provide background information only to councillors on the recent Single Member Decision to invest a policy loan of £500k in the Wilmington Farm Solar Array, following a call-in of that decision to the Resources Policy Development & Scrutiny Panel, subsequently dismissed.

BACKGROUND

- In 2011, the Council signed a Co-operation Agreement, following Cabinet approval, with local community enterprise, Bath & West Community Energy (BWCE) in order to help achieve a range of Council policy objectives and to pilot a new way of working with and for the community, to achieve maximum community benefit.
- The Council made policy commitments in the B&NES Sustainable Community Strategy 2009 and in the B&NES Environmental Sustainability & Climate Change Strategy 2012-15 to support the development of renewable energy in the area through: leading by example, partnership working and community enablement.
- BWCE was set up in 2010 by local people to develop community-based renewable energy and energy efficiency projects within B&NES (and later across a wider local area). It is an Industrial and Provident Society established for the benefit of the community and registered with the FCA.
- Part of the trigger for this response from the community was the setting of ambitious renewable energy targets in the B&NES Core Strategy. These are: stated in Policy CP 3 Renewable Energy: 110MWe of electricity and 165MWth of heat. BWCE is committed to delivering 25% of those targets.
- By July 2014, BWCE had raised over £2.2 m of investment in renewable energy, with a large proportion coming from community share offers. Ninety percent of the share-holders are B&NES residents.
- After paying their community investors a 7% return each year for the last three years, all surplus profit is invested in the independent charity, Bath & West Low Carbon Community Fund, for investment in local low carbon projects. To

date, £20k has been contributed, with much larger sums planned as more renewable energy projects are installed.

- The renewable energy projects installed so far include solar panel installations on the roofs of six B&NES schools, providing free electricity and an educational resource to those schools.
- The BWCE model, using Community Share Offers, means that local people have the opportunity to invest relatively small sums in local energy schemes with a good return on investment. Combined with BWCE's commitment to working with local businesses, using local labour and following the Council's 'Think Local' procurement policy, the economic benefits of the renewable energy projects are all retained locally.
- BWCE are the only organisation delivering local renewable energy projects in B&NES utilising a community benefit model.
- In 2012, BWCE was awarded Best Community Enterprise in the SW Green Energy Awards.
- In 2013, Bath & North East Somerset Council was awarded Most Proactive Public Sector Body in the SW Green Energy Awards, largely because of our work to support the development of community energy in B&NES through BWCE.
- In 2014, the government published its first national Community Energy Strategy. B&NES Council's work with BWCE is cited as an exemplar case study in the strategy.
- In September 2014 BWCE were awarded Best Organisation in the national Community Energy Awards.

THE GREEN INVESTMENT & JOBS FUND

- The Council's Green Investment & Jobs Fund (£1m) was approved by Council in February 2014 for *'Investment of a policy loan in local renewable energy projects to further a range of Council policy objectives, whilst generating a source of income for the Council and contributing to the creation of 'green' jobs.'*
- Significant lead-in time is required to develop renewable energy projects and the intention behind the Fund was to invest it in local projects during 2014-2015 financial year.
- As the only organisation delivering such projects in B&NES, with a community benefit model, and with a current pipeline of projects and with a strong relationship already established via the Cooperation Agreement, it was inevitable that the Council would work with BWCE to find appropriate projects to invest in that would maximise benefit to the community.

THE FACTS BEHIND THE DECISION TO INVEST IN BWCE'S WILMINGTON FARM SOLAR ARRAY

- In August 2014, following 18 months of discussion with BWCE, Cllrs Crossley and Bellotti agreed in principle the idea of making a policy loan of £500k from the Green Investment & Jobs Fund into BWCE's proposed Wilmington Farm Solar Array, in order to help to overcome a market barrier to bank investment in small-scale community energy projects and to support the community share offer, subject to satisfactory completion of due diligence.
- Via a Single Member Decision, confirmed on 29 September 2014, they authorised the Divisional Director for Strategy & Performance to authorise the loan once satisfactory due diligence was completed and subject to relevant terms and conditions.
- Satisfactory due diligence was completed by the end of September and paid for by BWCE.
- The investment represents half of the Council's approved budget for investment in 2014-15. The agreed rate of interest the Council will charge BWCE is 6.5%, which has been confirmed by Treasury Advisors as an appropriate rate for this market and therefore compliant with State Aid and Local Authority Accounting Regulations. After the cost of borrowing, the Council will achieve an estimated return on investment of 2.5%. The loan will be fully repaid in 15 years.
- A Special Purpose Vehicle is being set up for the B&NES investment and will ensure that the investment is secured on the asset (ie the solar panels). In the event of the failure of BWCE for whatever reason, the relevant asset would revert to the Council.
- The solar project has received planning permission and has been designed to minimise impact on the local natural environment.
- The Council's investment will fund c20% of the scheme and provide leverage to BWCE for raising the remaining scheme costs through the current Community Share Offer.
- The £500k policy loan should yield approximately £250k over the 20 year life of the solar array (minimum) for the Bath & West Low Carbon Community Fund. There are currently no other local organisations or renewable energy installers offering both full local retention of the economic benefit of renewable energy projects and investment of all surplus profit back into the local community.
- Based on the SW renewable energy agency's calculations (Regen SW), it is suggested that around 2000 jobs could arise in B&NES if the SW target set by Regen SW is met. The Council's investment will help firstly to secure the five jobs at BWCE and will contribute to the predicted future job creation that will flow from the delivery of more local renewable energy projects.

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BATH AND NORTH EAST SOMERSET

RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL

Monday, 29th September, 2014

Present:- Councillors Colin Barrett, Paul Myers, Nigel Roberts, Robin Moss (Chair) (In place of John Bull), Rob Appleyard (In place of Roger Symonds), Tim Warren (In place of Charles Gerrish) and Francine Haeberling (In place of Barry Macrae)

Also in attendance: Councillor David Bellotti – Cabinet Member for Community Resources; Councillor Paul Crossley – Council Leader and Councillor Liz Richardson – Call-in Lead Member

38 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

39 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor John Bull (Chairman) sent his apologies and was substituted by Councillor Robin Moss.

Councillor Roger Symonds (Vice Chair) sent his apologies and was substituted by Councillor Rob Appleyard.

Councillor Charles Gerrish sent his apologies and was substituted by Councillor Tim Warren.

Councillor Barry Macrae sent his apologies and was substituted by Councillor Francine Haeberling.

41 DECLARATIONS OF INTEREST

There were none.

42 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

43 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

Statements and questions received are included under item 7.

44 POLICY LOAN OF £500K IN WILMINGTON FARM SOLAR ARRAY

Statement from Lead Call-in member – Councillor Liz Richardson *(a copy of the full text of this presentation is held on the minute book)*

Councillor Richardson explained that the call-in is not about objecting to a solar energy farm but only whether the loan is a wise and prudent use of tax payers money. She outlined the three main reasons for calling in the decision:

- Why was the due diligence not completed before the decision was made?
- Why were other options not considered for the use of this money?
- Why are there no figures on how many 'green jobs' will actually be created from this allocation from the fund?

She added that she felt that more information is required on this and urged the Panel to uphold the Call-in.

Questions from the Panel to the Lead Call-in Member

Councillor Nigel Roberts asked if the Lead Call-in member had put the questions to the relevant officers including the 151 officer. Councillor Richardson explained that she had but did not get the answer to all of her questions.

Statement from Cabinet Member for Community Resources – Councillor David Bellotti *(a copy of the full text of this presentation is held on the minute book)*

Councillor Bellotti stated that The Green Investment & Jobs Fund (£1m) was approved by Council in February 2014 and pointed to the Council's renewable energy targets and policies. He explained that this decision had been made subject to due diligence as is usual Council practice. He stated that he felt the loan represents a reasonable and prudent investment. Councillor Bellotti gave examples of other authorities lending at 5% which compared favourably with the loan to BWCE (Bath & West Community Energy) and also to the Government encouraging Local Authorities to borrow from the public loan works board to fund energy projects. He went on to report that the due diligence had now been completed and that PWC (Price WaterHouse Cooper) had judged the business case as reasonable and Arlinghouse had approved.

Questions from the Panel to the Cabinet Member

Councillor Francine Haeberling asked if it is right for the Council to invest money when a number of Councillors are investors in the project. Councillor Bellotti replied that it is a business decision. He further explained that he is not an investor in this company but had contributed to other bodies and would hope that this would not preclude him from supporting them in other ways.

Councillor Barrett asked who made the first approach regarding the loan and if the Council are committed to further investment. Councillor Bellotti explained that a co-operation agreement was signed in 2011 between the Council and BWCE and this

proposal had come up as a result of this agreement. He further explained that there was still £500k in the budget and no further commitments.

Councillor Tim Warren asked how many local jobs would be provided as a result of the project. Councillor Bellotti explained that the £1m approved by Council was for green investment as well as jobs. He explained that the local farm needs to diversify like other farms and this project would provide many more years of business securing all the jobs there currently. Also jobs in manufacturing would be provided. Councillor Warren asked how many agricultural jobs will be lost due to the land not being cultivated, he also stated that he did not think sheep could still graze the land among the panels. Councillor Bellotti explained that he had observed solar farms in Cornwall with sheep grazing.

Councillor Warren asked if any alternatives have been considered. Councillor Bellotti responded that a co-operation agreement exists with BWCE and he is unaware of anyone else who has formed a company such as this, they are unique in that profits are put back into the community.

Councillor Warren asked about the life of solar panels. Councillor Bellotti explained that they have a residual value and the Council would have first call upon them. On taking advice from the 151 officer, he further explained that if the company folds, the Council would step in and take over the project.

Councillor Warren stated that, as the due diligence report had been received on Thursday 25th September, this was outside the call-in period. Councillor Moss noted that there was an issue with the timetable for the call-in and the due diligence deadlines.

Councillor Myers asked if there were any other options to spend the green fund. Councillor Bellotti explained that there are very few choices for the Council to invest in energy, if individual households are invested in, the number of residents who would benefit from this would fall well below that of the project with BWCE. He explained that BWCE is the only community interest based company in Bath and North East Somerset and if any other such companies came up, he would look at it. He added that the £1m in the Capital Programme approved in this area cannot be used for revenue projects such as toilets.

Councillor Myers asked if the Council is making the loan because it wishes to or because the project could not go ahead without the loan. Councillor Bellotti explained that BWCE is a local Community Benefit Company with many local shareholders who are our residents. He stated that the Council was only putting forward 20% of the project costs.

Statement from the Council Leader – Councillor Paul Crossley

Councillor Crossley explained that the £1m budget for green investment fits in with a number of Council strategies and is also about community engagement. He explained that he has no shares in BWCE but thinks it is a good model. He explained how it had been exhilarating to see people at the share offer launches and explained that the Council and investors will get their money back. He further explained that BWCE is rated as the best energy company in the Country. He stated that he had no

problem answering questions on the decision but hoped that the Panel dismiss the call-in.

Questions from the Panel to the Leader

Councillor Warren stated that the decision papers are thin and there is not much information in them. Councillor Crossley stated that he did not agree and he felt they had all the information they needed to make the decision.

Councillor Haeberling stated that a number of elected members would gain due to this investment by the Council and she feels uncomfortable with this. Councillor Crossley stated that he took a counter view, he is delighted that some Councillors have invested, we all invest in the pension fund and this is the same model. He stated that he felt there is no conflict, there is a cooperation agreement, it is all above board and we should be celebrating. The Chairman Councillor Moss reminded all present that any Councillors with financial interests in BWCE have withdrawn from the Panel meeting today and arranged for substitute members to sit on the Panel. He confirmed that the Panel members considering this call-in have no investments in BWCE.

Councillor Barrett stated that if the project is due to start in December, where is the democracy. Councillor Crossley responded that democracy is all around this decision, the Council approved the budget, it is in line with Council policies on which there has been wide discussion. He stated that the loan is based on democratic decisions at all stages. The Chairman Councillor Moss added that the fact that the Panel is hearing the call-in shows that the democratic process is working.

Councillor Myers stated that it is his job as a scrutiny panel member to ask questions. He asked if the statement that BWCE is the best in the country is an opinion or an official status. Councillor Crossley explained that the company had won 'Best Performing Energy Company' at the Community Organisations Awards this year which is country wide.

Items from the Public and Councillors

William Hobhouse *(a copy of the full text of this presentation is appended to these minutes and held on the minute book)*

Mr Hobhouse made a statement in support of the loan and urged the Panel to dismiss the call in.

Nicolette Boater *(a copy of the full text of this presentation is appended to these minutes and held on the minute book)*

Ms Boater made a statement supporting the call-in process on this decision.

Pete Capener – Chair of Bath and West Community Energy *(a copy of the full text of this presentation is appended to these minutes and held on the minute book)*

Mr Capener made a statement providing some background on BWCE and supporting the approval of the loan.

Panel members asked the following questions:

Councillor Warren stated that he was not against BWCE, he asked how many permanent local jobs were involved. Mr Capener responded that he employs 3-4 full time equivalents, the project would safeguard these jobs and grow.

Councillor Warren asked what banks had been approached. Mr Capener explained he had been to a number of banks.

Councillor Warren asked how the community would benefit from the project. Mr Capener responded that the Council will receive good commercial return and a surplus which could go into Council revenue projects.

Councillor Warren asked what the £700k would be used for. Councillor Crossley responded that discussions had been started about how the fund will be allocated.

Councillor Barrett asked if Curo had been approached. Councillor Crossley explained the 'Energy at Home Programme'.

Philip Haile *(a copy of the full text of this presentation is appended to these minutes and held on the minute book)*

Mr Haile made a statement stating that he felt the scrutiny on the decision was not unreasonable but that he felt the decision should not be delayed.

Nick Francis *(a copy of the full text of this presentation is appended to these minutes and held on the minute book)*

Mr Francis made a statement about the decision of his church to disinvest in any companies involved in fossil fuel extraction and take up investments in renewable energy. He urged the panel to dismiss the call-in.

Councillor David Martin *(a copy of the full text of this presentation is appended to these minutes and held on the minute book)*

Councillor Martin made a statement supporting the loan and stating that he felt the call-in request had been satisfactorily answered. He urged to panel to dismiss the call-in so that the project can proceed in a timely manner.

Mr WR Cudlipp *(a copy of the full text of this presentation is appended to these minutes and held on the minute book)*

Mr Cudlipp asked some questions and the Chairman referred to the circulated answers.

The Chairman referred to another set of questions (from Helen Dudden) and answers circulated.

The Chair announced a 10 minute adjournment.

When the Panel reconvened, the Chairman asked Panel members if they had any further comments or questions before the closing statements.

Councillor Tim Warren stated that he had found the meeting to be very informative, although he had had some concerns with the process. He stated that he felt BWCE are a good company and he did not want to delay the project. He proposed that the call-in be dismissed and that a report be sent for information to the November (2014) Council meeting. Councillor Francine Haeberling seconded the proposal.

Closing statement – Cabinet Member for Community Resources

Councillor Bellotti explained that he has been happy to provide information at this meeting and is grateful to the Conservative group for not holding up the implementation of the decision. He referred again to the budget of £1m being agreed by Council and relevant Council policies. He noted other Council's lending at lower rates of interest and also the Government policy on green energy projects. He concluded that he had made the decision based on a business and finance point of view and was happy to provide more information. He stated that he is grateful that the call-in is likely to be dismissed.

Closing statement – Lead Call-in Councillor

Councillor Richardson thanked all present and welcomed the open and democratic discussion. She stated that it would have been useful to have had more information before today as there had been a lot of unanswered questions. She concluded that the majority of questions had been answered and was comfortable with the call-in being dismissed.

The Chair stated that each panel member would be given 3 minutes to make comments and indicate their decision:

Councillor Warren stated that his one concern is the due diligence period and the call-in timeline. He stated that he had not once wanted to stop the solar farm being built.

Councillor Nigel Roberts stated that he is in favour of dismissing the call-in. He thanked all who contributed.

Councillor Haeberling stated that she was grateful that this discussion had been had in public and now that all the information is available, there is cross party agreement. She added that she remained concerned that some Councillors will be benefitting from this decision.

Councillor Barrett stated that he felt the call-in had been essential and given the opportunity to debate and come to the right answer.

Councillor Myers stated that he felt some concerns over the process and stated that the call-in had been an education.

Councillor Appleyard stated that the call-in had been a useful exercise. He stated that Councillors can get information from officers and Cabinet Members outside of meetings. He added that the Council had a strong 'Declarations of Interest' regime and that it is up to individual Councillors to declare their interests.

The Chairman Councillor Moss stated that there had been interesting debate and a balance is needed between this process and the need to make timely decisions. He explained that a report to Council will mean information heard today will be disseminated. He agreed that Councillors can speak to officers outside of meetings but noted that members of the public cannot always do that. He stated that he would be concerned if Councillors could not invest for example in Credit Unions. He asked if the system is right in that the call-in process is not always in line with due diligence processes. He added that this green project is a good use of £500k.

Decision

On a recommendation from Councillor Tim Warren, seconded by Councillor Francine Haeberling, it was agreed to:

- 1. Dismiss the call-in (the decision shall then take effect immediately); and**
- 2. Report to Council (November 2014) on the Panel's deliberations and decision (Information Only report).**

The meeting ended at 12.15 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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