

Council – Supplementary agenda No.1

A meeting of the Council will be held on:

Date: 23 February 2023

Time: 7.00pm

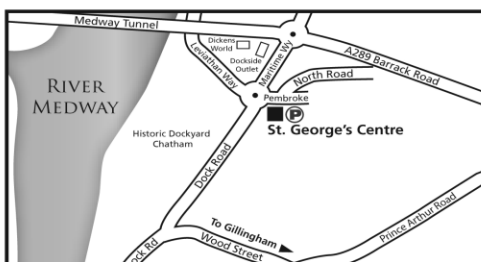
Venue: St George's Centre, Pembroke Road, Chatham Maritime, Chatham
ME4 4UH

Items

- 8 Council Tax Reduction Scheme 2023 - 2024** (Pages 3 - 98)
Please find enclosed Appendices 1 and 2 to the report.
- 12 Parish Community Governance Review** (Pages 99 - 158)
Please find enclosed Appendix 1 to the report.
- 14 Contract Procedure Rules** (Pages 159 - 236)
Please find enclosed Appendices 1 and 2 to the report.

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Date: 15 February 2023



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

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1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1st April 2023.

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

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

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (England) (Amendment) Regulations 2017;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023; and
- Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;

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

The three prescribed classes are as follows;

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

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

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (c) who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (d) whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- (e) not have capital savings above £16,000; and
- (f) who has made an application for a reduction under the authority's scheme.

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- (d) is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:

- (a) a war disablement pension;
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of His 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.

1.6 The authority further enhances Central Government's scheme for pensioners in so far as, further to schedule 7 part 1 of the prescribed requirements, the authority determines to accept a new claim for Pension Credit as a claim for Council Tax Reduction where it receives a 'Local Authority Claim Information' document from the DWP

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

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

1.7 The adopted scheme for working age applicants is an income band scheme means test, which compares income against a range of discounts available. Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;

- (a) has not attained the qualifying age for state pension credit; or
- (b) has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related

employment and support allowance or on universal credit.

- 1.8 The Council has resolved that there will be **two** classes of persons who will receive a reduction in line with adopted scheme. The scheme has qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- (a) have not attained the qualifying age for state pension credit; or
- (b) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- (c) be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- (d) is not deemed to be absent from the dwelling;
- (e) not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (f) be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (g) not have capital savings above £16,000;
- (h) not have income above the levels specified within the scheme;
- (i) be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income* is within a range of incomes specified within Schedule 1; and
- (j) has made a valid application for reduction.

Class E

Those working age applicants who (or where their partner) is in receipt of a war pension or war disablement pension shall be entitled to make a claim for reduction and will be assessed under Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended.

Council Tax Reduction Scheme

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

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

2.1 In this policy–

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

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

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

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

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

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

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

‘attendance allowance’ means–

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

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

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

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

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

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

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

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

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

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

‘the Caxton Foundation’ means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

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

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

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

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

‘claim’ means a claim for council tax reduction;

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

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

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

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

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

‘couple’ means;

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

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.

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

‘designated authority’ means any of the following;

the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

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

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

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

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

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

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

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

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

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

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

‘family’ has the meaning assigned to it by section 137(1) of the Act and Section 8 of this scheme;

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

‘a guaranteed income payment’ means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b);

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

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

Regulations’ means the Housing Benefit Regulations 2006;

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

‘an income-based jobseeker’s allowance’ and **‘a joint-claim jobseeker’s allowance’** have the same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;

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

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

‘independent hospital’–

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent health care service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

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

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

‘Jobseekers Act’ means the Jobseekers Act 1995; **‘Jobseeker’s Allowance Regulations’** means the Jobseeker’s Allowance Regulations 1996 and Jobseeker’s Allowance Regulations 2013 as appropriate; **‘limited capability for work’** has the meaning given in section 1(4) of the Welfare Reform Act;

‘limited capability for work-related activity’ has the meaning given in section 2(5) of the Welfare Reform Act 2007;

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

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

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

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

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

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

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

‘member of a couple’ means a member of a married or unmarried couple;

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

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

the NHS with blood or blood products;

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

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

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

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

'non-dependant' means any person, who normally resides with an applicant or with whom an applicant normally resides except;

(a) any member of the applicant's family;

(b) if the applicant is polygamously married—

(i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—

(aa) party to such a marriage other than the applicant's partner; and

(bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or

(ii) in any other case, 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 paragraph 8 (households);

(d) any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);

(e) 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; and

(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.

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

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

'partner' means—

(a) where an applicant is a member of a couple, the other member of that couple; or

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

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

'payment' includes part of a payment;

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

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

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

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

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

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

'personal pension scheme' means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as

amended by the Public Service Pension Act 2013;

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

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

'policy of life insurance' means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

'polygamous marriage' means a marriage to which section 133(1) of the Act refers namely;

(a) a person is a husband or wife by virtue of a marriage entered into under law which permits polygamy; and

(b) either party to the marriage has for the time being any spouse additional to the other party.

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

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

(a) in the case of a woman, pensionable age; or

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

'qualifying contributory benefit' means;

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

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

'qualifying income-related benefit' means

(a) income support;

(b) income-based jobseeker's allowance;

(c) income-related employment and support allowance;

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

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

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

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

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

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

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

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

(a) an employment zone programme;

(b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);

(c) the Employment, Skills and Enterprise Scheme;

(d) a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

(e) Back to Work scheme.

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

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

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

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

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

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

‘student’ has the meaning prescribed in section 43;

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

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

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

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

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

(b) to a person for his maintenance or in respect of a member of his family; and

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

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

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

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

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

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

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

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

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

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

‘water charges’ means;

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

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under

a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;
'week' means a period of seven days beginning with a Monday;
'Welfare Reform Act' means the Welfare Reform Act 2007;
'Working Tax Credit Regulations' means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended.

2.2 In this policy, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.

2.3 For the purpose of this policy, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;

(c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;

(d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

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

(a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or

(b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

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

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

3.0 Requirement to provide a National Insurance Number

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

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

(a) the claim for reduction is accompanied by;

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

3.3 Paragraph 3.2 shall not apply–

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

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

4.1 This scheme applies to a person if:

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

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

Persons treated as not being in Great Britain

5.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority’s scheme.

5.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland.

5.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland unless the person has a right to reside in one of those places.

5.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—

- (a) regulation 13 of the EEA Regulations;
- (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case

where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

- 5.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- 5.4B Paragraph (5A)(b) does not apply to a person who—
- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)
- 5.5 A person falls within this paragraph if the person is—
- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
 - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
 - (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
 - (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a);
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
 - (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
 - (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th

July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion, or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).

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

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

5.8 In this regulation—
“**claim for asylum**” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
“**Crown servant**” means a person holding an office or employment under the Crown;
“**EEA Regulations**” means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
“**EEA national**” has the meaning given in regulation 2(1) of the EEA Regulations;
“**family member**” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
“**relevant person of Northern Ireland**” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and
“**His Majesty's forces**” has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

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

5.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 5.9

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

6.0 Transitional provision

6.1 The above does not apply to a person who, on 31st March 2015—

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A (2) of the Act; and
- (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 6.2 occurs.

6.2 The events are—

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

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

7.0 Temporary Absence (period of absence)

7.1 A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

7.2 In sub-paragraph (1), 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 in Great Britain where and for so long as—
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- (b) subject to sub-paragraph (2B), a period of absence within Great Britain 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;
- (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that 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 sub-paragraph (3) applies; and
 - (iv) subject to sub-paragraph (2D), a period of absence within Great Britain is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and;
- (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain 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 resides is not let or sub-let; and (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks;

7.2A The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

7.2B Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
 - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
 - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
- then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

7.2C The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

7.2D Where —

1. a person returns to Great Britain after a period of absence from Great Britain (period A);
2. that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
3. at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

7.2E This sub-paragraph applies where—

1. a person is temporarily absent from Great Britain;
2. immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

7.2F If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

1. the person's partner or a child or young person for whom the person or the person's partner is responsible;
2. the person's close relative;
3. the close relative of the person's partner; or
4. the close relative of a child or young person for whom the person or the person's partner is responsible,
then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).";

7.3 This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is 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 or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom subparagraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

7.3A This sub-paragraph applies to a person ("P") who is—

- (a) detained in custody on remand pending trial;

(b) detained pending sentence upon conviction; or
(c) as a condition of bail required to reside—
 (i) in a dwelling, other than a dwelling P occupies as P's home; or
 (ii) in premises approved under section 13 of the Offender Management Act 2007(a),
and who is not also detained in custody following sentence upon conviction.

7.3B This sub-paragraph applies where—
(a) a person is temporarily absent from Great Britain;
(b) the person is a member of His Majesty's forces posted overseas, a mariner or a continental shelf worker;
(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

7.3C Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
(a) the person intends to return to the dwelling;
(b) the part of the dwelling in which he usually resided is not let or sub-let;
(c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

7.3D This sub-paragraph applies where—
(a) a person is temporarily absent from Great Britain;
(b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);
(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

7.3E Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
(a) the person intends to return to the dwelling;
(b) the part of the dwelling in which he usually resided is not let or sub-let;
(c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

7.3F This sub-paragraph applies where—
(a) a person is temporarily absent from Great Britain;
(b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of subparagraph (3);
(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

7.3G Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
(a) the person intends to return to the dwelling;
(b) the part of the dwelling in which he usually resided is not let or sub-let;
(c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

7.4 This sub-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; 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.

- 7.5 Where sub-paragraph (4) 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 sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
 - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- 7.6 In this paragraph—
- ““continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998(a);
- “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- “mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
 - (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;
- “medically approved” means certified by a medical practitioner;
- member of His Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(c)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of His Majesty’s regular forces or reserve forces;”; and
- “patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;
- “prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;
- “residential accommodation” means accommodation which is provided in—
- (a) a care home;
 - (b) an independent hospital;
 - (c) an Abbeyfield Home; or
 - (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- “training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department, or the Secretary of State.

Transitional provision

- 7.7 Subject to paragraph (8), the provision shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2017 until the day that person returns to Great Britain.
- 7.8 Paragraph (7) does not apply to a person who, on 1st April 2017, is temporarily absent from Great Britain and is—
- (a) a member of His Majesty’s forces posted overseas;
 - (b) absent in the capacity of a continental shelf worker; or
 - (c) absent in the capacity of a mariner.
- 7.9 In this section—
- “continental shelf worker”** means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;
- “designated area”** means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- “mariner”** means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
 - (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;
- “member of His Majesty’s forces posted overseas”** means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of His Majesty’s regular forces or reserve forces; and
- “prescribed area”** means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

8.0 Membership of a family

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

For the purposes of the scheme a child is further defined as a ‘child or young person’

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

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

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

- 8.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

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

- 9.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him, and this includes a child or young person.

- 9.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.

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

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

- 10.1 Subject to paragraphs 10.2 and 10.3, the applicant and any partner and, where the applicant or his partner is treated as responsible for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

- 10.2 A child or young person shall not be treated as a member of the applicant's household where he is;
- (a) placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or

- (b) placed with the applicant or his partner prior to adoption; or
- (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002.

10.3 Subject to paragraph (4), paragraph (1) shall not apply to a child or young person who is not living with the applicant and he–

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

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

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

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

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

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

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

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

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

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

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

12.2 In determining the income of an applicant

- (a) who has, or

(b) who (jointly with his partner) has,
an award of universal credit the authority may use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit. The authority may use any other assessment based on the information provided by the Secretary of State.

- 12.3 The authority may adjust the amount referred to in sub-paragraph (2) to take account of
- (a) income consisting of the award of universal credit;
 - (b) any sum to be disregarded in the calculation of earnings;
 - (c) any sum to be disregarded in the calculation of income other than earnings; and
 - (d) any sum determined by the authority as the proportion of housing costs award;

12.4 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

- 12.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

13.0 Calculation of income on a weekly basis

13.1 For the purposes of this scheme the income of an applicant shall be calculated on a weekly basis by estimating the amount which is likely to be his average weekly income.

14.0 Average weekly earnings of employed earners

14.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by the authority by reference to his actual earnings over a period determined by the authority as reasonable. This period will not exceed 52 weeks.

14.2 Where the applicant is recently employed and cannot furnish the appropriate evidence, the authority may require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

14.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately.

15.0 Average weekly earnings of self-employed earners

15.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately. This period shall not exceed 52 weeks.

15A.0 Minimum Income Floor

15A.1 Where no start up period (as defined within 15A.2) applies to the applicant or partner, the income used by the Council in the calculation of their award will be the gross amount declared by the applicant or a substituted amount whichever is the higher. This substituted amount shall not be less than 35 hours multiplied by the national living wage (or national minimum wage as

appropriate) From that, the Council will deduct only an estimate for tax, national insurance, and a pension contribution (where a pension contribution is being made).

15A.2 The Council shall determine an appropriate start up period for the employment activity being conducted by the applicant or partner. This will normally be one year from the date of commencement of the employment activity. During this period, no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.

15A.3 Where an applicant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the substituted amount where appropriate.

15A.4 No start-up period may be applied in relation to an applicant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Reduction.

15A.5 In order to establish whether to award a startup period, the applicant must satisfy the Council that the employment is

- Genuine and effective. The Council must be satisfied that the employment activity is being conducted; and
- Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.

15A.6 For the purposes of determining whether an applicant is in gainful self-employment or meets the conditions for a start-up-period, the Council will require the applicant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self-employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a start-up period are met.

15A.7 Where the applicant satisfies the authority that, based on his or her circumstances, there are good reasons that a Minimum Income Floor should not apply, the authority may, at its discretion, determine that no Minimum Income Floor applies to that particular award of Council Tax Reduction.

16.0 Average weekly income other than earnings

16.1 An applicant's income which does not consist of earnings shall be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately. Such period shall not exceed 52 weeks.

17.0 Calculation of average weekly income from tax credits

17.1 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph (2)

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

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

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

18.0 Calculation of weekly income

- 18.1 For the purposes of this scheme where the period in respect of which a payment is made;
- (a) does not exceed a week, the weekly amount shall be the amount of that payment;
 - (b) exceeds a week, the weekly amount shall be determined–
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.
- 18.2 The weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

19.0 Earnings of employed earners

- 19.1 Earnings means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes–
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
 - (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively, and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of–
 - (g) (i) travelling expenses incurred by the applicant between his home and his place of employment;
(ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
 - (h) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
 - (i) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
 - (j) any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
 - (k) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
 - (l) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
 - (m) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended.
- 19.2 Earnings shall not include–
- (a) any payment in kind;
 - (b) any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of employment;
 - (c) any occupational pension

20.0 Calculation of net earnings of employed earners

- 20.1 For the purposes of this scheme, the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall be his net earnings.
- 20.2 There shall be disregarded from an applicant's (or their partner's) net earnings, £25 per week. This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.
- 20.3 Net earnings shall be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;
- (a) any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 National Insurance contributions
 - (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - (c) one-half of the amount calculated in accordance with paragraph 20.5 in respect of any qualifying contribution payable by the applicant; and
- 20.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 20.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 20.6 Where the earnings of an applicant are estimated an appropriate estimate of net earnings shall be determined in line with paragraph (3) above.

21.0 Earnings of self-employed earners

- 21.1 'Earnings', in the case of employment as a self-employed earner, means the gross income of the employment
- 21.2 'Earnings' shall not include any payment in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority, or voluntary organisation in respect of persons temporarily in the applicant's care nor shall it include any sports award.
- 21.3 This paragraph applies to—
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent, or trademark; or
 - (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book of work concerned.

22.0 Calculation of net profit of self-employed earners

- 22.1 For the purposes of this scheme the earnings of an applicant to be taken into account shall be
- (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - (b) in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of national insurance contributions payable under this scheme; and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.2 There shall be disregarded from an applicant's (or their partner's) net earnings, £25 per week per claim.
- 22.3 The net profit of the employment must be calculated by taking into account the earnings for the employment over the assessment period less
- (a) any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of;
 - i. income tax, and
 - ii. national insurance contributions payable calculated in accordance with section 22; and
 - iii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.4 For the purposes of paragraph (1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 22.5 No deduction shall be made under paragraph (3 a) or (4), in respect of—
- (a) any capital expenditure;
 - (b) the depreciation of any capital asset;
 - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
 - (d) any loss incurred before the beginning of the assessment period;
 - (e) the repayment of capital on any loan taken out for the purposes of the employment;
 - (f) any expenses incurred in providing business entertainment, and
 - (g) any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 22.6 A deduction shall be made under paragraph (3 a) or (4) in respect of the repayment of capital on any loan used for—
- (a) the replacement in the course of business of equipment or machinery; and
 - (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 22.7 The authority shall refuse to make deduction in respect of any expenses where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 22.8 For the avoidance of doubt—
- (a) deduction shall not be made in respect of any sum unless it has been expended for the purposes of the business;
 - (b) a deduction shall be made thereunder in respect of—
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;

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

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

- (a) income tax; and
- (b) national insurance contributions calculated by the authority in line with 23.2;
- (c) one-half of the amount any qualifying pension contribution in accordance with paragraph 22.11.

22.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner, and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

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

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

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

23.0 Deduction of tax and contributions of self-employed earners

23.1 The amount to be deducted in respect of income tax under section 22 shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

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

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

23.3 In this section 'chargeable income' means—

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

24.0 Calculation of income other than earnings

- 24.1 For the purposes of this scheme, the income of an applicant which does not consist of earnings to be taken into account shall be his gross income and any capital treated as income under section 25.
- 24.2 There shall be disregarded from the calculation of an applicant's gross income any sum, where applicable, specified in Schedule 2.
- 24.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account shall be the gross amount payable.
- 24.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 24.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 24.6 'Tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 24.7 Paragraphs (7),(8), (9) and (10) apply to any applicant who is a student. Paragraph (8) and (9) apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 24.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (7) applies, shall be calculated by applying the formula–
$$\frac{A - (B \times C)}{D}$$
Where
A = the total amount of the relevant payment which that person would have received had he remained a student until he last day of the academic term in which he abandoned, or was dismissed from, his course;
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
D = the number of reduction weeks in the assessment period.
- 24.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (8) applies, shall be calculated by applying the formula in paragraph (8) but as if–
A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course or was dismissed from it.

24.10 In this section– ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of this scheme, ‘assessment period’ means–

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

whichever of those date is earlier

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

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

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants.

25.0 Capital treated as income and Notional Income

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

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

25.3 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income

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

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

25.7 Except in the case of–

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;
- (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- (d) rehabilitation allowance made under section 2 of the 1973 Act;
- (e) child tax credit; or
- (f) working tax credit,

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

25.8 Any payment of income made–

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

25.9 This section shall not apply in respect of a payment of income made—

- (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006);
- (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- (c) pursuant to section 2 of the 1973 Act in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (d) in respect of a previous participation in the Mandatory Work Activity Scheme;
- (e) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration, or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

25.10 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from 1st April in that year.

25.11 Where—

- (a) applicant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

25.12 Paragraph (11) shall not apply–

- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- (b) in a case where the service is performed in connection with–
 - (i) the applicant’s participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations, other than where the service is performed in connection with the applicant’s participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant’s or the applicant’s partner’s participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

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

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

25.15 Where an applicant is treated as possessing any earnings under this section his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

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

26.0 Capital limit

26.1 For the purposes of this scheme, the prescribed amount is £16,000 and no reduction shall be granted when the applicant has an amount greater than this level.

27.0 Calculation of capital

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

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

28.0 Disregard of capital of child and young person

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

29.0 Income treated as capital

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

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

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

29.4 Any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

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

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

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

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

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

30.0 Calculation of capital in the United Kingdom

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

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

31.0 Calculation of capital outside the United Kingdom

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

(a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.

(b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

32.0 Notional capital

32.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that

reduction except to the extent that that capital is reduced in accordance with section 33.

32.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 3; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to Schedule 3 refers; or
- (f) child tax credit; or
- (g) working tax credit,

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

32.3 Any payment of capital, other than a payment of capital specified in paragraph (4), made

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

32.4 Paragraph 32.3 shall not apply in respect of a payment of capital made:

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the 1973 Act in respect of a person's participation:
 - i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (c) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (d) Enterprise Scheme;
- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - vi. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - vii. the payment is made to the trustee in bankruptcy or any other person acting on behalf

of the creditors; and

viii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

32.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case

(a) the value of his holding in that company shall be disregarded; and

(b) he shall be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

32.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph (5) shall be disregarded.

32.7 Where an applicant is treated as possessing capital under any of paragraphs (1) and (2) the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

33.0 Diminishing notional capital rule

33.1 Where an applicant is treated as possessing notional capital the amount which he is treated as possessing shall be reduced by the amount calculated by the authority as the weekly amount of council tax reduction lost due to the inclusion of the notional capital within the calculation.

33.2 The authority will reduce any notional capital at a frequency of 13 weeks.

34.0 Capital jointly held

34.1 Where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

34A.0 Calculation of tariff income from capital

34A.1 Where the claimant'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 £16,000

34A.2 Notwithstanding paragraph 34A.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.

34A.3 For the purposes of paragraph 34A.1, capital includes any income treated as capital under section 29 (income treated as capital).

35.0 Students - Student related definitions

35.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

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

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

‘contribution’ means;

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

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

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

‘education authority’ means a government department, a local education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973 an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, Isle of Man or any other country outside Great Britain;

‘full-time course of study’ means a full-time course of study which;

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or

- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

‘full-time student’ means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

‘grant’ means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary;

‘grant income’ means

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

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

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

‘period of study’ means—

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

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

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

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

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

‘standard maintenance grant’ means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (‘the 2003 Regulations’) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent’s home,

the amount specified in paragraph 3 thereof;

(c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;

(d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

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

(a) a course of study at an educational establishment; or

(b) a qualifying course;

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

35.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

(a) in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;

(i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or

(ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;

(b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

35.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

(a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

(b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

36.0 Students who are excluded from entitlement to council tax reduction

36.1 Students except those define in paragraph (3) are not able to claim Council tax reduction under Classes D of the authority's reduction scheme.

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

36.3 Paragraph 36.2 shall not apply to a student

(a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;

(b) who is a lone parent;

(c) who is in receipt of a Personal Independence Payment;

- (d) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (e) (who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989,
- (f) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (g) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

- 36.4 For the purposes of paragraph (3(f)(i)) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19
- 36.5 The reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- 36.6 An intercalating student may be eligible for a reduction if the following circumstances are met:
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (7).
- 36.7 The period specified for the purposes of paragraph (6) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

37.0 Students - Calculation of grant income

- 37.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs

(2) and (3), be the whole of his grant income.

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

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the childcare costs of a child dependant.
- (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

37.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

The above amounts shall be adjusted annually in line with the Housing Benefit Regulations 2006.

37.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

37.5 Subject to paragraphs (6) and (7), a student's grant income shall be apportioned;

- (a) subject to paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

37.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

37.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

37.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last

day of which coincides with, or immediately precedes, the last day of the period of study.

38.0 Students- Calculation of covenant income where a contribution is assessed

38.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph (3), the amount of the contribution.

38.2 The weekly amount of the student's covenant shall be determined—

- (a) by dividing the amount of income which falls to be taken into account under paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

39.0 Students - Covenant income where no grant income or no contribution is assessed

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

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

39.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph (1).

40.0 Students - Covenant Income and Grant income – non-disregard

40.1 No part of a student's covenant income or grant income shall be disregarded under this scheme

41.0 Treatment of student loans

41.1 A student loan shall be treated as income.

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

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately

precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

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

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

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

41.4 Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5).

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

41.5 There shall be deducted from the amount of income taken into account under paragraph (4)

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

The above amounts shall be adjusted annually in line with the Housing Benefit Regulations 2006.

42.0 Students - Treatment of fee loans

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

43.0 Students - Treatment of payments from access funds

43.1 A payment from access funds, other than a payment to which paragraph 43.2 applies, shall be disregarded as income.

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

43.3 Where a payment from access funds is made—

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

44.0 Students - Disregard of contribution

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

45.0 Further disregard of student's income

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

46.0 Students - Income treated as capital

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

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

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

47.0 Students - Disregard of changes occurring during summer vacation

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

48.0 Maximum Council Tax Reduction

48.1 Subject to paragraphs (2) to (4), the amount of a person's maximum Council Tax Reduction in respect of a day for which he is liable to pay council tax, shall be 65 per cent, of the amount A divided by B where;

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

less any deductions in respect of non-dependants which fall to be made under paragraph 48A.0 (Non-dependant deductions).

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

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

48.3 Subject to paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student who is excluded from entitlement to Council Tax Reduction applies, in determining the maximum Council Tax Reduction in his case in accordance with paragraph (1), the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

48.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (3) shall not apply in his case.

48A.0 Non-dependant deductions

48A.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 48 (maximum council tax reduction) shall be;

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £10 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £5 x 1/7.

Where no evidence is provided by the applicant as to whether the non-dependant is in remunerative work, the higher deduction shall be made.

48A.2 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

48A.3 In applying the provisions of paragraph 48A.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.

48A.4 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.

48A.5 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; or
- b. receiving in respect of himself:
 - attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
- c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

48A.6 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 35.0; 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;
- e. 'patient' has the meaning given within this scheme, and
- f. 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;
- g. he is not residing with the claimant because he is a member of the armed forces away on operations

49.0 Date on which entitlement is to begin

49.1 Subject to paragraph (2), any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that reduction shall be so entitled from the date on which that claim is made or is treated as made.

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

50.0 Date on which change of circumstances is to take effect

50.1 A change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from date on which the change actually occurs.

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

50.3 Where the change of circumstances is that income, or an increase in the amount of income, is

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

51.0 Making an application

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

reduction or its amount.

52.0 Procedure by which a person may apply for a reduction under the authority's scheme¹

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

52.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (d) a notification of a new claim for Universal Credit from DWP, may be treated by the authority as a claim for reduction.

52.3 An application which is made in writing must be made to the designated office on a properly completed form. The form must be provided free of charge by the authority for the purpose.

52.4 Where an application made in writing is defective because—

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

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

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

52.6 If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

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

52.8 If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

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

52.10 Where an applicant ('C') makes a claim which includes (or which C subsequently requests should include) a period before the claim is made, the authority may, at its discretion, treat the claim as made on a date up to one year before the date on which the request is received by the authority.

¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

53.0 Date on which an application is made²

53.1 Subject to sub-paragraph (7), the date on which an application is made is;

(a) in a case where;

(i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and

(ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where

(i) an applicant or his partner is a person in receipt of a guarantee credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and

(iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where;

(i) an award of income support, an income-based jobseeker's allowance, or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and

(ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where;

(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and

(iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

(i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and

(ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,

the date of the death or separation;

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

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

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

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

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

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

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

53.8 In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

54.0 Submission of evidence electronically

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

55.0 Use of telephone provided evidence

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

56.0 Information and evidence³

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

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

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

56.3 Sub-paragraph (2) does not apply;

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

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

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

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

³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

- 56.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund; and
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
- 56.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

57.0 Amendment and withdrawal of application⁴

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

58.0 Duty to notify changes of circumstances⁵

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

⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 58.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing; or
 - (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- 58.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 58.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 58.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 58.6 The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within alternative maximum council tax reduction, giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.
- 58.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances

59.0 Decisions by the authority⁶

- 59.1 The authority must make a decision on an application under its scheme within 14 days or as soon as reasonably practicable thereafter.

60.0 Notification of decision⁷

- 60.1 The authority must notify in writing any person affected by a decision made by it under its

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

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

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.

60.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;
(a) informing the person affected of the duty imposed by paragraph 9(1);
(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

60.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

60.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

60.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

60.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

60.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

60.8 This sub-paragraph applies to—
(a) the applicant;
(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
(i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
(ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
(iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,
(c) a person appointed by the authority to act for a person unable to act.

61.0 Time and manner of granting council tax reduction⁸

61.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;
(a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or

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

- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

61.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

61.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

61.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

62.0 Persons to whom reduction is to be paid⁹

62.1 Subject to paragraph (2), any payment of the amount of a reduction must be made to that person.

62.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

63.0 Shortfall in reduction¹⁰

63.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any

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

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

shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonably practicable, as soon as possible afterwards.

64.0 Payment on the death of the person entitled¹¹

64.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

65.0 Offsetting

65.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

66.0 Payment where there is joint and several liability¹²

66.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,

it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

66.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

66.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment this scheme or is treated as having been so appointed, the amount of the reduction may be paid to that person.

67.0 Use of information from and to the Department of Work and Pensions (DWP) and His Majesty's Revenues and Customs (HMRC)

67.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration, and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

67.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements¹³.

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

¹² Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

¹³ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

68.0 Collection of information

68.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from—

- (a) persons making claims for council tax reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

68.2 The authority may verify relevant information supplied to or obtained.

69.0 Recording and holding information

69.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

70.0 Forwarding of information

70.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

71.0 Persons affected by Decisions

71.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- (a) an applicant;
- (b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor, or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or reduction appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise;
- (c) a person appointed by the authority under this scheme;

72.0 Terminations

72.1 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
- (b) a decision as to an award of such a reduction should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax. Where the amount of current reduction reduces to zero, the award will end.

73.0 Procedure by which a person may make an appeal against certain decisions of the authority¹⁴

73.1 A person who is aggrieved by a decision of the authority, which affects;
(a) the person's entitlement to a reduction under its scheme, or
(b) the amount of any reduction to which that person is entitled,
may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

73.2 The authority must
(a) consider the matter to which the notice relates;
(b) notify the aggrieved person in writing;
(i) that the ground is not well founded, giving reasons for that belief; or
(ii) that steps have been taken to deal with the grievance, stating the steps taken.

73.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act¹⁵.

74.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act¹⁶

74.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;
(a) in writing,
(b) by means of an electronic communication in accordance this scheme or
(c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

74.2 Where;
(a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
(b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

75.0 Exceptional Hardship Scheme

75.1 The authority may provide additional help to an applicant who is entitled to reduction under its Exceptional Hardship Scheme.

75.2 Such payments shall be deemed to be made under S13A (1)(a) of the 1992 Act.

76.0 Interpretation for the use of electronic communication

76.1 In this Part;
"information" includes an application, a certificate, notice or other evidence; and
"official computer system" means a computer system maintained by or on behalf of an authority for sending, receiving, processing, or storing of any information.

77.0 Conditions for the use of electronic communication

¹⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁵ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

¹⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

77.1	The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
77.2	A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
77.3	The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
77.4	The second condition is that the person uses an approved method of; <ul style="list-style-type: none"> (a) authenticating the identity of the sender of the communication; (b) electronic communication; (c) authenticating any application or notice delivered by means of an electronic communication; and (d) subject to sub-paragraph (7), submitting to the authority any information.
77.5	The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
77.6	The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
77.7	Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
77.8	In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.
78.0	Use of intermediaries
78.1	The authority may use intermediaries in connection with; <ul style="list-style-type: none"> (a) the delivery of any information by means of an electronic communication; and (b) the authentication or security of anything transmitted by such means, and may require other persons to use intermediaries in connection with those matters.
79.0	Effect of delivering information by means of electronic communication
79.1	Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed; <ul style="list-style-type: none"> (a) by this section; and (b) by or under an enactment, are satisfied.
79.2	The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
79.3	Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.
80.0	Proof of identity of sender or recipient of information
80.1	If it is necessary to prove, for the purpose of any legal proceedings, the identity of— <ul style="list-style-type: none"> (a) the sender of any information delivered by means of an electronic communication to an

official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system, the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

81.0 Proof of delivery of information

- 81.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority if the delivery of that information has been recorded on an official computer system.
- 81.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case if that information delivered to the relevant authority has not been recorded on an official computer system.
- 81.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

82.0 Proof of content of information

- 82.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

83.0 Counter Fraud and compliance

- 83.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;
- (a) Prevent and detect fraudulent claims and actions in respect of Council tax reduction;
 - (b) Carry out investigations fairly, professionally and in accordance with the law; and
 - (c) Ensure that sanctions are applied in appropriate cases
- 83.2 The authority believes that it is important to minimise the opportunity for fraud and;
- (a) will implement rigorous procedures for the verification of claims for council tax reduction;
 - (b) will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
 - (c) will actively tackle fraud where it occurs in accordance with this scheme;
 - (d) will co-operate with the Department for Work and Pensions (DWP), His Majesty's Revenues and Customs and take part in joint working including prosecutions; and
 - (e) will in all cases seek to recover all outstanding council tax.
- 83.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph (1) and (2) can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme.

1. The authority's Council Tax Reduction scheme from 2023/24 shall be calculated on the basis of the following Banded Discount Scheme:

Band	Discount	Single Person with no children/young persons	Couple with no children/young persons	Couple or Single Person with one child/young person	Couple or Single Person with two or more children/young persons
1*	65%	£0 to £105.99	£0 to £143.99	£0 to £200.99	£0 to £266.99
2	55%	£106 to £155.99	£144 to £193.99	£201 to £255.99	£267 to £321.99
3	45%	£156 to 205.99	£194 to £243.99	£256 to £310.99	£322 to £377.99
4	35%	£206 to £255.99	£244 to £293.99	£311 to £366.99	£378 to £432.99
5	20%	£256 to £299.99	£294 to £343.99	£367 to £421.99	£433 to £499.99
6	0%	£300+	£344+	£422+	£500+

2. The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
 - The Council Tax family as defined within this scheme;
 - The income of the applicant and partner as defined within this scheme; and
 - The capital of the applicant and partner as defined within this scheme.
3. For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
4. Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity, it should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
5. Any applicant whose capital is greater than £16,000 shall not be entitled to any Council Tax Reduction whatsoever.
6. The authority **may** increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation measured by the Consumer Price Index (CPI) at 1st October preceding the effective financial year, rounded to the nearest pound.
7. *Where an applicant or partner is in receipt of Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be awarded at Band 1 level.

Schedule 2

Sums to be disregarded in the calculation of income other than earnings

1. Any amount paid by way of tax on income,
2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
4. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
5. Any payment in respect of expenses arising out of the applicant’s participation in a service user group.
6. 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.
7. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance the whole of his income.
8. 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.
9. 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.
10. Any attendance allowance, disability living allowance, personal independence payment or AFIP
11. Any concessionary payment made to compensate for the non-payment of;
 - (a) income support;
 - (b) an income-based jobseeker’s allowance.
 - (c) an income-related employment and support allowance.
12. 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.
13. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
14. (1) Any payment–
 - (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and

paid under section 12(2)(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).

15. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

- 16 (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(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.

- 17 (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.
18. 100% of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of His 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.
19. £15 of any;
- (a) widowed mother's allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
20. (1) Any income derived from capital to which the applicant is or is treated as beneficially entitled.
21. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student's student loan,
- an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.
22. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship, or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution defined within this scheme.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to–
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance, or payment

referred to in sub-paragraph (1)(b),
whichever is less.

23. Any payment made to the applicant by a child or young person or a non- dependant.
24. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
25. (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, ‘board and lodging accommodation’ means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
26. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to ‘income in kind’ does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
27. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
28. (1) Any payment made to the applicant in respect of a person who is a member of his family–
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
 - (a) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);

- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
29. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under–
- (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
- (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
- (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
30. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by–
- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(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
31. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
32. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(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.
33. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to–
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and

- (b) meet any amount due by way of premiums on–
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home, and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

- 34. Any payment of income which is to be treated as capital.
- 35. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund), or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 36. Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 37. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 38. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006).
(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of–
 - (a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death;
 - (b) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
 - (c) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family.
(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;
 - (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
 - (c) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family.
(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
 - (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person’s family; and
 - (b) the payment is made either;
 - (i) to that person’s parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

39. Any Housing Benefit or where the applicant is entitled to an award of Universal Credit which includes a housing element, any sum determined by the authority as the proportion of housing costs award.
40. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
42. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
43. (1) Any payment or repayment made—
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
(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).
44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
45. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

46. (1) Where an applicant's family includes at least one child or young person, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
- (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
- (3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
47. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
- (2) In paragraph (1)
- 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (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.
48. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
49. Any guardian's allowance.
50. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
51. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
52. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 53 (1) Any payment which is
- (a) made under any of the Dispensing Instruments to a widow, widower or
- (b) surviving civil partner of a person;
- (i) whose death was attributable to service in a capacity analogous to service as a

member of the armed forces of the Crown; and
(ii) whose service in such capacity terminated before 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).

54. Any council tax reduction or council tax benefit to which the applicant is entitled.
55. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
56. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.
(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
57. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
58. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
59. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
60. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
61. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
62. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
63. Any payment of child benefit.
64. Any Windrush compensation payment.

65. Any payment made under the We Love Manchester Emergency Fund.
66. Any payment made under the London Emergency Trust.
67. Carers Allowance.
68. The support component of Employment and Support Allowance.
69. Where, but for the adoption of this scheme, the applicant, any partner, or child (including young person) would meet the criteria for their award to include a disability premium, enhanced disability premium, severe disability premium or disabled children premium under the Council Tax Reduction Scheme (Default Scheme) 2013 regulations, a disregard of £40 shall be made from their weekly income. Only one disregard shall apply per award.
70. Any Local Welfare Payment paid to the applicant by the authority;
71. Any payment of Council Tax Rebate paid under the Government announcement on 3rd February 2022.
72. **Provision for all applicants: Homes for Ukraine scheme**
 - (1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
 - (a) an applicant’s entitlement to a reduction under the scheme; or
 - (b) the amount of any reduction to which the applicant is entitled.
 - (2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

Schedule 3
Capital to be disregarded

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
4. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
5. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
6. Any premises occupied in whole or in part–
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
7. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital provided that it is no more than £10,000.
8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
9. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub- leases or sub-tenancies.
10. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where–
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is

made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

11. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;

- (a) an income-related benefit;
- (b) an income-based jobseeker's allowance;
- (c) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (d) working tax credit and child tax credit
- (e) an income-related employment and reduction allowance

(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 Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has 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 period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period

(3) For the purposes of sub-paragraph (2), "the period of an award of a reduction under this scheme" 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.

12. Any sum

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired, or such longer period as is reasonable in the circumstances to effect the repairs, replacement, or improvement.

13. 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.
14. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.
15. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
16. 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.
17. (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).
18. The value of the right to receive any income under a life interest or from a life rent.
19. The surrender value of any policy of life insurance.
20. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
21. 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).
22. (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.

23. Any social fund payment.
24. 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.
25. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
26. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
27. Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the Charitable Fund.
28. Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of–
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of–
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts where–
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts where

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) Any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

29. (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.

30. 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.

31. 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.

32. 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.

33. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

34. The value of the right to receive an occupational or personal pension.

35. The value of any funds held under a personal pension scheme

36. 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.
37. 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).
38. 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.
39. 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.
40. 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.
41. Any arrears of supplementary pension which is disregarded under this scheme but only for a period of 52 weeks from the date of receipt of the arrears.
42. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),
 but only for a period of 52 weeks from the date of receipt of the payment or repayment.
 (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers, or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
43. 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.
44. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
45. 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.
46. 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.

47. 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.
48. (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
49. (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.
50. 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.
51. Any payment to the applicant as holder of the Victoria Cross or George Cross.
52. 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.
53. (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.
54. (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).

55. 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.

56. 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.

57. 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.

58. (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.
59. 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.
60. (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.

61. 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).
62. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
63. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
64. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments),
65. Any Windrush compensation payment.
66. Any payment made under the We Love Manchester Emergency Fund.
67. Any payment made under the London Emergency Trust.
68. **Provision for all applicants: Homes for Ukraine scheme**
 - (1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
 - (a) an applicant's entitlement to a reduction under the scheme; or
 - (b) the amount of any reduction to which the applicant is entitled.
 - (2) In this regulation—

"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

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Diversity impact assessment

TITLE				
Council Tax Reduction Scheme (CTRS)				
DATE				
January 2023				
LEAD OFFICER.				
Gemma Gilley				
1 Summary description of the proposed change				
What is the change to policy / service / new project that is being proposed? How does it compare with the current situation?				
<p>Section 13A(1)(a) of the Local Government Finance Act 1992 prescribes that Medway Council is required to have a council tax reduction scheme (CTRS). The current 2022-2023 Medway scheme is a banded income scheme and can be found at www.medway.gov.uk/counciltaxreduction</p> <p>The service simplified its scheme in 2022/23 by using an income-based discount based on percentage bandings and income-grid scheme more aligned to council tax discounts than benefits.</p>				
Band/Discount percent	Single person	Couple with no children or young person	Couple or Lone Parent with one child/young person	Couple or Lone Parent with two or more children/young persons
Band 1* 65%	£0 to £94.99	£0 to £129.99	£0 to £179.99	£0 to £239.99
Band 2 55%	£95 to £139.99	£130 to £174.99	£180 to £229.99	£240 to £289.99
Band 3 45%	£140 to £184.99	£175 to £219.99	£230 to £279.99	£290 to £339.99
Band 4 35%	£185 to £229.99	£220 to £264.99	£280 to £329.99	£340 to £389.99
Band 5 20%	£230 to £269.99	£265 to £309.99	£330 to £379.99	£390 to £449.99
Band 6 0%	£270+	£310+	£380+	£450+

Diversity impact assessment

2 Summary of evidence used to support this assessment

Eg: Feedback from consultation, performance information, service user.

Eg: Comparison of service user profile with Medway Community Profile

When the new scheme was introduced a consultation was undertaken. The consultation process began on 1 October 2021 and finished on 24 December 2021(12weeks). The consultation comprised of the following elements:

- Letter sent by post with a link to the online consultation to 6,000 randomly selected council tax payers (non-recipients of CTR), 3,000 pension-age CTR recipients (not directly affected by proposed scheme changes) and all 9,531 working-age CTR recipients.
- Online survey made available on the Medway website with provision of hard copy of consultation document where required
- Social media campaign
- Notification on the Landlord Portal
- Email to Housing Associations, Welfare & Advice Organisations and Support Groups providing details of the consultation and a link to the online survey to comment and disseminate to other relevant stakeholders.
- Posters and flyers at key council venues and outlets to promote the consultation.
- Consultation was undertaken with the major precepting authorities (Kent Police & Crime Commissioner and Kent Fire & Rescue) who are statutory consultees.

There were 819 responses received during the consultation period. A more important measure is whether the response rate provides a representative sample of the population. This provides the ability to assess how closely the results match the 'true value' by using knowledge of the sample size and how often an answer is given to define a 'confidence' level. For the purposes of this survey, we can assess this against response from the general population and those from residents in receipt of CTRS.

There were 317 responses to the randomly selected residents across Medway out of a population of 263,925; this is sufficient to provide a representative sample of the residents' views on the CTRS proposals with a confidence interval of +-5.5%. So, for example if 47% of our sample picks an answer you can be 'sure' that if the entire population had been asked that between 41.5% (-5.5%) and 52.5% (+5.5%) would have also picked that answer. At the end of the consultation period there were 502 respondents from CTR recipients out of the 15,738 households that are within the scheme. This provides a confidence interval of +-4.3%. *The 2011 Census population data has been used in this analysis as some demographic characteristics, such as ethnicity and disability, are not updated as part of the latest population estimates published by the Office for National Statistics.*

The headline results are :-

- Whilst under Question 1, 38.33% wished to retain the current CTRS (27.13% said no with 34.54% stating they did not know) this changed significantly once the respondents considered the new proposed Income Grid scheme










Diversity impact assessment

under Question 6 which saw 67.06% agreeing with its introduction (15.88% stated no with remaining 17.06% stating they did not know).

- All twelve proposed changes (Parts) saw the majority saying they agreed with the proposal. Agreement with each proposal was in the range of 55.53% to 81.16%
- Disagreement with each proposal was in the range of 5.77% to 17.66%
- “Don’t know” response with each proposal was in the range of 12.89% to 29.38%





Age

Whilst the proposals relate to a working age scheme, this is specified within law and the council is following its obligations. The consultation was open to all and the response was as follows:

18-24		0.29%
25-34		6.47%
35-44		10.88%
45-54		22.65%
55-64		28.82%
65-74		14.71%
75-84		9.41%
85+		1.76%
Prefer not to say		5.00%

Disability















The consultation asked recipients if they considered that their day-to day activities were limited due to a health problem or disability. The response was:

Yes		39.58%
No		52.38%
Don't know		2.38%
Prefer not to say		5.65%

Diversity impact assessment

Race




The consultation sought to encompass all ethnic groups and the results are as follows:

Prefer not to say		7.69%
White British		80.18%
White Irish		0.00%
White Gypsy or Irish Traveller		0.00%
Any other White background		4.14%
Mixed/Multiple ethnic groups - White & Black African		0.00%
Mixed/Multiple ethnic groups - White & Black Caribbean		0.89%
Mixed/Multiple ethnic groups - White & Asian		0.30%
Any other multi mixed background		0.59%
Asian or Asian British Pakistani		0.59%
Asian or Asian British Indian		2.07%
Asian or Asian British Bangladeshi		0.89%
Asian or Asian British Chinese		0.00%
Any other Asian background		0.30%
Black African		0.89%
British Caribbean		0.59%
Black British		0.89%
Any other Black background		0.30%

Diversity impact assessment

Sex

The consultation requested the respondents sex and the responses were:

Male		46.61%
Female		46.61%
Prefer not to say		6.78%

Low income households

By virtue of the consultation and the subject, it is likely that the majority of respondents would be in receipt of council tax reduction 61.24% of those who responded were in receipt of council tax reduction.

The proposed change now keeps all of the conditions that formed a part of the consultation however, it seeks to increase the income bands by 11.1% . This is being done because the Government announced a 10.1% increase in benefit rates. To not increase the bands, would equate to a reduction in support for Medway's residents.

3 What is the likely impact of the proposed change?

Is it likely to:

Adversely impact on one or more of the protected characteristic groups

Advance equality of opportunity for one or more of the protected characteristic groups

Foster good relations between people who share a protected characteristic and those who don't

(insert Yes when there is an impact or No when there isn't)

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Age	No	No	Yes
Disability	No	Yes	Yes
Gender reassignment	No	No	No
Marriage/civil partnership	No	No	No
Pregnancy/maternity	No	No	No
Race	No	No	No

Diversity impact assessment

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Religion/belief	No	No	No
Sex	No	No	No
Sexual orientation	No	No	No
Other (eg low income groups)	No	Yes	Yes

4 Summary of the likely impacts

Who will be affected?

How will they be affected?

- The new scheme has been designed to support all low-income taxpayers and has been created strictly in accordance with the legislative requirements.
- The scheme changes will only apply to working age applicants, pension age applicants are covered by the Prescribed Requirements Regulations determined by Central Government and will not be affected by these changes.
- Any entitlement is awarded to claimants depending on their financial position and the number of people in their household and not any other criteria.
- All working age people are able to apply for the scheme and it is the revised scheme allows all working age people to estimate their entitlement
- Uprating the bands ensures that households maintain and retain their benefit increase during the cost of living crisis.
- The scheme is designed to protect the households with the lowest incomes and will redistribute the levels of support available in a fairer manner. The overall aim of this scheme is for the cost of the 2022-23 scheme to remain cost neutral when compared (based on the current caseload) to the current estimated expenditure for the 2021-2022 scheme. This will continue to allow up to 65% support to those applicants on the lowest incomes and those who receive passported benefits (Income Support, Job Seeker's Allowance (Income Based), Employment and Support Allowance (Income Related));
- The scheme continues to protect applicants who are disabled or where any member of their household is disabled;
- The scheme continues be more generous to carers;
- All existing capital disregards will apply in the new scheme.

Diversity impact assessment

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

What alternative ways can the Council provide the service?
Are there alternative providers?
Can demand for services be managed differently?

All applicants will still be able to apply for a payment from the Council's Exceptional Hardship Fund. This is in line with Section 13A of the Local Government Finance Act 1992.

6 Action plan

Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
Monitoring of collection rates for council tax	Revenues	Monthly
Monitoring of CTR overall spend	Benefits and Financial Welfare	Monthly

7 Recommendation

The recommendation by the lead officer should be stated below. This may be: to proceed with the change, implementing the Action Plan if appropriate, consider alternatives, gather further evidence
If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

Recommended – It is recommended that the Council increases the income bands within the existing CTR scheme.

8 Authorisation

The authorising officer is consenting that the recommendation can be implemented, sufficient evidence has been obtained and appropriate mitigation is planned, the Action Plan will be incorporated into the relevant Service Plan and monitored

Assistant Director

Date of authorisation

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**REPORT OF THE INFORMAL CROSS-PARTY WORKING GROUP -
COMMUNITY GOVERNANCE REVIEW OF PARISH ELECTORAL
ARRANGEMENTS IN MEDWAY**

**February 2023
Bhupinder Gill
Assistant Director, Legal & Governance**

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1. Background

- 1.1 The Local Government and Public Involvement in Health Act 2007 (as amended by the Legislative Reform (Community Governance Review) Order 2015), devolved decision making powers relating to certain parish matters from central to local government. These powers include the creation and grouping of parishes and everything pertaining to their electoral arrangements.
- 1.2 This decision making process is laid out in the Act as a Community Governance Review (CGR). It can be instigated in one of three ways: by a petition from local electors demanding a review; by the Principal Authority agreeing to a request for a review; or by a Principal Authority resolving to conduct a review.
- 1.3 Subsequent to the Local Government Boundary Commission for England (LGBCE) review of Medway, Full Council on 22 July 2021 agreed that a Community Governance Review (CGR) be instigated to identify whether any changes to the electoral arrangements to the parishes. A cross-party working member and officer group was established, and Full Council also agreed the Terms of Reference for the review and noted the likely costs. The Terms of Reference are attached as Appendix 1.
- 1.4 It had been intended to report the outcome of the Review to the meeting of Full Council in January 2023 but unfortunately the sad death of the Queen delayed the start of the consultation process which has a consequent impact on the working group consideration of the responses.
- 1.5 The Working group was established with the following membership:

Elected members	Officers
Councillor Buckwell	Chief Legal Officer
Councillor Fearn	Head of Elections & Member Services
Councillor Hubbard	Corporate Intelligence Analyst
Councillor Mahil	
Councillor Potter	
Councillor Elizabeth Turpin	

- 1.6 The working group met on 31 January 2022, and 24 January 2023 in addition to electronic communications to agree an overall timetable for the Review, approve the consultation methods, consider the types of evidence it wanted to gather regarding existing community governance arrangements in the Parished area, and to consider the outcome of the consultation and its recommendations to Full Council.

Factors for consideration

- 1.7 Under section 93 of the Local Government and Public Involvement in Health Act, a Principal Council must comply with various duties when undertaking a Review, including:
1. Having regard to the need to secure that community governance within the area under review:
 - a. Reflects the identities and interests of the community in that area
 - b. Is effective and convenient
 2. Taking into account any other arrangements, apart from those relating to parishes and their institutions that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review
 3. Taking into account any representations received in connection with the review.

In addition, the Council is required to take account of any statutory guidance published by the Secretary of State. In March 2010 the Department for Communities and Local Government and the Local Government Boundary Commission for England published such Guidance on Reviews.

- 1.8 The guidance expands on the two main criteria above and highlights that:
- the impact on community cohesion is linked specifically to the identities and interests of local communities. Community cohesion is seen as recognising the impact of the changes brought about by migration and diversity and responding to them so that different groups of people get on well together.
 - cohesion issues are connected to the way people perceive how their local community is composed and what it represents. An important aspect of this is allowing effective participation by local people and organisations in the way their neighbourhoods are managed.
 - it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity.

- Size, population and boundaries are linked to both community cohesion and the identity of local communities, but more specifically to community governance being effective and convenient. The guidance stresses that whatever boundaries are selected they need to be, and likely to remain, easily identifiable and reflect the “no man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways.

1.9 The guidance acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. The pattern of daily life in each of the communities, the local centres for education, and childcare, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication will have an influence on the extent to which all of the residents in the proposed area share a sense of community although the focus of peoples’ day-to-day activities may not be reflected in their feeling of community identity, if for instance overwhelming historic loyalty is to another feature.

1.10 The working group took the view that it was important to understand the existing community governance arrangements in the Parished area, and the extent to which local residents contribute to local democracy as well as considering the responses received from the survey.

1.11 The working group spent some time collating and considering information and data that provided evidence of the extent to which existing community governance arrangements satisfied those considerations. It then considered the impacts of the proposed changes to the Parish electoral arrangements might have on community governance in the area, and whether each of the parish councils, as adjusted, would be effective, convenient and viable in terms of size, population and boundaries. This was undertaken in conjunction with the results of the consultation exercise.

2. Consultation arrangements

2.1 When undertaking a Review, the Council is required to consult the local government electors for the area under review as well as any other person or body which appear to have an interest in the Review.

- 2.2 The working group took the view that “any otherbody” included local businesses as well as local public and voluntary organisations. Although such bodies would not be responsible for paying the additional precept for a Parish Council, they might want the opportunity to provide their views on whether a Parish Council would improve the community governance arrangements in the area.
- 2.3 However, in recognition of the importance of the Parish Councils to the process, early meetings were held with all the Parish Councils to ascertain whether the existing electoral arrangements are reflective of the identities and interest of the community and are effective and convenient and if Parish Councils were of the view that any changes to the electoral arrangements were necessary. As part of the consideration of whether existing arrangements are effective and convenient, one important factor that may affect views, is the ratio of Parish Councillor to elector. Each Parish was provided with a spreadsheet showing the existing ratio as well as the projected change to the ratio taking into account the increase in electorates forecast to come into effect by 2026. This was the date used by the LGBCE when they made their recommendations about Medway Council.
- 2.4 As a result of those meetings and having considered the existing and projected ratios of Parish Councillors to electors, the working group concluded that there were some changes to electoral arrangements and some anomalies regarding the allocation of properties between Parishes and between wards within Parishes affecting 3 Parish Councils. The changes suggested were as follows:

Halling

- Change to the parish wards with Formby Terrace moving from Lower ward to North Ward to better reflect local communities
- Adjust the number of Parish Councillors in each of the Parish wards as follows: Upper ward from 3 to 2, North ward from 2 to 4 and Lower ward from 6 to 7 making a total of 13 Parish Councillors

High Halstow

- An amendment to the Parish boundary with Parbrook House moving from Hoo St Werburgh Parish to High Halstow Parish to better reflect local access and communities.

Hoo St Werburgh (supported by the Parish Council)

- Reduce the current three wards, West, Central and East, to two wards and to be named Hoo and Chattenden to provide more effective governance

- Parbrook House is moved from Hoo St Werburgh Parish to High Halstow Parish to better reflect local roads and communities
- Include the properties between 200 and 252 Main Road, Hoo St Werburgh, including Broad Street Cottages, in the proposed Hoo Parish Ward to better reflect local roads and communities
- Increase the number of parish councillors from 14 to 17 (14 councillors for Hoo ward and 3 councillors for Chattenden ward) to provide more effective governance
- The Parish name is changed to Hoo St Werburgh and Chattenden Parish Council to better reflect the community identity

2.5 The working group agreed that the most effective and efficient way of capturing the views of the local government electors and “other bodies” was to undertake a consultation over a 12 week period, comprising a survey which could be completed on-line or by completing and returning a paper form. Two different surveys were devised – one for electors and organisations in Parish Council areas where changes were being proposed, and another survey for those in Parish Council areas where no changes were proposed.

2.6 Covering letters accompanied the surveys which explained the background to the CGR and some of the powers that Parish Councils have. The working group were mindful that the information provided needed to be neutral whilst also seeking to answer the most obvious questions that consultees would ask and encouraging a response.

2.7 The survey for the Parish Councils where changes were proposed was sent to 13,210 electors and “interested parties” including the Parish Councils affected. A total of 509 responses were received representing a 4% response rate. The survey for the Parish Councils where no changes were proposed was sent to 16,833 electors and “interested parties” including the Parish Councils affected. A total of 844 responses were received, representing a 5% response rate. Lake Market Research was engaged to analyse and report on the consultation responses in accordance with the Council’s procurement rules. The report by Lake Market Research is attached as Appendix 2 and includes copies of both questionnaires.

3. Consultation responses

- 3.1 Out of the 30,043 consultees, a total of 1353 responses were received which represents a response rate of 4%. 13,210 questionnaires were sent out to electors and organisations in Parishes where changes were being proposed and the response rate in these areas overall was 4%. 16,833 questionnaires were sent to electors and organisations in Parishes where no changes were proposed and the response rate in these areas was 5% overall. The response rate is not necessarily disappointing but suggests that overall, interest in Parish electoral arrangements is of interest to a small proportion of the electorate and relevant organisations.

4. Analysis of existing community governance arrangements, consultation responses and evidence collected

Identities and interest of community and impact on community cohesion

- 4.1 One of the first factors the working group considered was whether the existing community governance arrangements reflect the identities and interests of the community and the extent to which current arrangements in the area enable and empower the local community to fulfil its own potential and overcome difficulties and encourage community cohesion. It also looked at the extent to which local people participate in the democratic processes already in place. Neighbourhood renewal is also an important factor of building and maintaining successful communities and the working group looked at the extent to which the local community have ways of influencing the quality of planning and design of public spaces and the built environment, improving the management and maintenance of such facilities.
- 4.2 From the consultation responses in the Parishes where changes are being suggested, 42% of respondents agreed or strongly agreed that the recommended changes for the Parish reflect the identities and interests of the community. 14% of respondents disagreed or strongly disagreed. The responses varied between each of the Parishes where changes are proposed but generally 38% of those answering the questions related to this issue, gave positive answers in their own words, such as the Parish had clear boundaries and made sense in terms of the identity of the population, that the changes would have a positive effect on communities and that the changes were needed due to increased population.

- 4.3 From the consultation responses in the Parishes where no changes are being suggested, the responses were similar to those where changes are being proposed. 44% of respondents agreed or strongly agreed that the current governance arrangements for the Parish reflect the identities and interest of the community. 15% of respondents disagreed or strongly disagreed. The responses varied between each of the Parishes where no changes are proposed but generally 42% of those answering the questions related to this issue, gave positive answers in their own words, such as being happy with arrangements as they are, the Parish Council is well run, represents the area and understands local issues and is responsive.
- 4.4 The Working Group were also able to find ample evidence of the Parish Councils in those areas where changes are being proposed as well as those where no changes are being proposed, fulfilling the potential of their residents and overcoming difficulties including community conflict, extremism, deprivation and disadvantage by addressing issues such as the maintenance and improvement of local parks and other community facilities and grants to vulnerable people in the community for example.
- 4.5 One of the changes proposed relating to Hoo St Werburgh Parish Council was to reduce the current three wards, West, Central and East, to two wards and to be named Hoo and Chattenden and to change the name of the Parish to Hoo St Werburgh and Chattenden. 35% of respondents agreed with the proposed change and the proposed names for the two Parish wards.

Effectiveness and convenience

- 4.6 As stated previously, an important factor for the Council to take into account is the extent to which the community governance arrangements in place and those being proposed are effective and convenient. The guidance clarifies that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity and that whatever boundaries are selected they need to be, and likely to remain, easily identifiable.
- 4.7 The current Parish boundaries have been in place since at least 2003 and the only Parish boundary changes being proposed in Halling, High Halstow and Hoo St Werburgh are to resolve relatively minor errors that have been in place for some time.
- 4.8 From the consultation responses in the Parishes where changes are being suggested, 38% of respondents agreed or strongly agreed that the recommended changes for the Parish provide effective and convenient local government. 14% of respondents disagreed or strongly disagreed. The responses varied between each of the Parishes where changes are proposed

but generally 36% of those answering the questions related to this issue, gave positive answers in their own words, such as they provide more effective local representation and governance, and the changes make sense geographically.

- 4.9 From the consultation responses in the Parishes where no changes are being suggested, the responses were similar to those where changes are being proposed. 41% of respondents agreed or strongly agreed that the current governance arrangements for the Parish reflect the identities and interest of the community. 15% of respondents disagreed or strongly disagreed. The responses varied between each of the Parishes where no changes are proposed but generally 45% of those answering the questions related to this issue, gave positive answers in their own words, such as the current situation is fine, the Parish Council is well run etc.

5. Other forms of community representation

- 5.1 In accordance with the statutory guidance, the Working Group undertook some research into other forms of community representation and found that many of them exist across the country and that their status, format and management arrangements differ widely.
- 5.2 Area committees enable authorities to fulfil their community governance roles and deliver policy on issues such as social inclusion. The local authority provides resources and Councillors are usually integral to their constitution. They can be set up to advise on issues such as parks, off-street parking, public toilets, street cleaning, abandoned vehicles and planning applications as well as contributing to shaping council services and improving local service provision. Some Councils have established community councils which in addition to advising on local issues, manage funds and allocate money for local projects and activities.
- 5.3 Neighbourhood management bodies offer similar opportunities for residents to work with local agencies, usually facilitated by a neighbourhood manager, to improve services at neighbourhood level through implementation rather than advising or making decisions on better management of local environment, increasing community safety etc. These bodies usually cover smaller geographical areas than area committees.

- 5.4 Area or community forums can be set up to comment on a specific project or initiative that will impact on the local area. They aim to influence decision making rather than having powers to implement services.
- 5.5 Community associations offer a particular and widespread democratic model for local residents and local community-based organisations in a defined neighbourhood to work together for the benefit of that neighbourhood. They usually manage a community centre as a base for their activities and local councillors are often represented on the committee.
- 5.6 Partners and Communities Together (PACTs) are a relatively recent initiative which allows the community to identify and focus on issues of importance and concern to them. PACT processes have been established across Medway, including at least one in the area of the proposed Parish Council.

6. Conclusions

- 6.1 The evidence the working group gathered, and the results of the consultation seem to indicate that there is broad support for the relatively minor changes being proposed to the Parish electoral arrangements in Halling, High Halstow and Hoo St Werburgh and that the electoral arrangements in the remaining Parishes do not require any changes. The Parishes provide and maintain a range of facilities for the benefit of the local people and the local electorate have a healthy and comprehensive range of organisations and groups catering to their needs and helping them to overcome difficulties and fulfil their potential.
- 6.2 The working group considered the possible alternative and additional forms of community governance such as those described in paragraphs 5.1 – 5.6 above. However, given all the evidence gathered showing (a) an existing comprehensive range of organisations, (b) that there was broad agreement amongst respondents that they thought the proposed changes would reflect the identities and interest of the local community and that the changes provided effective and convenient local government and (c) that there is broad agreement respondents were happy with the existing electoral arrangements in the Parish areas where no changes were proposed the working group are of the view that the introduction of any of the alternative forms of community governance would not improve the extent to which community governance better reflected the identities and interests of the community or was more effective or convenient.

6.3 On balance therefore and having taken into account all of the information considered as part of the Review, the recommendations of the informal working group are that :

(1) proposed changes in Halling, High Halstow and Hoo St Werburgh as set out below should be implemented:

Halling

- Change to the parish wards with Formby Terrace moving from Lower ward to North Ward to better reflect local communities
- Adjust the number of Parish Councillors in each of the Parish wards as follows: Upper ward from 3 to 2, North ward from 2 to 4 and Lower ward from 6 to 7 making a total of 13 Parish Councillors

High Halstow

- An amendment to the Parish boundary with Parbrook House moving from Hoo St Werburgh Parish to High Halstow Parish to better reflect local access and communities.

Hoo St Werburgh

- Reduce the current three wards, West, Central and East, to two wards and to be named Hoo and Chattenden to provide more effective governance
- Parbrook House is moved from Hoo St Werburgh Parish to High Halstow Parish to better reflect local roads and communities
- Include the properties between 200 and 252 Main Road, Hoo St Werburgh, including Broad Street Cottages, in the proposed Hoo Parish Ward to better reflect local roads and communities
- Increase the number of parish councillors from 14 to 17 (14 councillors for Hoo ward and 3 councillors for Chattenden ward) to provide more effective governance
- The Parish name is changed to Hoo St Werburgh and Chattenden Parish Council to better reflect the community identity

(2) the electoral arrangements in the Parishes of Allhallows, Cliffe & Cliffe Woods, Cooling, Cuxton, Frindsbury Extra, St James Isle of Grain, St Mary Hoo and Stoke should remain unchanged.

COMMUNITY GOVERNANCE REVIEW – PARISHED AREA OF MEDWAY

TERMS OF REFERENCE OF REVIEW

That a Community Governance review (CGR) is carried out by Medway Council under the provisions of the Local Government and Public Involvement in Health Act 2007 (“the Act”) as amended by the Legislative Reform (Community Governance Review) Order 2015 in response to the Ward Boundary review undertaken by the Local Government Boundary Commission for England. The Review will consider the existing Parished area of Medway as set out in the attached map.

The review will comply with the legislative requirement, have regard to the associated statutory guidance and will be conducted in accordance with these terms of reference which were approved by Medway Council on 22 July 2021.

The review will be conducted within 12 months.

As per the 2007 Act (as amended), Medway Council will take account of the necessary criteria when conducting the review, namely:

- The identities and interests of the community in the area
- The effective and convenient governance of the area.

and the Council should take into account influential factors such as the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

In undertaking the review, Medway Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (“the Act”) as amended by the Legislative Reform (Community Governance Review) Order 2015 and the guidance on CGRs published by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

The review shall be of the community governance needs and electoral arrangements of the existing Parished area of Medway and must make the following recommendations in relation to each of the existing parishes under review:

- one of the following recommendations
 - That the parish should not be abolished and that its area should not be altered
 - That the area of the parish should be altered
 - That the parish should be abolished
- As to whether or not the name of the Parish should be changed
- As to whether or not the parish should continue to have a Parish Council

- If the Review recommends that a parish should continue to have a Parish Council, it must also consider and make recommendations as to what changes, if any, should be made to the electoral arrangements that apply to each of the Parish Councils, i.e.:
 - The number of councillors to be elected to the Parish Council
 - Whether the parish should or should not be, or continue to be, divided into wards for the purpose of electing councillors
 - And if it recommends that the parish should be divided into wards, it will also consider and make recommendations on the name of wards, the size and boundaries of the wards and the number of councillors to be elected for each ward
- whether or not the council should make a reorganisation order including such incidental, consequential, transitional or supplementary provision as may appear to be necessary for giving full effect to the order for the establishment of the parish. This may include provisions with respect to the transfer and management, or custody of property, transfer of functions, property, rights and liabilities.

The Review may not make any recommendations for any of the existing Parishes to begin to have an alternative style or cease to have an alternative style or to have a different alternative style if it already has one.

A Working Group has been established comprising of Councillors and Officers to work on the review; however, it does not have any decision making powers and so formally the authority to conduct the Review has been delegated to the Assistant Director, Legal & Governance in consultation with the working group. The final decision will be made by the full Council based on the recommendations of the working group.

In coming to its recommendations in the Review, the working group and the Council will need to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007 (as amended).



MEDWAY COUNCIL PARISH GOVERNANCE RESEARCH

Written report

Prepared by Lake Market Research



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Background

Medway has eleven parishes covering the rural areas on the Hoo Peninsula and the upper reaches of the River Medway. These each have a parish council, which has limited powers but provides and maintains services such as recreation grounds, village greens, bus shelters, public toilets and allotments.

Parish Community Governance Reviews are an opportunity to ensure communities have effective community governance in place, with parish councils that can effectively make use of their powers and responsibilities. This means making sure that those living in the area, and other interested groups, have a say in how their local communities are represented.

Medway Council is responsible for setting the terms of reference of any Review and must also undertake consultation when considering what changes to make. Through this review Medway Council must ensure that community governance arrangements for parished areas are reflective of the identities and interests of the community in that area and are effective and convenient.

A working group of Medway Council Elected Members, supported by Council officers, met to review the community governance arrangements in each of Medway's parished areas and recommendations for each Parish were generated. The purpose of this research exercise is to give all electors and interested parties (e.g. organisations) in each of the eleven parishes the opportunity to provide feedback on these recommendations.

Methodology

A postal methodology was adopted so all electors and interested parties could be contacted and invited to take part. All contact addresses were provided to Lake Market Research by Medway Council. All questionnaires were addressed to the names provided by Medway Council.

An 8-page questionnaire was sent out with a 2 page covering letter, with a unique reference number printed on each questionnaire. The covering letter explained the purpose of the survey and gave contact details of the Project Lead at Lake Market Research if respondents required further information. The covering letter also gave details of a web link for completing the questionnaire online. The online questionnaire followed a consistent format to the paper questionnaire and those take part were required to enter their unique reference number. All questionnaires have been processed by Lake Market Research at their head office.

A summary of questionnaires sent out and the response rate achieved can be found below:

- 13,210 questionnaires were sent out and successfully delivered to individuals / organisations in **parishes with changes suggested**. 509 questionnaires were returned / completed online; a 4% response rate
- 16,833 questionnaires were sent out and successfully delivered to individuals / organisations in **parishes with no changes suggested**. 844 questionnaires were returned / completed online; a 5% response rate.

The following context reading was included in the questionnaire pack sent to **parishes with changes suggested**:

What is a Parish Community Governance Review?

A Community Governance Review can make a number of changes to how parishes are governed when there is clear evidence to do so. These potential changes are summarised below:

- It can make changes to parish areas (e.g. boundary changes, mergers or new parishes)
- It can make changes to electoral arrangements within parish areas (e.g. changes to the number of parish councillors or changes to parish wards)
- Parish name changes
- Grouping parishes together under a common Parish Council

Why conduct a Community Governance Review now?

As of 2 March 2021, the Local Government Boundary Commission for England (LGBCE) conducted a review of electoral arrangements for Medway Council. It made changes increasing the number of wards from 22 to 24 wards from 2023. As a result of this review there are changes to the boundaries of the principal wards which cover Medway's existing eleven parish councils.

Medway Council feels a Community Governance Review is needed now as:

- The increase in the number of Medway Council wards from 22 to 24 provides an opportunity to review the wider governance arrangements in parishes
- The last governance review of existing parishes in Medway was undertaken before Medway Council came into existence

What changes are being proposed?

A working group of Medway Council Elected Members, supported by Council officers, has met to review the community governance arrangements in each of Medway's parished areas. **After meeting with each of the Parish Councils, the working group has made recommendations to change the electoral arrangements in three of the eleven parishes, including the one you live in:**

Halling

- Change to the parish wards with Formby Terrace moving from Lower Ward to North Ward to better reflect local communities.

High Halstow

- An amendment to the Parish boundary with Parbrook House moving from Hoo St Werburgh Parish to High Halstow Parish to better reflect local access and communities.

Hoo St Werburgh

- Reduce the current three wards, West, Central and East, to two wards and to be named Hoo and Chattenden to provide more effective governance
- Parbrook House is moved from Hoo St Werburgh Parish to High Halstow Parish to better reflect local roads and communities
- Include the properties between 200 and 252 Main Road, Hoo St Werburgh, including Broad Street Cottages, in the proposed Hoo Parish Ward to better reflect local roads and communities
- Increase the number of parish councillors from 14 to 17 (14 councillors for Hoo ward and 3 councillors for Chattenden ward) to provide more effective governance
- The Parish name is changed to Hoo St Werburgh and Chattenden Parish Council to better reflect the community identity

The following context reading was included in the questionnaire pack sent to **parishes with no changes suggested:**

What is a Parish Community Governance Review?

A Community Governance Review can make a number of changes to how parishes are governed when there is clear evidence to do so. These potential changes are summarised below:

- It can make changes to parish areas (e.g. boundary changes, mergers or new parishes)
- It can make changes to electoral arrangements within parish areas (e.g. changes to the number of parish councillors or changes to parish wards)
- Parish name changes
- Grouping parishes together under a common Parish Council

Why conduct a Community Governance Review now?

As of 2 March 2021, the Local Government Boundary Commission for England (LGBCE) conducted a review of electoral arrangements for Medway Council. It made changes increasing the number of wards from 22 to 24 wards from 2023. As a result of this review there are changes to the boundaries of the principal wards which cover Medway's existing eleven parish councils.

Medway Council feels a Community Governance Review is needed now as:

- The increase in the number of Medway Council wards from 22 to 24 provides an opportunity to review the wider governance arrangements in parishes
- The last governance review of existing parishes in Medway was undertaken before Medway Council came into existence

What changes are being proposed?

A working group of Medway Council Elected Members, supported by Council officers, has met to review the community governance arrangements in each of Medway's parished areas.

After meeting with each of the Parish Councils, the working group has made recommendations to make no changes to the parish electoral arrangements for the parish which you live.

Points to note

- All electors in each Parish were sent a postal invitation to take part in the research programme.
- 1,164 invitations were sent to organisations to take part.
- The vast majority of those responding are individuals / residents (95%) and this should be considered when interpreting response patterns.
- Participation in the research is self-selecting and this needs to be considered when interpreting responses. Completed questionnaires are based on a non-probability (non-random) sample of those who chose to complete and return the questionnaire / complete online. This raises the possibility of non-response bias. The sample should therefore be treated as a non-random sample of the population, and the validity of the estimates of parameters based on them unknown. Therefore, the confidence level in relation to the target population is unknown. Despite this, analysis provides a considerable insight into opinion.
- Questions in each questionnaire were not compulsory. As such those responding were given the choice of which questions they wanted to answer / provide comments for. The number of people providing an answer to each question is shown on each chart featured in this report.
- Medway Council was responsible for the design and promotion of both questionnaires. Lake Market Research was appointed to conduct to manage the collection of responses and provide an independent analysis of feedback.

Profile of those responding

The tables below show the profile of those responding to each questionnaire. Please note that the demographic questions were only asked of those who indicated they are an individual / resident. The proportion who left these questions blank or indicated they did not want to disclose this information has been included as applicable.

RESPONDING AS...	PARISHES WITH CHANGES SUGGESTED	PARISHES WITH NO CHANGES SUGGESTED
Individual / resident	94%	96%
An organisation	0.2%	2%
An elected representative	1%	1%
A parish council	0.2%	0.2%
Prefer not to say / blank	5%	2%

SEX (residents only)	PARISHES WITH CHANGES SUGGESTED	PARISHES WITH NO CHANGES SUGGESTED
Male	44%	45%
Female	46%	49%
Prefer not to say / blank	10%	6%

AGE (residents only)	PARISHES WITH CHANGES SUGGESTED	PARISHES WITH NO CHANGES SUGGESTED
18-24	3%	2%
25-34	4%	4%
35-44	7%	9%
45-54	14%	14%
55-64	17%	21%
65-74	20%	25%
75 & over	27%	20%
Prefer not to say / blank	8%	5%

DISABILITY (residents only)	PARISHES WITH CHANGES SUGGESTED	PARISHES WITH NO CHANGES SUGGESTED
Yes	22%	18%
No	61%	72%
Prefer not to say / blank	17%	10%

ETHNICITY (residents only)	PARISHES WITH CHANGES SUGGESTED	PARISHES WITH NO CHANGES SUGGESTED
White – English / Welsh / Scottish / Northern Irish / British	76%	84%

White – Irish	1%	1%
Any other white background	5%	1%
Mixed / multiple ethnic background	1%	0.5%
Black / Black British ethnic background	1%	1%
Asian / Asian British ethnic background	0%	1%
Other ethnic background	0.2%	0.3%
Prefer not to say / blank	16%	11%

PARISH (residents only)	PARISHES WITH CHANGES SUGGESTED	PARISHES WITH NO CHANGES SUGGESTED
Allhallows	N/A	7%
Cliffe and Cliffe Woods	N/A	25%
Cooling	N/A	2%
Cuxton	N/A	18%
Frindsbury Extra	N/A	33%
Halling	21%	N/A
High Halstow	16%	N/A
Hoo St Werburgh	56%	N/A
St James, Isle of Grain	N/A	6%
St Mary Hoo	N/A	2%
Stoke	N/A	3%
Prefer not to say / blank	7%	4%

Executive summary

Those completing were asked to indicate their level of agreement with the proposed recommendations to either change parish governance arrangements or keep them as they are currently via the following:

- Whether recommendations reflect the identities and interests of the community
- Whether recommendations provide effective and convenient local government
- Overall agreement with Medway Council's recommendations for governance arrangements for their Parish
- The opportunity to provide feedback on the recommendations proposed via free text

response from [parishes with changes suggested](#)

Agreements levels to the key measures sought can be found below:

	Net agree	Neither agree nor disagree	Net disagree
Agreement <u>recommended governance changes</u> reflects the identities and interests of the community	42%	44%	14%
Agreement <u>recommended governance changes</u> provides effective and convenient local government	38%	48%	14%
Overall agreement with Medway Council's recommendations for <u>recommended governance changes</u>	39%	46%	15%

A higher proportion of those responding agree with the recommended governance changes than disagree with the changes. However, it should be noted that a significant proportion neither agree nor disagree with each of the statements suggesting a potential lack of awareness of parish council responsibilities / influence or whether the changes are needed and how they reflect the identities and interests of the community and/or provide effective and convenient local government.

Amongst those providing it, free text feedback reveals that those agreeing with the recommended changes believe they make sense geographically / make boundaries clearer and will have a positive effect on communities and provide more effective local representation. However, there is an evident lack of understanding of what the current or recommended governance changes mean in practice and how they impact the day to day lives of those taking part. Some indicate that they are unaware of what the arrangements are and how Parish Councils work with other tiers of local government. A proportion also comment that Parish Councils are seen as limited in their influence and involvement with local communities. Those responding would like to see better communication of responsibilities and improved local engagement.

response from [parishes with no changes suggested](#)

Agreements levels to the key measures sought can be found below:

	Net agree	Neither agree nor disagree	Net disagree
Agreement <u>current governance arrangements</u> reflects the identities and interests of the community	44%	41%	15%
Agreement <u>current governance arrangements</u> provides effective and convenient local government	40%	47%	13%
Overall agreement with Medway Council's recommendations to keep <u>current governance arrangements</u>	48%	39%	13%

A higher proportion of those responding agree to keep the current governance arrangements than disagree to keep them. However, it should be noted that a significant proportion neither agree nor disagree with each of the statements suggesting a potential lack of awareness of parish council responsibilities / influence and/or how current arrangements reflect the identities and interests of the community and/or provide effective and convenient local government.

Amongst those providing it, free text feedback reveals that those agreeing with keeping the current governance arrangements do so because they are happy / satisfied with how things stand and have positive experience of their local Parish Council in terms of being well run, understanding local issues and listening to residents. However, consistent with trends observed in the governance changes survey, there is an evident lack of understanding of what the current governance arrangements are in practice and how they impact the day to day lives of those taking part. Some indicate that they are unaware of what the arrangements are and how Parish Councils work with other tiers of local government. A proportion also comment that Parish Councils are seen as limited in their influence and involvement with local communities, and there could be conflicts of interest of those involved. Those responding would like to see better communication of responsibilities and improved local engagement.

Response from parishes with changes suggested

This section of the report summarises response to the questionnaire sent to individuals and organisations in Halling, High Halstow and Hoo St Werburgh.

perception of changes reflecting the identities and interests of community

Just over four in ten of those responding (42%) agree that the recommended governance changes for the parish they live in / are based in reflects the identities and interests of the community; 10% strongly agree and 32% agree. 14% disagree the recommended governance changes reflects the identities and interests of the community. A significant proportion neither agree nor disagree (44%) suggesting a potential lack of awareness of parish council responsibilities / influence or how the changes reflect the identities and interests of the community.

To what extent do you agree or disagree that the recommended governance changes for the parish you live in / are based in reflects the identities and interests of the community?

Base: all answering (503)



SUPPORTING DATA TABLE	% of total answering 503
Net agree (strongly agree / agree)	42%
Net disagree (strongly disagree / disagree)	14%

There are no significant changes in agreement by age or gender. However, there are significant differences in the proportion who agree by parish:

- 58% of those responding from High Halstow agree the recommended governance changes reflects the identities and interests of the community (the highest of the three parishes). 13% disagree the recommended changes do this.
- Comparatively, 41% of those responding from Halling and 38% of those responding from Hoo St Werburgh agree the recommended governance changes reflects the identities and interests of the community. 8% (Halling) and 17% (Hoo St Werburgh) disagree the recommended changes do this.

Those taking part were given the opportunity to provide their reasons for their answers in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the table below. 54% of those taking part provided a comment at this question.

The most common positive mentions are that the changes make sense geographically / boundaries are clearer (14% of those answering), they agree with proposals and they will have a positive effect on communities (12%) and will provide more effective local representation / governance (8%).

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (272)

POSITIVE MENTIONS - SUMMARY

	% of total answering 272
Makes sense geographically / clearer boundaries / identities	14%
Agree with proposals / makes sense / positive effect on communities	12%
More effective local representation / governance	8%
Changes needed due to increased housing / population	3%
Parish Council are well run / do a good job / represents the area	1%

Some example comments from these key themes can be found below:

“The population and area covered by the parish councils are increasing all the time. At this time of expansion, increased representation and significant area partitioning, can only be beneficial.”

“It will provide a better service to the people in the area hopefully as it will be directed solely on the people living in the Parish and not surrounding areas.”

“Maybe we will gain more say over what goes on in Hoo. With all the new homes & lack of infrastructure maybe we will get more independent councillors who care about our area.”

“I don't have a thorough understanding of the boundaries for the parish in which I live in. I trust the working group that this change is in the interest of the community and in line with its identity.”

Consistent with the high proportion of those responding indicating they neither agree nor disagree with the recommendations reflecting the identities and interests of the community, there are a number of comments made with reference to the limited perceived impact of the changes and a lack of awareness of Parish Council responsibilities. 13% of those answering believe the proposed changes will not make a difference / affect them and 11% claim they don't know what the current governance arrangements / recommendations / changes / benefits are.

A higher proportion of those responding from High Halstow commented that the proposed changes will not make a difference / won't affect them (23%) compared to those responding from Halling (16%) and Hoo St Werburgh (8%).

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (272)

IMPACT / AWARENESS MENTIONS - SUMMARY

	% of total answering 272
Proposed changes will not make a difference / won't affect me	13%
Don't know what the current governance arrangements / recommendations / changes / benefits are	11%
Ambivalent / not interested / not thought about it	3%
Not aware of Parish Council roles / what they do / who the councillors are	3%
Do not understand the question	2%
Don't know enough about it to make a decision / give an opinion	1%

Some example comments from these key themes can be found below:

“There is no information as to how these proposed changes are going to "better reflect local access and communities".”

“Without detailing a little about the identities and interests of the parish, it is challenging to feel anything other than ambivalence.”

“Looking at the boundaries for Halling wards and parishes, it would make sense to move Formby Terrace from Lower Ward to North Ward, however, whether the changes would reflect the identities and interests of this community more is hard to say.”

“It does not matter if governance changes or not, nothing will change, services are poor and will remain poor. Services provided by the current Parish council are not well communicated and I do not think that will change. I do not know where the money allocated to the Parish council is spent. The local plan and expansion has been decided so there is no point.”

The most common negative mentions are that things are fine as they are / no changes are needed / they disagree with proposals / waste of time (11% of those answering), Parish Councils are ineffective / don't listen / consult / represent communities / do not communicate (7%) and a belief that decisions have already been made (6%). 6% would like to see areas split out and have more councillors / more wards.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (272)

NEGATIVE MENTIONS - SUMMARY

	% of total answering 272
Things are fine / no changes needed / disagree with proposals / waste of time	11%
Parish Councils are ineffective / don't listen / respond / consult / represent communities / do not communicate	7%
Would like to see areas split out / need more councillors / more wards	6%
Decisions have already been made / opinions are irrelevant	6%
Concerned about integrity / conflict of interest of Parish councillors	2%
Sounds expensive / costly / waste of money	1%

Some example comments from these key themes can be found below:

“Do not feel there will be any benefits and the money spent on this could be used to provide better doctors surgeries.”

“This whole idea doesn’t make any sense to me and I suspect many residences. There’s no reason to change a system that works on the Peninsula.”

“I feel that if we merge with another parish council less will get done in both areas as only so much money will be allocated and it will be two bigger areas.”

“Hoo has expanded and expanded yet the facilities roads and other amenities have not been improved or expanded to include the additional population we therefore need more wards not less.”

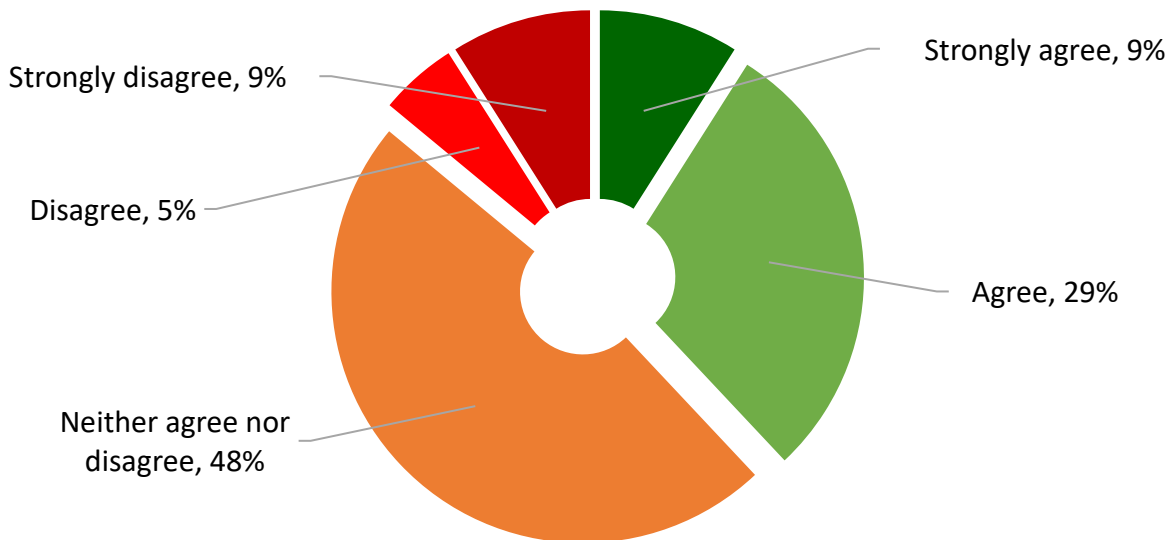
“I think Medway Council will go ahead no matter what, without considering my points of view.”

perception of changes providing effective and convenient local government

Broadly consistent response patterns observed with just under four in ten of those responding (38%) agreeing that the recommended governance changes for the parish they live in / are based in provides effective and convenient local government; 9% strongly agree and 29% agree. 14% disagree the recommended governance changes provides effective and convenient local government. A significant proportion neither agree nor disagree (48%) suggesting a potential lack of awareness of parish council responsibilities / influence or how the changes provide effective and convenient local government.

To what extent do you agree or disagree that the recommended governance changes for the parish you live in / are based in provides effective and convenient local government?

Base: all answering (493)



SUPPORTING DATA TABLE	% of total answering 493
Net agree (strongly agree / agree)	38%
Net disagree (strongly disagree / disagree)	14%

There are no significant changes in agreement by age or gender. However, there are significant differences in the proportion who agree with the recommended governance changes by parish:

- 52% of those responding from High Halstow agree the recommended governance changes provides effective and convenient local government (the highest of the three parishes). 14% disagree the recommended changes do this.
- Comparatively, 40% of those responding from Halling and 33% of those responding from Hoo St Werburgh agree the recommended governance changes provides effective and convenient local government. 8% (Halling) and 16% (Hoo St Werburgh) disagree the recommended changes do this.

Those taking part were given the opportunity to provide their reasons for their answers in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the table below. 43% of those taking part provided a comment at this question.

The most common positive mentions are broadly consistent with response to agreement with changes reflecting identities and interests of the community – changes will provide more effective local representation / governance (16% of those answering), make sense geographically / boundaries are clearer (10%) and they agree with proposals and they will have a positive effect on communities (6%).

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (219)

POSITIVE MENTIONS - SUMMARY

	% of total answering 219
More effective local representation / governance	16%
Makes sense geographically / clearer boundaries / identities	10%
Agree with proposals / makes sense / positive effect on communities	6%
Changes needed due to increased housing / population	2%
Parish Council are well run / do a good job / represents the area	2%

Some example comments from these key themes can be found below:

“Increase in population and gives recognition that the parish is larger than it.”

“I believe changes are needed to reflect the real situations and make governance more efficient.”

“Having a ward for each different community provides effective and convenient local government. Parish councillors will then be able to understand the needs of each ward.”

“Parishes have their own identity, having local government reflects the opinions of the people living in each of the different villages.”

Consistent with the high proportion of those responding indicating they neither agree nor disagree with the recommendations providing effective and convenient local government, there are a number of comments made with reference to the limited perceived impact of the changes and a lack of awareness of Parish Council responsibilities. 16% of those answering believe the proposed changes will not make a difference / affect them and 8% claim they don't know what the current governance arrangements / recommendations / changes / benefits are.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (219)

IMPACT / AWARENESS MENTIONS - SUMMARY

	% of total answering 219
Proposed changes will not make a difference / won't affect me	16%
Don't know what the current governance arrangements / recommendations / changes / benefits are	8%
Ambivalent / not interested / not thought about it	3%
Not aware of Parish Council roles / what they do / who the councillors are	3%
Do not understand the question	2%
Don't know enough about it to make a decision / give an opinion	1%

Some example comments from these key themes can be found below:

“Things will be the same for me no change or improvements will be noticed by me.”

“At this moment in time I have no interest in the proposed question.”

“I have no knowledge of the parish council therefore I can give no evidence.”

“The right move due to logic of geography but makes no apparent difference to the efficiency or convenience of local government. A distinct council for Hoo Peninsula would be much more effective.”

The most common negative mentions are that things are fine as they are / no changes are needed / they disagree with proposals / waste of time (12% of those answering), Parish Councils are ineffective / don't listen / consult / represent communities / do not communicate (7%) and a belief that decisions have already been made (6%). 6% would like to see areas split out and have more councillors / more wards.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (219)

NEGATIVE MENTIONS - SUMMARY

	% of total answering 219
Things are fine / no changes needed / disagree with proposals / waste of time	12%
Parish Councils are ineffective / don't listen / respond / consult / represent communities / do not communicate	7%
Would like to see areas split out / need more councillors / more wards	6%
Decisions have already been made / opinions are irrelevant	4%

Concerned about integrity / conflict of interest of Parish councillors	2%
Concern about political / money saving motivations behind the proposed changes	2%

Some example comments from these key themes can be found below:

“The views of the local parishes do not seem to be considered by local government, e.g. increased number of houses being built/purposed to be built in the Hoo and Chattenden area, we have exceeded the number to which local services can cope but still applications are being granted even on green belt/agriculture land.”

“This whole idea seems to be a waste of money and to try to keep people unaware of the mass building up of the area where there is no infrastructure.”

“Hoo St Werburgh Parish Council is effective and understands the needs of the people living there. A new Parish Council would not have the same level of understanding as Chattenden have their own needs and requirements.”

“There is no evidence that the changes will improve an already poor parish council; indeed, adding more councillors would seem to worsen the situation.”

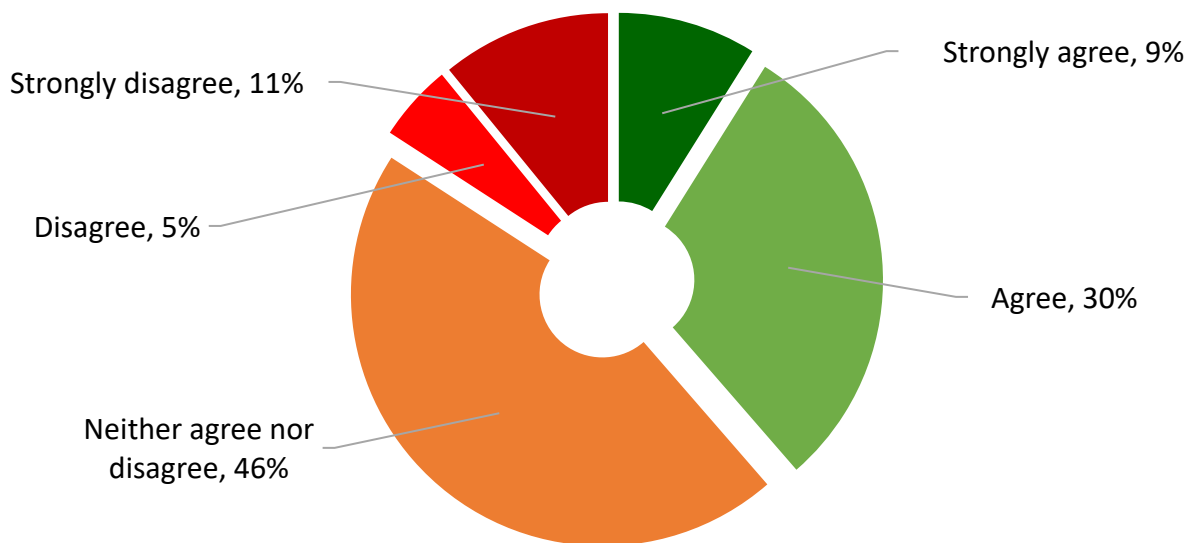
“Hoo has expanded out of all proportion and is still expanding we need more councillors and wards not less.”

agreement with medway council’s proposed recommendations for governance arrangements

Broadly consistent response patterns observed with just under four in ten of those responding (39%) agreeing with Medway Council’s proposed recommendations for governance arrangements for the parish they live in / are based in; 9% strongly agree and 30% agree. 15% disagree with Medway Council’s proposed recommendations. A significant proportion neither agree nor disagree (46%) suggesting a potential lack of awareness of parish council responsibilities / influence or the rationale for making changes.

To what extent do you agree or disagree with Medway Council’s proposed recommendations for governance arrangements for the parish you live in / are based in?

Base: all answering (492)



SUPPORTING DATA TABLE	% of total answering 492
Net agree (strongly agree / agree)	39%
Net disagree (strongly disagree / disagree)	15%

There are no significant changes in agreement by age or gender. However, there are significant differences in the proportion who agree with the recommended governance changes by parish:

- 56% of those responding from High Halstow agree with Medway Council's proposed recommendations for governance arrangements (the highest of the three parishes). 16% disagree with the recommendations.
- Comparatively, 40% of those responding from Halling and 34% of those responding from Hoo St Werburgh agree with Medway Council's proposed recommendations for governance arrangements. 9% (Halling) and 18% (Hoo St Werburgh) disagree with the recommendations.

Those taking part were given the opportunity to provide their reasons for their answers in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the table below. 36% of those taking part provided a comment at this question.

The most common positive mentions are broadly consistent with opinions outlined previously - agreement with proposals and perceptions they will have a positive effect on communities (10% of those answering), changes make sense geographically / boundaries are clearer (8%) and will provide more effective local representation / governance (5%).

Please explain your reason(s) for your answer, including any supporting evidence you may have.
Base: all answering (183)

POSITIVE MENTIONS - SUMMARY

	% of total answering 183
Agree with proposals / makes sense / positive effect on communities	10%
Makes sense geographically / clearer boundaries / identities	8%
More effective local representation / governance	5%
Parish Council are well run / do a good job / represents the area	4%
Changes needed due to increased housing / population	1%

Some example comments from these key themes can be found below:

“I think it will benefit residents to be able to have a say in their village.”

“I feel this will concentrate resources where they are needed.”

“Hoo has grown in the last 50 years and the representation on the Pc should be reflected in an increase of Councillors.”

“The people that live there would see that we need more structure as the village is now a town without benefits of more shops of better access in and out of Hoo.”

“Reading the proposed plans I agree with the changes that have been reviewed as they make logistical sense.”

Consistent with the high proportion of those responding indicating they neither agree nor disagree with the Medway Council’s recommendations, there are a number of comments made with reference to the limited perceived impact of the changes and a lack of awareness of Parish Council responsibilities. 16% of those answering believe the proposed changes will not make a difference / affect them and 5% claim they don’t know what the current governance arrangements / recommendations / changes / benefits are.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (183)

IMPACT / AWARENESS MENTIONS - SUMMARY

	% of total answering 183
Proposed changes will not make a difference / won't affect me	16%
Don't know what the current governance arrangements / recommendations / changes / benefits are	5%
Ambivalent / not interested / not thought about it	4%
Do not understand the question	3%
Don't know enough about it to make a decision / give an opinion	3%
Not aware of Parish Council roles / what they do / who the councillors are	2%

Some example comments from these key themes can be found below:

“A small residential area and possibly only applies to those residents, who I would estimate number approximately 20-30 adults in total.”

“Due to increased housing (population) I feel the proposed recommendations are redundant in the face of such an increased level of housing and this is just a political exercise.”

“I feel that whatever my points of view may be I have never been asked before now and won't make any difference ongoing.”

“I don't have enough information on how those proposed changes have been arrived at.”

The most common negative mentions are that things are fine as they are / no changes are needed / they disagree with proposals / waste of time (9% of those answering) and a belief that decisions have already been made (5%). 6% would like to see areas split out and have more councillors / more wards.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (183)

NEGATIVE MENTIONS - SUMMARY

	% of total answering 183
Things are fine / no changes needed / disagree with proposals / waste of time	9%
Would like to see areas split out / need more councillors / more wards	6%
Decisions have already been made / opinions are irrelevant	5%
Parish Councils are ineffective / don't listen / respond / consult / represent communities / do not communicate	3%
Sounds expensive / costly / waste of money	3%
Concern about political / money saving motivations behind the proposed changes	3%
Concerned about integrity / conflict of interest of Parish councillors	2%

Some example comments from these key themes can be found below:

“Provide no evidence or details of why this will improve service or if it will effect costs.”

“This is more about saving money than giving locals the service and government needed.”

“I strongly disagree with the proposed reduction from 3 wards to 2 wards for Hoo St Werburgh as the residential area has expanded exponentially over the past few years and shows no signs of slowing for the foreseeable future. This will make the area of Hoo St Werburgh too vast to be represented by two wards.”

“I am unable to see how the proposed changes are any better than existing ones, as no information has been given.”

“Medway Council just want more control to change boundaries and build more houses.”

alternative suggestions for ensuring parish council reflects local identities and interests and provides effective and convenient local government

Those taking part were given the opportunity to provide alternative suggestions for making sure their parish council reflects local identities and interests and provides effective and convenient local government in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the table below. 26% of those taking part provided a comment at this question.

The most common suggestions put forward include Parish Councils needing to address local concerns / issues / must be from local area (18% of those answering), engage / communicate / make more information available (10%) and have more power / influence / Medway should listen to Parish Councils / consult with them (8%). 11% commented that the current governance arrangements are fine and no changes are needed.

If you have any alternative suggestions for making sure the parish council reflects local identities and interests and provides effective and convenient local government, please write them in the box below. Base: all answering (130)

	% of total answering 130 (count in brackets)
Parish Councils must address local concerns / issues / must be from local area / listen	18% (23)
Arrangements are fine as they are / no changes needed	11% (14)
Parish Councils must engage / communicate / make more information available	10% (13)
Parish Councils should have more power / influence / Medway should listen to Parish Councils / consult with them	8% (11)
Parish Councils are well run / do a good job / represent the area	7% (9)
Concerns about integrity / conflict of interest of Parish councillors	5% (7)
Not aware of Parish Council / its role / what it does / benefits	5% (7)
Parish Council should be scrapped / ineffective	5% (6)
Increase number of councillors	4% (5)
Querying specific property allocations between Hoo and High Halstow	4% (4)
Would like to see Hoo be considered a town / part of Kent not Medway	4% (4)
Decisions have already been made / won't make any difference	4% (5)
Don't waste money	4% (5)
Create central hub to make decisions / collaboration	2% (3)

feedback on names for changes wards if changes go ahead

Those taking part were given the opportunity to comment on proposed new ward names and put forward alternative names, if ward changes were to go ahead, in their own words. This question was asked for two scenarios – 1) Hoo and Chattenden and 2) Hoo St Werburgh and Chattenden. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the tables below.

In the first scenario, 20% of those taking part provided a comment. 35% of those answering the question agree with the proposed names of Hoo and Chattenden. 26% indicated they would prefer Hoo St Werburgh kept in the new names.

Proposed names – 'Hoo' and 'Chattenden'

If the proposed changes go ahead, the changed wards will require names. The Parish Council has suggested the names 'Hoo' and 'Chattenden'. If you would like to propose alternative suitable name(s) for the new Parish wards, please write your suggestions below.

Base: all answering (106)

	% of total answering 106 (count in brackets)
Agree with Hoo and Chattenden	35% (37)
Hoo St Werburgh (do not want name shortened)	16% (17)
Would prefer Hoo (on its own)	7% (7)

Would prefer Hoo St Werburgh and Chattenden	10% (11)
Don't waste money changing names	6% (6)
Querying whether the names really matter	6% (6)
Comments requesting to not change current names / disagree with name changes	8% (9)
Other name changes suggested (all unique)	6% (6)

In the second scenario, 17% of those taking part provided a comment. 35% of those answering the question agree with the proposed names of Hoo St Werburgh and Chattenden and 11% agree with the name Hoo St Werburgh. 6% indicated they would prefer Hoo.

Proposed names – ‘Hoo St Werburgh’ and ‘Chattenden’

If the proposed changes go ahead, the changed wards will require names. The Parish Council has suggested the names ‘Hoo St Werburgh’ and ‘Chattenden’. If you would like to propose alternative suitable name(s) for the new Parish wards, please write your suggestions below.

Base: all answering (84)

	% of total answering 84 (count in brackets)
Agree with Hoo St Werburgh and Chattenden	35% (29)
Agree with Hoo St Werburgh	11% (9)
Would prefer Hoo	6% (5)
Would like to integrate Peninsular into name	7% (6)
Don't waste money / time changing names	4% (3)
Name change will happen irrespective of what is fed back	6% (5)
Querying whether the names really matter	5% (4)
Comments requesting to not change current names / disagree with name changes	15% (13)
Other name changes suggested (all unique)	6% (5)

[any other comments on community governance review](#)

Those taking part were given the opportunity to provide any other comments about the Community Governance Review in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the tables below. 12% of those taking part provided a comment at this question

Whilst a small proportion of those taking part in the survey provided a comment at this question, the most commonly noted themes are that the governance review sounds costly / querying what the cost implications are (22%) and that the review will not make any difference / is a waste of time (8%). Other comments made reiterated earlier points made about Parish Council workings and information provision.

If you have any other comments about this Community Governance Review, please write them in the box below.

Base: all answering (59)

	% of total answering 59 (count in brackets)
Sounds costly / querying what the cost implications are	22% (13)
Will not make any difference / waste of time	14% (8)
Need more information about local governance / impact of changes	12% (7)
Arrangements are fine as they are / no changes needed / disagree with proposals	8% (5)
Parish Councils must understand local concerns / issues / be from local area	8% (5)
Parish Council are ineffective / don't listen / consult / represent / communicate	8% (5)
Perceived lack of transparency about processes / elections / personal agendas	7% (4)
Concerns about motivations for changes / politically motivated	5% (3)

Response from parishes with NO changes suggested

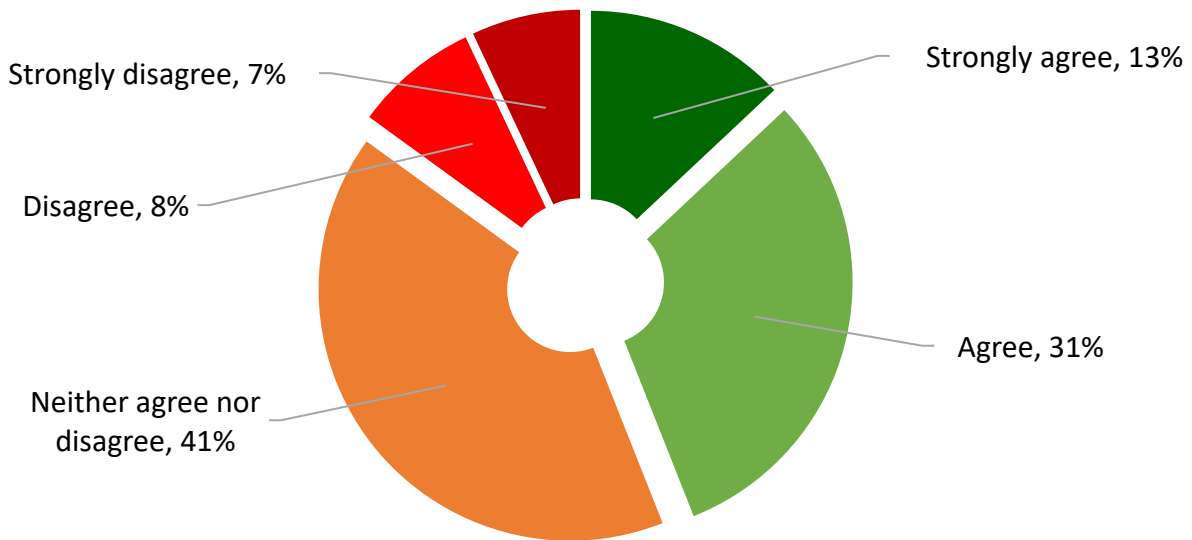
This section of the report summarises response to the questionnaire sent to individuals and organisations in Allhallows, Cliffe and Cliffe Woods, Cooling, Cuxton, Frindsbury Extra, St James Isle of Grain, St Mary Hoo and Stoke.

perception of changes reflecting the identities and interests of community

Just over four in ten of those responding (44%) agree that the current governance arrangements for the parish they live in / are based in reflects the identities and interests of the community; 13% strongly agree and 31% agree. 15% disagree the current governance arrangements reflects the identities and interests of the community. A significant proportion neither agree nor disagree (41%) suggesting a potential lack of awareness of parish council responsibilities / influence or how arrangements reflect the identities and interests of the community.

To what extent do you agree or disagree that the current governance arrangements for the parish you live in / are based in reflects the identities and interests of the community?

Base: all answering (839)



SUPPORTING DATA TABLE	% of total answering 839
Net agree (strongly agree / agree)	44%
Net disagree (strongly disagree / disagree)	15%

There are no significant changes in agreement by gender. However, there are significant differences in the proportion who agree by age and by parish:

- 53% of those aged 75 & over agree the current governance arrangements reflects the identities and interests of the community (the highest of all age groups).
- 68% of those responding from Cuxton agree the current governance arrangements reflects the identities and interests of the community (the highest of the eight parishes). 4% disagree the recommended changes do this.
- Comparatively, 32% of those responding from Frindsbury Extra and 29% of those responding from St James Isle of Grain agree the recommended governance changes reflects the identities and interests of the community.
- A comparatively low proportion of those from St Mary Hoo agree (28%). However, it should be considered that this statistic is based on a small number of residents responding.

SUPPORTING DATA TABLE	% Net agree (strongly agree / agree)
Allhallows (base answering – 58)	38%
Cliffe and Cliffe Woods (base answering – 206)	49%
Cooling (base answering – 15)	53%
Cuxton (base answering – 151)	68%
Frindsbury Extra (base answering – 276)	32%
St James, Isle of Grain (base answering – 52)	29%
St Mary Hoo (base answering – 18)	28%
Stoke (base answering – 29)	45%

Those taking part were given the opportunity to provide their reasons for their answers in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the table below. 65% of those taking part provided a comment at this question.

The most common positive mentions are that the current situation is fine / they are satisfied / happy with arrangements as they are (19%), their local Parish Council is well run / does a good job / represents the area (12%) and knows the area / understands local issues / requirements (9%).

A higher proportion of those responding from Cuxton commented that the Parish Council is well run / does a good job / represents the area (19%) and listens to residents / concerns / is responsive / contactable (13%) compared to those responding from other parishes.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (519)

POSITIVE MENTIONS - SUMMARY

	% of total answering 519
Current situation is fine / satisfied / happy as arrangements are	19%
Parish Council is well run / does a good job / represents the area	12%
Parish Council knows the area / understands local issues / requirements	9%
Parish Council listens to residents / concerns / is responsive / contactable	5%
Parish Council is communicative / hold meetings / keep people informed	3%
Parish Council supports community / good community spirit / holds events	3%

Some example comments from the key themes can be found below:

“I feel each area is represented correctly and different areas, although neighbouring, have different concerns which the current governance can see to.”

“I feel each community deserves its own voice, and not to be lumped in with the whole of the Medway towns.”

“Problems that need fixing get fixed and get fixed quite promptly so I am happy with the current governance.”

“The councillors are elected from the local community and are therefore understanding of the needs of our area.”

“They listen to the residents and act upon our behalf, which is hugely more than the actual council, without the Parish who knows what the state of our village would be.”

Consistent with the high proportion of those responding indicating they neither agree nor disagree with the current arrangements reflecting the identities and interests of the community, there are a number of comments made with reference to a lack of awareness of Parish Council responsibilities and governance arrangements. 10% of those responding don't know what the current governance arrangements are, 8% don't know enough about arrangements to make a decision / give an opinion and 8% claim they are not aware of their local Parish Council / its role / what it does / who the councillors are.

A higher proportion of those responding from Frindsbury Extra commented they don't know enough the current governance arrangements are (18%) and they are not aware of the Parish Council / its role / what it does / who the councillors are (13%) compared to those responding from other parishes.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (519)

IMPACT / AWARENESS MENTIONS - SUMMARY

	% of total answering 519
Don't know what the current governance arrangements are	10%
Don't know enough about arrangements to make a decision / give an opinion	8%
Not aware of Parish Council / its role / what it does / who the councillors are	8%
Ambivalent / not interested / not thought about it	4%
Don't understand the question	2%

Some example comments from these key themes can be found below:

“I do not have significant knowledge of the current arrangements to make an informed decision.”

“Lived here for 30 yrs. In that time I have had no contact with the Parish council, I do not know what they do or what they are viable for.”

“I don't confess to really understanding this question. I don't really know what the Parish council does or how well they do it or otherwise.”

“There is nowhere near enough information in this document to know what the current governance arrangement actually are. i.e. who attends/is invited to meetings, agendas, minutes, decisions.”

The most common negative mention is that their local Parish Council doesn't listen / consult / respond / act on concerns / are not contactable (8%). There are also some concerns raised in relation to integrity / conflict of interest of Parish councillors (4%), perceived limited powers / influence of Parish Councils (3%), a lack of visible / tangible benefits that the Parish Councils offer (3%) and a perceived lack of diversity in Parish Councils (3%); but these are in the minority.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (519)

NEGATIVE MENTIONS - SUMMARY

	% of total answering 519
Parish Councils don't listen / consult / respond / act on concerns / not contactable	8%
Concerned about integrity / conflict of interest of Parish councillors	4%
Parish Councils do not have enough power / limited influence	3%
A lack of visible / tangible benefits of Parish Councils	3%
Lack of diversity in Parish Councils / does not reflect community / not representative / out of touch	3%

Parish Council could do more / room for improvement	2%
Exercise is a waste of money	1%
Do not need more government bureaucracy	1%
Proposed changes will not make a difference	1%

Some example comments from the key themes can be found below:

“Nothing gets done in our village apart from what the local committee wants, they do not listen to villagers.”

“Having attended meetings, I believe some members have their own agenda and do not represent the community.”

“Current parish council have been in position for a very long time. the decision making is not always in the interests of the community. In my view they should stand down every year or two to be re-elected.”

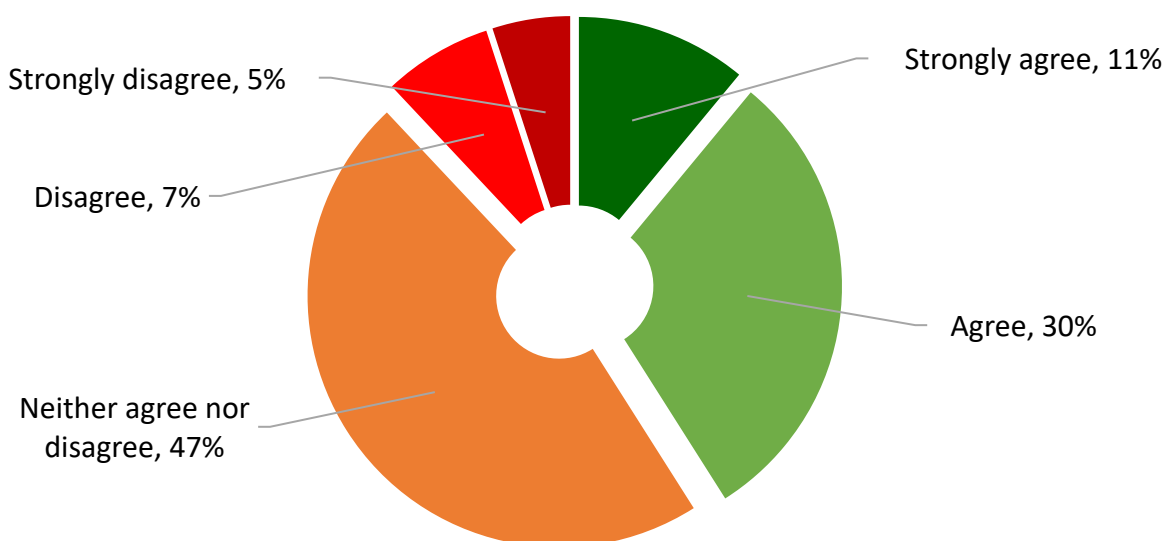
“I don't think parish councils add anything to local gov. It's just another pointless level of bureaucracy filled by (mainly older) people who act in their own interest.”

perception of changes providing effective and convenient local government

Broadly consistent response patterns observed with just over four in ten of those responding with just over four in ten of those responding (41%) agreeing that the current governance arrangements for the parish they live in / are based in provides effective and convenient local government; 11% strongly agree and 30% agree. 13% disagree the current governance changes reflects the identities and interests of the community. A significant proportion neither agree nor disagree (41%) suggesting a potential lack of awareness of parish council responsibilities / influence or how arrangements reflect the identities and interests of the community.

To what extent do you agree or disagree that the current governance arrangements for the parish you live in / are based in provides effective and convenient local government?

Base: all answering (825)



SUPPORTING DATA TABLE	% of total answering 825
Net agree (strongly agree / agree)	41%
Net disagree (strongly disagree / disagree)	13%

There are no significant changes in agreement by gender. However, there are significant differences in the proportion who agree by age and by parish:

- 48% of those aged 75 & over agree the current governance arrangements provides effective and convenient local government (the highest of all age groups).
- 63% of those responding from Cuxton agree the current governance arrangements provides effective and convenient local government (the highest of the eight parishes). 3% disagree the recommended changes do this.
- Comparatively, 30% of those responding from Frindsbury Extra agree the recommended governance changes provides effective and convenient local government.
- A comparatively low proportion of those from St Mary Hoo agree (22%). However, it should be considered that this statistic is based on a small number of residents responding.

SUPPORTING DATA TABLE	% Net agree (strongly agree / agree)
Allhallows (base answering – 58)	31%
Cliffe and Cliffe Woods (base answering – 202)	40%
Cooling (base answering – 15)	53%
Cuxton (base answering – 149)	63%
Frindsbury Extra (base answering – 269)	30%
St James, Isle of Grain (base answering – 52)	35%
St Mary Hoo (base answering – 18)	22%
Stoke (base answering – 28)	57%

Those taking part were given the opportunity to provide their reasons for their answers in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the table below. 51% of those taking part provided a comment at this question.

Consistent with trends observed previously, the most common positive mentions are that the current situation is fine / they are satisfied / happy with arrangements as they are (15% of those answering), their local Parish Council is well run / does a good job / represents the area (12%) and knows the area / understands local issues / requirements (9%).

A higher proportion of those responding from Cuxton commented that the Parish Council is well run / does a good job / represents the area (29%) and knows the area / understands local issues / requirements (16%) compared to those responding from other parishes.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (431)

POSITIVE MENTIONS - SUMMARY

	% of total answering 431
Current situation is fine / satisfied / happy as arrangements are	15%
Parish Council is well run / does a good job / represents the area	12%
Parish Council knows the area / understands local issues / requirements	8%
Parish Council listens to residents / concerns / is responsive / contactable	6%
Parish Council is communicative / hold meetings / keep people informed	3%
Parish Council supports community / good community spirit / holds events	1%

Some example comments from the key themes can be found below:

“Local issues raised and dealt with by local people. Very effectively run parish council.”

“Meetings are held locally should any members of the public wish to attend.”

“The Parish councillors are all familiar with the needs of the village and are regularly in contact with villagers and have the needs of the village at heart.”

“Local residents making discussions on behalf on local people knowing the areas.”

Consistent with the high proportion of those answering indicating they neither agree nor disagree with the current arrangements providing effective and convenient local government, there are a number of comments made with reference to a lack of awareness of Parish Council responsibilities and governance arrangements. 10% of those answering don't know what the current governance arrangements are and claim they are not aware of their local Parish Council / its role / what it does / who the councillors are. 9% claim they don't know enough about arrangements to make a decision / give an opinion.

A higher proportion of those responding from Frindsbury Extra commented they don't know enough the current governance arrangements are (18%) compared to those responding from other parishes.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (431)

IMPACT / AWARENESS MENTIONS - SUMMARY

	% of total answering 431
Don't know what the current governance arrangements are	10%
Not aware of Parish Council / its role / what it does / who the councillors are	10%
Don't know enough about arrangements to make a decision / give an opinion	9%
Ambivalent / not interested / not thought about it	3%
Don't understand the question	1%

Some example comments from these key themes can be found below:

“I do not know what our local parish council does and cannot comment on the governance policy.”

“I don't know what the current governance arrangements are.”

“Neutral - It would have been ideal to have included with this survey a summary of current governance arrangements in some detail, so people can identify whether interests of community are truly reflected in governance.”

“Don't know what the governance arrangements for the parish are? Who arranges this? Never get told when, why or how for anything!”

The most common negative mention is that their local Parish Council doesn't listen / consult / respond / act on concerns / are not contactable (12% of those answering). There are also some concerns raised in relation to perceived limited powers / influence of Parish Councils (5%) and integrity / conflict of interest of Parish councillors (3%); but these are in the minority. 2% would like to see more representatives / councillors / wards.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (431)

NEGATIVE MENTIONS - SUMMARY

	% of total answering 431
Parish Council don't listen / consult / respond / act on concerns / not contactable	12%
Parish Councils do not have enough power / limited influence	5%
Concerned about integrity / conflict of interest of Parish councillors	3%
Need more representatives / councillors / wards	2%
Proposed opinions will not make a difference	1%
Parish Council could do more / room for improvement	1%
Local representatives must be separate from Medway Council	1%

Some example comments from the key themes can be found below:

“Members of my local governance arrangements do not live in my local area and do not understand the ongoing issues.”

“What parish council? They are appointed to look after the parish that includes any constant untidy areas to be dealt with or residents to clear the unsightly rubbish.”

“Parish councils are too small to be meaningful and barely anyone attends a parish council meeting.”

“Councillors mostly now not elected do not reflect the age or demographic of the parish. Self interest again. The village plan is not reflective of the needs of the parish as less than 10% of residents filled it in. So cannot be effective in representing local views.”

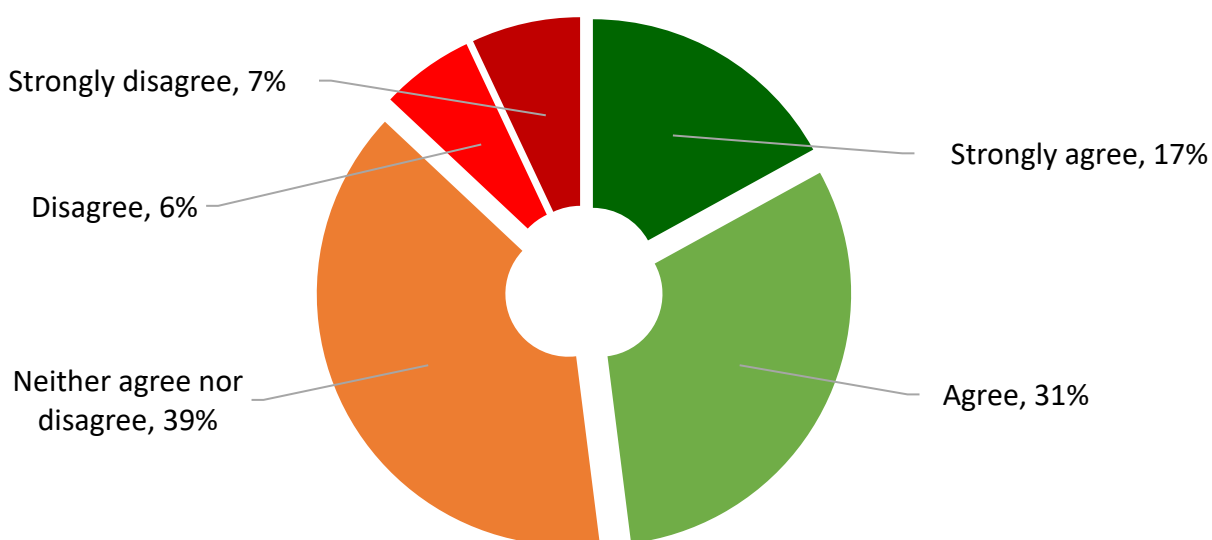
“A review is necessary as existing Parish Councils are seen to be inaccessible to provide effective and convenient local governments.”

agreement with medway council's proposed recommendations for governance arrangements

Broadly consistent response patterns observed with just under half of those responding (48%) agreeing with Medway Council's proposed recommendations for the parish they live in / are based in; 17% strongly agree and 31% agree. 13% disagree with Medway Council's recommendations. A significant proportion neither agree nor disagree (39%) suggesting a potential lack of awareness of parish council responsibilities / influence or the rationale for not making changes.

To what extent do you agree or disagree with Medway Council's proposed recommendations for governance arrangements for the parish you live in / are based in?

Base: all answering (823)



SUPPORTING DATA TABLE	% of total answering 823
Net agree (strongly agree / agree)	48%
Net disagree (strongly disagree / disagree)	13%

There are no significant changes in agreement by gender or age. However, there are significant differences in the proportion who agree by parish:

- 75% of those responding from Cuxton agree with Medway Council's proposed recommendations (the highest of the eight parishes). 3% disagree the recommended changes do this.
- Comparatively, 36% of those responding from Frindsbury Extra and 35% of those responding from St James Isle of Grain with Medway Council's proposed recommendations.
- A comparatively low proportion of those from St Mary Hoo agree (39%). However, it should be considered that this statistic is based on a small number of residents responding.

SUPPORTING DATA TABLE	% Net agree (strongly agree / agree)
Allhallows (base answering – 57)	47%
Cliffe and Cliffe Woods (base answering – 202)	50%

Cooling (base answering – 13)	46%
Cuxton (base answering – 150)	75%
Frindsbury Extra (base answering – 269)	36%
St James, Isle of Grain (base answering – 51)	35%
St Mary Hoo (base answering – 18)	39%
Stoke (base answering – 29)	48%

Those taking part were given the opportunity to provide their reasons for their answers in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the table below. 49% of those taking part provided a comment at this question.

The most common positive mention is broadly consistent with opinions outlined previously - the current situation is fine / they are satisfied / happy with arrangements as they are (36% of those answering). 7% commented that their local Parish Council is well run / does a good job / represents the area and knows the area / understands local issues / requirements.

A higher proportion of those responding from Cuxton commented that the current situation is fine / satisfied / happy as it is (53%) compared to those responding from other parishes.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (411)

POSITIVE MENTIONS - SUMMARY

	% of total answering 411
Current situation is fine / satisfied / happy as arrangements are	36%
Parish Council is well run / does a good job / represents the area	7%
Parish Council knows the area / understands local issues / requirements	7%
Parish Council supports community / good community spirit / holds events	1%

Some example comments from these key themes can be found below:

“Although there has been a lot of new housing developments and new residents, I feel there are enough parish boundaries and local governors at this time.”

“I strongly agree that the current governance arrangement work well for my local community.”

“Without the understanding and backing of our Parish council, no one else would listen.”

“Don't see reason for change here, local enough and numbers seem right. May change if more houses are built.”

“The current system seems to work. In the absence of any alternative suggestions the status quo remains.”

Consistent with the high proportion of those answering indicating they neither agree nor disagree with Medway Council's recommendations, there are comments made with reference to a lack of awareness of Parish Council responsibilities and governance arrangements. 9% of those responding don't know what the current governance arrangements are and don't know enough about arrangements to make a decision / give an opinion.

A higher proportion of those responding from Frindsbury Extra commented they don't know enough the current governance arrangements are (19%) compared to those responding from other parishes.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (411)

IMPACT / AWARENESS MENTIONS - SUMMARY

	% of total answering 411
Don't know what the current governance arrangements are	9%
Don't know enough about arrangements to make a decision / give an opinion	9%
Not aware of Parish Council / its role / what it does / who the councillors are	6%
Ambivalent / not interested / not thought about it	1%
Don't understand the question	1%

Some example comments from these key themes can be found below:

“I would offer more of an opinion if I understood exactly what the Parish council represents for me. I doubt if Medway council itself would actually improve things.”

“I do not have any knowledge of the current arrangements to make an informed decision.”

“I do not know what present governance arrangements are in detail.”

The most common negative mentions are that Parish Councils should be scrapped and Medway take on their responsibilities to save money (8% of those answering) and their local Parish Council doesn't listen / consult / respond / act on concerns / are not contactable (4%). 3% would like to see some local changes and suggest a further governance review.

A higher proportion of those responding from Frindsbury Extra commented Parish Councils should be scrapped and Medway take on their responsibilities to save money (12%) compared to those responding from other parishes.

Please explain your reason(s) for your answer, including any supporting evidence you may have.

Base: all answering (411)

NEGATIVE MENTIONS - SUMMARY

	% of total answering 411
Parish Council should be scrapped / Medway take on responsibilities / could save money	8%
Parish Council don't listen / consult / respond / act on concerns / not contactable	4%
Local changes needed / different governance review needed	3%
Those elected must be diverse / reflect community / be representative	3%

Parish Councils do not have enough power / limited influence	2%
Concerned about integrity / conflict of interest of Parish councillors	1%
Concerns decisions have already been made / opinions are irrelevant	1%
Proposed opinions will not make a difference	1%

Some example comments from the key themes can be found below:

“Parish councils are irrelevant in the 21st century and should be scrapped to save expenditure on the public purse.”

“Parish councils should be eradicated unnecessary and an expense.”

“Keeping arrangements as they are doesn’t address the fundamental issues we have that our Parish Councillors are looking out for their own best interests discouraging local residents from participating and being stuck in their ways.”

“Last governance review was before Medway Council existed so a review seems overdue.”

“Very strongly disagree and if something doesn’t change I will be lodging a formal complaint and I know others will too.”

[alternative suggestions](#)

Those taking part were given the opportunity to provide alternative suggestions for making sure their parish council reflects local identities and interests and provides effective and convenient local government in their own words. For the purpose of reporting, we have reviewed respondents’ comments and have grouped common responses together into themes. These are reported in the table below. 27% of those taking part provided a comment at this question.

The most common suggestions put forward include Parish Councils needing to communicate more effectively / make more information available / consult (26% of those answering), address local concerns / issues / must be from local area (14%) and have more power / influence / Medway should listen to Parish Councils / consult with them (10%). 8% commented that Parish Councils should reflect local communities / be diverse / reform recruitment approaches.

If you have any alternative suggestions for making sure the parish council reflects local identities and interests and provides effective and convenient local government, please write them in the box below. Base: all answering (228)

	% of total answering 228 (count in brackets)
Parish Councils must communicate more effectively / make more information available / consult	26%
Parish Councils must address local concerns / issues / must be from local area / listen	14%
Parish Councils should have more power / influence / Medway should listen to Parish Councils / consult with them	10%
Parish Councils should reflect local community / be diverse / reform recruitment	8%
More information / awareness of Parish Councils / their role / what is does / who the councillors are	5%

Parish Councils are essential to represent the area	5%
Ward / boundary / area mergers / numbers of councillors needs reviewing	5%
Parish Councils should be scrapped	5%
Arrangements are fine as they are / no changes needed	4%
Parish Councils should have integrity / behave ethically / have no conflict of interest / personal agendas	3%
Don't know what the current governance arrangements are	3%
Parish Councils should support community events / groups / provide community hubs	2%

any other comments on community governance review

Those taking part were given the opportunity to provide any other comments about the Community Governance Review in their own words. For the purpose of reporting, we have reviewed respondents' comments and have grouped common responses together into themes. These are reported in the tables below. 15% of those taking part provided a comment at this question

Whilst a small proportion of those taking part in the survey provided a comment at this question, the most commonly noted themes are that the governance review sounds costly / querying what the cost implications are (15% of those answering) and that the review will not make any difference / is a waste of time (2%). Other comments made reiterated earlier points made about Parish Council workings and information provision.

If you have any other comments about this Community Governance Review, please write them in the box below.

Base: all answering (125)

	% of total answering 125 (count in brackets)
Sounds costly / querying what the cost implications are	15%
Will not make any difference / waste of time	12%
Parish Councils have little input from residents / doesn't communicate / listen / doesn't act in best interests of community	9%
Perceived lack of information about governance arrangements / need more information to make a decision	9%
Perceived lack of transparency about processes / elections / personal agendas	6%
Need more information about Parish Councils / its role / details of meetings	5%
Parish Councils should reflect local community / diverse / currently out of touch	5%
Arrangements are fine as they are / no changes needed	4%
Parish Councils should know the area / understand local issues / requirements / live in area	4%
Parish Councils should support community events / groups / provide community hub	4%
Don't understand review / should be easier to understand	3%

Parish Councils should have more power / influence / more input	2%
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QUESTIONNAIRE SENT TO PARISHES WITH CHANGES SUGGESTED

Please answer the questions below about the parish you live in / are based in:

Q1	To what extent do you agree or disagree that the <u>recommended governance changes</u> for the parish you live in / are based in reflects the identities and interests of the community? (PLEASE TICK ONE BOX BELOW)	
	<i>Strongly agree</i>	1
	<i>Agree</i>	2
	<i>Neither agree nor disagree</i>	3
	<i>Disagree</i>	4
	<i>Strongly disagree</i>	5

Q2	Please explain your reason(s) for your answer above, including any supporting evidence you may have in the box below.	

Q3	To what extent do you agree or disagree that the <u>recommended governance changes</u> for the parish you live in / are based in provides effective and convenient local government? (PLEASE TICK ONE BOX BELOW)	
	<i>Strongly agree</i>	1
	<i>Agree</i>	2
	<i>Neither agree nor disagree</i>	3
	<i>Disagree</i>	4
	<i>Strongly disagree</i>	5

Q4	Please explain your reason(s) for your answer above, including any supporting evidence you may have in the box below.	

Q5	To what extent do you agree or disagree with Medway Council’s proposed recommendations for governance arrangements for the parish you live in / are based in? (PLEASE TICK ONE BOX BELOW)	
	<i>Strongly agree</i>	1
	<i>Agree</i>	2
	<i>Neither agree nor disagree</i>	3
	<i>Disagree</i>	4
	<i>Strongly disagree</i>	5

Q6	Please explain your reason(s) for your answer above, including any supporting evidence you may have in the box below.	

Q7	If you have any alternative suggestions for making sure the parish council reflects local identities and interests and provides effective and convenient local government, please write them in the box below.

PLEASE ANSWER Q8A AND Q8B IF YOU LIVE IN HOO ST WERBURGH, OTHERWISE PLEASE GO TO Q9

Q8a	If the proposed changes go ahead, the changed wards will require names. The Parish Council has suggested the names 'Hoo' and 'Chattenden'. If you would like to propose alternative suitable name(s) for the new Parish wards, please write your suggestions below. If possible, please provide details of how your suggested names would reflect the identity of the local area.

Q8b	The Parish Council has suggested that the parish be called Hoo St Werburgh and Chattenden. If you would like to propose alternative suitable name(s) for the parish, please write your suggestions below. If possible, please provide details of how your suggested name would reflect the identity of the local area.

Q9	If you have any other comments about this Community Governance Review, please write them in the box below. Please only include comments on areas that you have been unable to include in your responses to previous questions.

Medway is committed to consulting with all its residents and interested parties so, to ensure that all groups within the community have the opportunity to participate, we would appreciate it if you could provide us with the following information. The information provided will remain private and confidential and will not be used for any other purpose. You are under no obligation to provide the following information and it will not affect your response if you choose not to.

Q10A	Are you responding as...? (PLEASE TICK ALL THAT APPLY ONLY BELOW)				
	<i>An individual / resident</i>	1 GO TO Q11		<i>An elected representative</i>	3 GO TO Q10B
	<i>An organisation</i>	2 GO TO Q10D		<i>A parish council</i>	4 GO TO Q10C

Q10B	If you are responding as an elected representative, are you? (PLEASE TICK ALL THAT APPLY BELOW)				
	<i>A Medway councillor</i>	1		<i>A member of parliament</i>	3
	<i>A Parish councillor</i>	2		<i>Other elected representative</i>	4

Q10C	Please write the ward / parish / constituency that you represent below				

Q10D	Please write the name of the organisation you are responding on behalf of below				

PLEASE ANSWER Q11-Q15 IF YOU ARE RESPONDING AS AN INDIVIDUAL

Q11	What is your sex? (PLEASE TICK ONE BOX ONLY BELOW)				
	<i>Male</i>	1		<i>Prefer not to answer</i>	3
	<i>Female</i>	2			

Q12	Which of the following age groups do you fall into? (PLEASE TICK ONE BOX ONLY BELOW)				
	<i>18-24</i>	1		<i>55-64</i>	5
	<i>25-34</i>	2		<i>65-74</i>	6
	<i>35-44</i>	3		<i>75 and over</i>	7
	<i>45-54</i>	4		<i>Prefer not to answer</i>	8

Q13	Under the Equality Act 2010, a person has a disability if they have a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. Do you have any long-standing health problem or disability? Long-standing means anything that has lasted, or is expected to last, at least 12 months? (PLEASE TICK ONE BOX ONLY BELOW)				
	<i>Yes</i>	1		<i>Prefer not to answer</i>	3
	<i>No</i>	2			

Q14	Which of the following describes your ethnic group? (PLEASE TICK ONE BOX ONLY BELOW)				
	<i>White – English / Welsh / Scottish / Northern Irish / British</i>	1		<i>Any other Black / African / Caribbean background</i>	11
	<i>White – Irish</i>	2		<i>Asian / Asian British Indian</i>	12
	<i>White – Gypsy or Irish Traveller</i>	3		<i>Asian / Asian British Pakistani</i>	13
	<i>Any other White background</i>	4		<i>Asian / Asian British Bangladeshi</i>	14
	<i>Mixed White and Black Caribbean</i>	5		<i>Asian / Asian British Chinese</i>	15

	<i>Mixed White and Black African</i>	6		<i>Any other Asian background</i>	16
	<i>Mixed White and Asian</i>	7		<i>Arab</i>	17
	<i>Any other mixed / multiple ethnic background</i>	8		<i>Any other ethnic background (write in</i>	18
	<i>Black / Black British African</i>	9		_____	
	<i>Black / Black British Caribbean</i>	10		<i>Prefer not to answer</i>	19

Q15	In which of the following parishes do you live? (PLEASE TICK ONE BOX ONLY BELOW)				
	<i>Allhallows</i>	1		<i>High Halstow</i>	7
	<i>Cliffe and Cliffe Woods</i>	2		<i>Hoo St Werburgh</i>	8
	<i>Cooling</i>	3		<i>St James, Isle of Grain</i>	9
	<i>Cuxton</i>	4		<i>St Mary Hoo</i>	10
	<i>Frindsbury Extra</i>	5		<i>Stoke</i>	11
	<i>Halling</i>	6			

QUESTIONNAIRE SENT TO PARISHES WITH NO CHANGES SUGGESTED

Please answer the questions below about the parish you live in / are based in:

Q1	To what extent do you agree or disagree that the <u>current governance arrangements</u> for the parish you live in / are based in reflects the identities and interests of the community? (PLEASE TICK ONE BOX BELOW)
	<i>Strongly agree</i> 1
	<i>Agree</i> 2
	<i>Neither agree nor disagree</i> 3
	<i>Disagree</i> 4
	<i>Strongly disagree</i> 5

Q2	Please explain your reason(s) for your answer above, including any supporting evidence you may have in the box below.
	 <hr/>

Q3	To what extent do you agree or disagree that the current governance arrangements for the parish you live in / are based in provides effective and convenient local government? (PLEASE TICK ONE BOX BELOW)
	<i>Strongly agree</i> 1
	<i>Agree</i> 2
	<i>Neither agree nor disagree</i> 3
	<i>Disagree</i> 4
	<i>Strongly disagree</i> 5

Q4	Please explain your reason(s) for your answer above, including any supporting evidence you may have in the box below.
	 <hr/>

Q5	To what extent do you agree or disagree with Medway Council's recommendations to keep current governance arrangements as they are for the parish you live in / are based in? (PLEASE TICK ONE BOX BELOW)
	<i>Strongly agree</i> 1
	<i>Agree</i> 2
	<i>Neither agree nor disagree</i> 3
	<i>Disagree</i> 4
	<i>Strongly disagree</i> 5

Q6	Please explain your reason(s) for your answer above, including any supporting evidence you may have in the box below.

Q7	If you have any alternative suggestions for making sure the parish council reflects local identities and interests and provides effective and convenient local government, please write them in the box below.

Q8	If you have any other comments about this Community Governance Review, please write them in the box below. Please only include comments on areas that you have been unable to include in your responses to previous questions.

Medway is committed to consulting with all its residents and interested parties so, to ensure that all groups within the community have the opportunity to participate, we would appreciate it if you could provide us with the following information. The information provided will remain private and confidential and will not be used for any other purpose. You are under no obligation to provide the following information and it will not affect your response if you choose not to.

Q9A	Are you responding as...? (PLEASE TICK ALL THAT APPLY ONLY BELOW)				
	<i>An individual / resident</i>	1 GO TO Q10		<i>An elected representative</i>	3 GO TO Q9B
	<i>An organisation</i>	2 GO TO Q9D		<i>A parish council</i>	4 GO TO Q9C

Q9B	If you are responding as an elected representative, are you? (PLEASE TICK ALL THAT APPLY BELOW)				
	<i>A Medway councillor</i>	1		<i>A member of parliament</i>	3
	<i>A Parish councillor</i>	2		<i>Other elected representative</i>	4

Q9C	Please write the ward / parish / constituency that you represent below

Q9D	Please write the name of the organisation you are responding on behalf of below

PLEASE ANSWER Q10-Q14 IF YOU ARE RESPONDING AS AN INDIVIDUAL

Q10	What is your sex? (PLEASE TICK ONE BOX ONLY BELOW)		
	<i>Male</i>		1
	<i>Female</i>		2
	<i>Prefer not to answer</i>		3

Q11	Which of the following age groups do you fall into? (PLEASE TICK ONE BOX ONLY BELOW)			
	<i>18-24</i>	1	<i>55-64</i>	5
	<i>25-34</i>	2	<i>65-74</i>	6
	<i>35-44</i>	3	<i>75 and over</i>	7
	<i>45-54</i>	4	<i>Prefer not to answer</i>	8

Q12	Under the Equality Act 2010, a person has a disability if they have a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. Do you have any long-standing health problem or disability? Long-standing means anything that has lasted, or is expected to last, at least 12 months? (PLEASE TICK ONE BOX ONLY BELOW)		
	<i>Yes</i>		1
	<i>No</i>		2
	<i>Prefer not to answer</i>		3

Q13	Which of the following describes your ethnic group? (PLEASE TICK ONE BOX ONLY BELOW)			
	<i>White – English / Welsh / Scottish / Northern Irish / British</i>	1	<i>Any other Black / African / Caribbean background</i>	11
	<i>White – Irish</i>	2	<i>Asian / Asian British Indian</i>	12
	<i>White – Gypsy or Irish Traveller</i>	3	<i>Asian / Asian British Pakistani</i>	13
	<i>Any other White background</i>	4	<i>Asian / Asian British Bangladeshi</i>	14
	<i>Mixed White and Black Caribbean</i>	5	<i>Asian / Asian British Chinese</i>	15
	<i>Mixed White and Black African</i>	6	<i>Any other Asian background</i>	16
	<i>Mixed White and Asian</i>	7	<i>Arab</i>	17
	<i>Any other mixed / multiple ethnic background</i>	8	<i>Any other ethnic background (write in</i>	18
	<i>Black / Black British African</i>	9	_____	
	<i>Black / Black British Caribbean</i>	10	<i>Prefer not to answer</i>	19

Q14	In which of the following parishes do you live? (PLEASE TICK ONE BOX ONLY BELOW)			
	<i>Allhallows</i>	1	<i>High Halstow</i>	7
	<i>Cliffe and Cliffe Woods</i>	2	<i>Hoo St Werburgh</i>	8
	<i>Cooling</i>	3	<i>St James, Isle of Grain</i>	9
	<i>Cuxton</i>	4	<i>St Mary Hoo</i>	10
	<i>Frindsbury Extra</i>	5	<i>Stoke</i>	11
	<i>Halling</i>	6		

Diversity Impact Assessment

TITLE Name / description of the issue being assessed	Community Governance Review (CGR) – Parish Electoral arrangements
DATE Date the DIA is completed	1 February 2023
LEAD OFFICER Name, title and dept of person responsible for carrying out the DIA.	Jane Ringham, Head of Elections & Member Services

1 Summary description of the proposed change

- What is the change to policy / service / new project that is being proposed?
- How does it compare with the current situation?

Subsequent to the Ward boundary changes to be implemented on 4 May 2023, it has been felt necessary to review the electoral arrangements in the Parished areas of Medway. They have not been reviewed since at least 2003. The Council conducted the CGR including a consultation exercise involving all the registered electors in the Parished area, and relevant businesses and organisations, and gathered evidence of existing community governance arrangements in the area. An informal working group of members and council officers have considered the results of the consultation.

2 Summary of evidence used to support this assessment

- E.g.: Feedback from consultation, performance information, service user records etc.
- E.g.: Comparison of service user profile with Medway Community Profile

The survey for the Parish Councils where changes were proposed was sent to 13,210 electors and “interested parties” including the Parish Councils affected. A total of 509 responses were received representing a 4% response rate. The survey for the Parish Councils where no changes were proposed was sent to 16,833 electors and “interested parties” including the Parish Councils affected. A total of 844 responses were received, representing a 5% response rate.

The main outcome of which was that from the consultation responses in the Parishes where changes were suggested, 42% of respondents agreed or strongly agreed that the recommended changes for the Parish reflect the identities and interests of the community. From the consultation responses in the Parishes where no changes are being suggested, the responses were similar to those where changes are being proposed. 44% of respondents agreed or strongly agreed that the current governance arrangements for the Parish reflect the identities and interest of the community. From the consultation responses in the Parishes where changes are being suggested, 38% of respondents agreed or strongly agreed that the recommended changes for the Parish provide effective and convenient local government. From the consultation responses in the Parishes where no changes are being suggested, the responses were similar to those where changes are being proposed. 41% of respondents agreed or strongly agreed that the current governance arrangements for the Parish reflect the identities and interest of the community.

45% of the responses were from men, and 48% from women with 8% preferring not to say. 29% of the respondents were in the age group 17-54 and 73% were in the age group 55 and over. These figures reflect generally the demographic profile in the Parished areas. 20% of respondents indicated they had a long term health condition. This is not greatly different to the 16.4% of the overall population who indicated they had a Limiting Long Term Illness in the 2011 census.

1.37% of respondents indicated that they were of black or minority ethnic origin which compares with 10.4% of Medway’s population in the 2011 census.

Evidence gathered by the working group shows that the local population has an aptitude to form organisations and associations to represent them, and their interests, including those for people of different faith groups, groups of people of particular ethnic backgrounds or cultures and to allow them to identify and resolve issues and improve community cohesion.

3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Age			✓
Disability			✓
Gender reassignment			✓
Marriage/civil partnership			✓
Pregnancy/maternity			✓
Race			✓
<i>Religion/belief</i>			✓
Sex			✓
Sexual orientation			✓
Other (e.g. low income groups)			✓

4 Summary of the likely impacts

- Who will be affected?
- How will they be affected?

The results of the consultation indicated that most residents supported the changes [proposed to the electoral arrangements in the Parish where they live and that there was support for the existing electoral arrangements in those Parish areas where no changes were proposed. The recommendation of the working group is therefore to implement the changes and for the electoral arrangements in the remaining Parishes to remain unchanged.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- What alternative ways can the Council provide the service?
- Are there alternative providers?
- Can demand for services be managed differently?

As well as the Parish Councils themselves providing local services, there are a good selection of local associations and groups in the Parish areas which enable local people to share interests, identify and resolve issues and improve community cohesion.

6 Action plan

- Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change, implementing the Action Plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

Proposed changes in Halling, High Halstow and Hoo St Werburgh should be implemented and that the electoral arrangements in the Parishes of Allhallows, Cliffe & Cliffe Woods, Cooling, Cuxton, Frindsbury Extra, St James Isle of Grain, St Mary Hoo and Stoke should remain unchanged

The report of the working group will be submitted for consideration at the meeting of Full Council on 23 February 2023.

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into the relevant Service Plan and monitored

Assistant Director

Bhupinder Gill, Assistant Director, Legal & Governance

Date

PART 7 – CONTRACT PROCEDURE RULES

SECTION 1 INTRODUCTION AND PURPOSE

1.1 Introduction

1.1.1 These Contract Procedure Rules are made under Section 135 of the Local Government Act 1972. They include provision for competition, and regulate the manner in which procurement and tendering take place within the Council.

1.1.2 These Contract Procedure Rules set out the regulations that must be followed by all Officers on each and every occasion that goods, services or works are procured on behalf of the Council.

1.1.3 These Contract Procedure Rules also protect the legal position of the Council in respect of compliance with EU and UK law (general law and in relation to the Procurement Regulations) and in its contractual dealings with external third party Suppliers and Contractors.

1.2 Primary objectives

1.2.1 These Contract Procedure rules have 5 primary objectives:

- (1) To ensure that the Council obtains Value for Money and fulfils its duty of achieving *Best Value* as defined in Section 3 of the Local Government Act 1999. It is of primary importance that Officers, on behalf of the Council, engage in procurement activity with the intention of delivering Best Value services to the citizens of Medway, both at the point of contracting and through effective contract management, throughout the contract term.
- (2) To ensure that the Council complies with English and European law in force in England that governs the procurement of goods, services and works.
- (3) To establish procurement procedures which, when followed, should protect Members and Officers of the Council from any allegation of acting unfairly or unlawfully which may be made in connection with any procurement by the Council relating to goods, services or works.
- (4) To ensure that any risks associated with commencing procurement processes and subsequently entering into contracts are assessed as part of the procurement process and the Council's Procurement Gateway Process.
- (5) To ensure that fairness and transparency remains at the forefront of all procurement activity undertaken by Officers and approved by Members on behalf of the Council.

1.3 Scope and application

- 1.3.1 These Contract Procedure Rules apply to all procurement activity undertaken by the Council (inclusive of Partnering and Income Generation Contracts) unless any such procurement is expressly prescribed under these Rules, or subject to an *Exemption* (as specified in **Section 1.8**).
- 1.3.2 These Contract Procedure Rules shall apply irrespective of how the procurement is funded. Where any ambiguity exists in respect of such funding the decision of the Assistant Director, Legal and Governance and/or Chief Operating Officer shall be sought and that decision shall be final.
- 1.3.3 All contracts entered into by the Council are subject to these Contract Procedure Rules, the provisions contained within the Council's Financial Procedure Rules and in accordance with guidance from Category Management and Legal Services respectively.
- 1.3.4 These Contract Procedure Rules apply to all Officers involved in the issuing of Orders or the letting of Contracts for Supplies, (Goods), Services and Works necessary for the delivery of the Council's functions.
- 1.3.5 Any third party (e.g. a consultant) who is engaged in the letting, management or supervision of a contract on behalf of the Council must comply with these Contract Procedure Rules as if they (the consultant/third party) were Officers of the Council.

1.4 Review and amendment

- 1.4.1 These Contract Procedure Rules shall be reviewed on a regular basis, not less than annually, by the Assistant Director, Legal and Governance who shall consult with the Procurement Board. The Assistant Director, Legal and Governance shall make minor changes to the Contract Procedures in accordance with Section 14.3 of Article 14 of the Council's Constitution. Any other amendments will be subject of approval by Council.

1.5 Interpretation

- 1.5.1 The interpretation of these Contract Procedure Rules is solely a matter for the Council's Assistant Director, Legal and Governance and are not open to interpretation by any other Officer of the Council.
- 1.5.2 Where an Officer of the Council is unsure of the meaning and implications of these Contract Procedure Rules, guidance must be sought from Category Management, in consultation with and on behalf of the Council's Assistant Director, Legal and Governance and such guidance and direction shall prevail.
- 1.5.3 Where there is a conflict between these Contract Procedure Rules and the Council's Financial Procedure Rules, the former shall prevail, subject to guidance and clarification from the Council's Assistant Director, Legal and Governance in consultation with the Council's Chief Operating Officer.

1.5.4 Any failure to comply with these Contract Procedure Rules may result in disciplinary action being taken against an Officer and may be seen as gross misconduct.

1.6 Procurement governance structure

1.6.1 The governance structure of procurement within the Council is as follows:

- The Cabinet – for decision making in respect of executive functions
- The Council – for all other decision-making
- The Procurement Board - The Procurement Board acts as a Cabinet Advisory Group to the Assistant Director, Legal and Governance and the Chief Operating Officer, in order to assist them in the procurement and contract decision-making process.

The Procurement Board consists of:

- The Portfolio Holder for Resources (or such other portfolio holder as the Leader of the Council may substitute at his/her discretion).
- The Portfolio Holder for Adult Services (or such other portfolio holder as the Leader of the Council may substitute at his/her discretion) (Note: the Cabinet appoints Cabinet Members to the Procurement Board).
- The Assistant Director, Legal and Governance.
- The Chief Operating Officer.
- Head of Category Management.
- Other key representatives from each of the Council's respective Directorates:
 - Category Management Team – Strategic team responsible for providing strategic support and quality assurance to the Council's Directorates as well as representing and acting on behalf of the Council's Assistant Director, Legal and Governance in all procurement and contract related activities, matters and issues.
 - Directorate Management Team – Led by each respective Director, with operational procurement and contract management responsibility delegated to Assistant Directors and / or Heads of Service in accordance with these Contract Procedure Rules.

- 1.7 General principles
 - 1.7.1 Call Off from existing contracts
 - 1.7.1.1 Where the Council's procurement requirement can be satisfied from an existing approved Contract then any order will be considered an Exception to these rules as long as the call-off arrangements defined within the individual contract are followed or where the original Contract can be varied to meet the requirement. Category Management must be consulted before invocation of any such variation.
 - 1.7.1.2 In all instances goods, services or works should be obtained via appropriate, existing, approved arrangements. These arrangements include and should be reviewed in the following order:
 - (1) In-house services (including, but not limited to: Category Management, Property & Capital Projects, Legal, Printing and Design, Facilities Management, etc)
 - i. Where a team exists to provide the goods, services or works required, they must be engaged with first and foremost. Should they not be able to fulfil the requirement then the following arrangements can be considered.
 - ii. For the avoidance of doubt, all Capital funded projects must follow the process of engagement outlined within Appendix D.
 - (2) Established corporate contracts
 - (3) Approved nationally negotiated contracts (for example those arranged by the Crown Commercial Service).
 - (4) Consortia of which the Council is a member (or can join)
 - 1.7.1.3 Before any contract is made, there must be:
 - (a) The proper authority of the Council in accordance with the processes set out in the Constitution, the Procurement Gateway Process (as specified in **Section 2** of these Contract Procedure Rules) and / or Directorate scheme of delegation, as specified and approved by the appropriate Director of each respective Directorate.
 - (b) Adequate budgetary provision for the procurement within existing budgets. All such expenditure must be committed in accordance with procedures set out and prescribed by the Chief Operating Officer.
 - (c) Where ambiguity exists in respects to the availability of budgets, the decision of the Chief Operating Officer must first be obtained and that decision shall prevail in all instances and the procurement direction will be dictated accordingly.
 - 1.7.2 **Collaborative/Joint procurement (Public Contracts Regulations 2015, Regulation 38 "PCR 2015")**
 - 1.7.2.1 The Head of Category Management, on behalf of the Council's Assistant Director, Legal and Governance shall approve any joint procurement arrangements with other local authorities or public bodies including

membership or use of purchasing consortia prior to the commencement of any procurement on behalf of the Council as part of the Procurement Gateway Process for Category A Procurements.

- 1.7.2.2 The Assistant Director, Legal and Governance, in consultation with the Procurement Board shall approve any joint procurement arrangements with other local authorities or public bodies including membership or use of purchasing consortia prior to the commencement of any procurement on behalf of the Council as part of the Procurement Gateway Process for Category B Procurements.
- 1.7.2.3 All joint procurement arrangements shall be compliant with the legislation relating to public sector procurement and shall be open to participation by the Council.
- 1.7.2.4 Where procurements are being carried out jointly there is responsibility to ensure compliance with PCR 2015 even if the other party are conducting the tender process on behalf of Medway Council. Clarity of each contracting authority's responsibilities is therefore needed at the outset to ensure compliance for all elements of the tender both individually and jointly.
- 1.7.2.5 Where the Council is entering into a contract as an agent for another public body or government department, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the body concerned.
- 1.7.3 **Engagement of consultants**
 - 1.7.3.1 Officers may only appoint external consultants or advisors providing professional or consulting services if such services are not available within the Council or if Officers requiring them do not have the resources or capability to meet the needs of the service. All such engagements should be done through consultation with the already established team(s) for example, Category Management or Property & Capital Projects.
 - 1.7.3.2 All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide without delay any or all documents and records maintained by them relating to the services, and lodge all such documents and records with the appropriate Officer at the end of the contract.
 - 1.7.3.3 Officers shall ensure that any consultant working for the Council has appropriate indemnity insurance and shall liaise with the Insurance Team to verify the level required.
 - 1.7.3.4 Appointment of consultants for projects, where not part of an existing Framework, shall follow the procurement process for services
- 1.7.4 **Frameworks (Public Contracts Regulations 2015, Regulation 33 "PCR 2015")**

- 1.7.4.1 A framework agreement in the context of these Contract Procedure Rules is:
- Where the overall terms and conditions and pricing are agreed but the cost of each call-off will vary dependent upon the requirement via a mini-competition
- OR
- Where the costs and terms have been expressed whereby the most economic provider is chosen.
- 1.7.4.2 Officers cannot automatically make use of a framework agreement; any proposed use must be appraised in accordance with the applicable Procurement Process.
- 1.7.4.3 Where Officers are proposing to use a framework agreement in relation to a Category A Procurement, guidance must be sought from Category Management before use. This is a mandatory requirement to ensure that the framework agreement is available to the Council, provides the best value procurement route and to ensure that Officers understand and adhere to the protocols set by the creator (Central Purchasing Body) of the framework agreement.
- 1.7.4.4 Where Officers are proposing to use a framework agreement in relation to Category B Procurements, the framework agreement must be appraised against other available procurement options as prescribed within the Procurement Gateway 1 Report.
- 1.7.4.5 When procuring from (calling-off) a Framework Agreement, Officers must adhere to the protocol set out under the existing Framework Agreement terms and must seek advice from Category Management if in any doubt.
- 1.7.4.6 The Council is not required to advertise any proposed call off (in excess of the EU Threshold for Supplies (Goods), Services or Works where the Framework being used was subject to an original OJEU advert.
- 1.7.4.7 The Invitation to Quote procedure set out at **Section 2.3** shall be used in preference to a formal Invitation to Tender where no other formal process is specified within the terms of that Framework.
- 1.7.4.8 Where Officers propose to create a Medway Framework arrangement for works, goods and/or services, transparency is required as to how the “Call off” mechanism will work. Where the call off process includes a part direct award, part mini competition, the procurement documents will detail how the choice will be made (on objective criteria) between a direct award and a mini competition and specify which terms may be subject to reopening of competition. This approach could be lot specific, i.e. it does not have to apply across all lots within a framework.

1.7.5 Central Purchasing Bodies (Public Contracts Regulations 2015, Regulation 37 “PCR 2015”)

- 1.7.5.1 Medway Council, in accordance with the guidance above, may acquire supplies or services, or both, from a central Purchasing body in respect of activities conducted on a permanent basis.

1.7.6 Concession Contracts

- 1.7.6.1 Service concessions are no longer exempt following the implementation of the Concessions Directive 2014/23/EU.

1.7.7 Light Touch Regime (Public Contracts Regulations 2015, Regulations 74-76 “PCR 2015”)

- 1.7.7.1 Under PCR 2006, service contracts were divided into Part A (which were subject to the detailed regulatory regime) and Part B (which were only subject to limited obligations under that legislation). EU Treaty principles, including sufficient advertising and fair and transparent process, also applied to Part B services where there was cross-border interest.
- 1.7.7.2 Under PCR 2015, Part B services have been replaced by a specific list of social and other services which are subject to the “light touch” provisions. These services are more limited than Part B services and there is no “open ended” service category 27.
- 1.7.7.3 The service contracts which are limited to a “light touch” regime are listed in Schedule 3 of the Public Contracts Regulations 2015. Under the light touch regime, above threshold contracts must issue an OJEU notice, which contains details of the conditions of participation, time limits and a description of the award procedure that will be applied, and an award notice. There is also a requirement to advertise the contract/award on Contracts Finder. Other than these limited requirements, Medway Council is free to determine the procurement procedure used, so long as it ensures that it adheres to the EU principles of equality and transparency. All procurement documents must still be available electronically when the procedure begins.

1.8 Exceptions and exemptions

1.8.1 Exceptions to Contract Procedure Rules

- 1.8.1.1 No exception to Contract Procedure Rules can be undertaken where the provision is above the EU tender threshold and subject to European or UK Legislation.
- 1.8.1.2 The requirements of the Council’s Contract Procedure Rules **shall not apply** in the following exceptional circumstances:

- Where for technical or artistic reasons or reasons connected with the protection of exclusive rights the contract can only be awarded to one economic entity.
 - Procurements where the procedure to be followed by the Council is the subject of express legislation.
 - Where there is a need for urgent action and the urgency provisions in the Council's Constitution relating to Council decisions and Leader/Cabinet decisions can be applied. The urgency provisions for Council- side decisions are set out in the employee delegation scheme (Chapter 3, Part 4, para 4.1) and in the Budget and Policy Framework Rules (Chapter 4, Part 3, para 4). The urgency provisions relating to Leader/Cabinet decisions are set out in the Access to Information Rules (Chapter 4, Part 2, paras 16, 17 and 18). In addition to any reporting related to decisions taken under urgency provisions, any expenditure in excess of £5,000 must also be reported to the Head of Category Management within 1 week of the date of the contract award using the Exemption Request Form. Any contract entered into by the Council under urgency provisions must not be for a term of more than 6 months.
 - Contracts for the acquisition and disposal of land or property that are covered within the remit of the Director of Place and Deputy Chief Executive and within the Financial Limits as prescribed within part 5 of chapter 3 of the Constitution.
 - Contracts for employment for staff, except where an agency is used to supply the staff.
 - Works orders with utility infrastructure providers, e.g. Gas Mains.
 - Where supplies are acquired from a closing down sale in circumstances permitted by the Regulations.
 - Where the provision of services is reserved to the winner of a design contest as specified in the Regulations.
 - The disposal of Council Assets that are covered by the Property Procedure Rules and Financial Procedure Rules.
 - Where the contract is for replacement goods or installations and contracting with an alternative supplier to the supplier of the initial goods or installation would either result in incompatibility with existing goods or installations or lead to disproportionate costs or technical difficulties in the operation and maintenance of existing goods or installations.
- 1.8.1.3 The Director of People – Children and Adults Services shall have authority to award without competition a contract where a placement is sought for an individual with a registered care provider of their choice under the National Health Service and Community Care Act 1990.

- 1.8.1.4 A Director shall have authority to award without competition a contract where the particular needs of an individual (either an adult or a child) require a particular social care package, or where an individual has special educational needs which are only available from a particular provider in the opinion as appropriate of the Director of People – Children and Adults Services.
- 1.8.1.5 In relation to **Sections 1.8.1.3 and 1.8.1.4**, The Director of People – Children and Adults Services will through the appropriate scheme of delegation, keep a record of the reasons for the choice of provider, which will be maintained on the individual’s case notes. In addition, a record of the annual cumulative expenditure with each provider will be maintained by the Director of People – Children and Adults Services and made available for audit purposes upon request.
- 1.8.1.6 The Assistant Director, Legal and Governance may engage a barrister or solicitor without competition. The appointment will be made on the basis of which barrister or solicitor is in the opinion of the Council’s Assistant Director, Legal and Governance, best able to provide the necessary expertise and value for money. The Council’s Assistant Director, Legal and Governance will maintain a departmental record of the amounts of expenditure with external barristers and will ensure that this information is made available for audit purposes upon request.
- 1.8.1.7 The Assistant Director, Legal and Governance may procure without competition, emergency accommodation for the homeless for individual service users that are not covered by a Council Framework Agreement or Contract.
- 1.8.2 **Exemptions to Contract Procedure Rules**
- 1.8.2.1 Any Officer requesting an exemption must complete an *Exemption Request Form*. This form must be approved and signed by the appropriate Director before submission to Category Management for the Assistant Director, Legal and Governance to consider.
- 1.8.2.2 The Council’s Assistant Director, Legal and Governance will review the exemption request and will make a decision in consultation with the Procurement Board as to whether to accept or reject. This decision by the Assistant Director, Legal and Governance will be minuted and communicated for informational purposes to the appropriate Director as part of the *Procurement Board Process*.
- 1.8.2.3 All approved exemption requests will be submitted to the Full Council for information purposes.
- 1.8.2.4 Circumstances where time is lost through inadequate forward planning or a lack of internal resources existing to manage procurement processes will not automatically constitute the basis for an exemption under these Contract Procedure Rules.

- 1.8.2.5 The Assistant Director, Legal and Governance will have ultimate discretion to consider resources and time constraints in the overall context of risk of non-delivery when deciding upon whether to accept or reject an exemption request.
- 1.8.2.6 In the event that a valid reason for urgency exists, the Assistant Director, Legal and Governance will have ultimate discretion to consider an exemption outside of this formal decision-making mechanism. Any such occurrence shall be reported retrospectively to the Procurement Board by the appropriate Officer as per **Sections 1.8.2.1 – 1.8.2.2**.
- 1.8.2.7 No Exemption to Contract Procedure Rules can be undertaken where the provision is above the EU tender threshold and subject to European or UK legislation.

1.8.2.8 Teckal Exemption

- The Teckal exemption allows the award of contracts between contracting authorities and controlled entities provided the following conditions are met:
- the contracting authority exercises control over the entity similar to that which it exercises over its own departments;
- more than 80% of activities of the entity relate to the performance of tasks entrusted to it by the authority; and
- there is no direct private capital participation in the entity (with the exception of non-controlling and non-blocking forms of private capital participation required by national law in conformity with the EU Treaties). Contracts can be exempt where contracting authorities jointly control an entity based on similar tests to the above and for “Reverse Teckal” where the controlled entity (if a contracting authority itself) can award a contract to its controlling contracting authority.

1.9 Delegate authority and officer responsibilities

- 1.9.1 Any procurement carried out on behalf of the Council may only be undertaken by Officers with the appropriate delegated authority to carry out such tasks. This delegation must be included in the current scheme of delegation as prescribed within the Council’s *Constitution* or as advised by the appropriate Director.
- 1.9.2 Each Director is responsible for all procurement activity within their respective Directorate and has the overall responsibility for ensuring Directorate compliance with these Contract Procedure Rules, Procurement Gateway Process, the Council’s Procurement Strategy, Financial Regulations, and all UK and European Legislation.

Through the appropriate scheme of delegation, this authority may be passed down to Assistant Directors, Heads of Service and other appropriate Officers within each Directorate and Department. However,

- ultimate responsibility and accountability will remain with the appropriate Director in respects to Officer conformance with these Contract Procedure Rules unless the Constitution sets out otherwise.
- 1.9.3 Officers must ensure that agents, including consultants, acting on their behalf also comply with these Contract Procedure Rules as prescribed with **Section 1.7.3** of these Contract Procedure Rules,
- 1.9.4 The Officer responsible for managing any contract or procurement process must comply with the Employee Code of Conduct and Anti-Fraud and Corruption policies, and must not invite or accept any gift or reward in respect of the award or performance of any contract.
- 1.9.5 The Officer responsible for managing any contract or procurement process **must** establish if an existing Contract or Framework Agreement exists before seeking to let another Contract (See **Section 1.7**). This Contract or Framework Agreement **must** be considered accordingly as part of a robust options appraisal in line with the Procurement Gateway Process for Category A and Category B Procurements as prescribed in **Section 2.3** and **Section 2.4** of these Contract Procedure Rules. In appraising Framework Agreements and existing Contracts, the Officer **must** provide tangible and demonstrable evidence within the *Procurement Gateway 1 Report*, whether or not these arrangements provide Value for Money and whether or not the goods, services or works therein are “fit for purpose” for the particular requirement.
- 1.9.6 The Officer responsible for managing any contract or procurement Process **must** ensure that when any employee or contractor arrangement may be affected by any transfer arrangement, such as the Transfer of Undertaking Protection of Employment (TUPE), that advice is obtained from HR and/or Legal Services before proceeding with inviting tenders. Officers must consult Pensions and Payroll concerning all TUPE and pension issues before the advert for the contract opportunity is placed, as this will affect the financial value of the contract. Where guidance and confirmation as to the applicability of TUPE is not sought from HR and/or Legal Services, the procurement process will not be permitted to commence nor can be subjected to the Procurement Gateway Process in respects to Category A or Category B Procurements, as prescribed within **Section 2** of these Contract Procedure Rules.
- 1.9.7 The Assistant Director, Legal and Governance and the Chief Operating Officer, in consultation with the Portfolio Holder for Resources, shall both have the delegated authority to enter into contractual arrangements on behalf of the Council for all contracts involving the purchase of utilities (i.e. gas, water and/or electricity supply) on behalf of both the Council and schools. This delegation shall apply to both individual contracts let between the Council and the utility supplier, and where the Council enters into any Framework Agreement or Consortia Agreement.
- 1.9.8 Any such award agreed directly by the Council’s Assistant Director, Legal and Governance and the Council’s Chief Operating Officer or through delegation to Category Management, will be reported to the Procurement

Board for informational and audit purposes. The Procurement Board will have the discretion to decide whether or not to report any such award(s) to the Cabinet for informational purposes.

SECTION 2 PROCUREMENT PROCESS

2.1 Thresholds and risks

2.1.1 The complexity of the procurement process (Category & Level) to be followed will vary in accordance with the value and risk of the requirement as set out below.

CATEGORY A PROCUREMENTS

Level	Value	Risk
0	£0 up to £5k	Low
1	£5k up to £25K	Low
2	£25K up to £100K	Low

CATEGORY B PROCUREMENTS

(Subject to the Procurement Gateway Process)

3	£100K+	Medium
4	Any project deemed 'High Risk' by Procurement Board	High

2.1.2 Risk Decision Making

In determining the level at which procurement decisions are taken, regard will be had to requirements relating to key decisions as set out in Article 12 and the Leader and Cabinet rules in the Council's Constitution. Any procurement defined as a key decision will be classified as high risk and referred to Cabinet for determination.

- a) A key decision is an executive decision which is likely:
- a. To result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - b. To be significant in terms of its effects on communities living or working in an area comprising two or more wards in Medway.

2.2 Calculating contract value

2.2.1 In order to identify the appropriate Category and Level of procurement the Total Value should be calculated over the life of the contract.

2.2.2. The Total Value will be calculated as follows:

- (a) Where the contract is a capital or one-off purchase or for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period;
 - (b) Where the purchase involves recurrent transactions for the same type of items, by aggregating the value of those transactions over the contract period, including any anticipated extension periods;
 - (c) Where the total contract value over the full duration of the contract (not just the annual value) is uncertain, by multiplying the monthly payment by 48 or annual payment by 4;
 - (d) For Framework Agreements with no guaranteed commitment the contract value will be the estimated value of orders placed/commissions let under the Framework Agreement over the full duration of the contract term;
 - (e) Where an in house service provider is involved, by taking into Account TUPE workforce matters, redundancy and similar/associated costs as guided by Legal Services, Human Resources, Pensions and Payroll and Category Management Teams;
 - (f) Where a partnering arrangement is to be put in place, the total value of the likely partnership;
 - (g) For income generation contracts the Total Value will be the estimated revenue stream payable to the Council over the period of the contract. Where the total revenue stream over the full duration of the contract (not just the annual value) is uncertain, by multiplying the monthly payment by 48 or annual payment by 4;
 - (h) If the total value of recurring transactions with a single provider exceeds £24,999, the opportunity is deemed Level 2 procurement and must be tendered appropriately.
 - a. Should the service area envisage the recurring spend exceeding the above threshold, advice from Category Management should be sought.
 - b. Category Management reserves the right to monitor compliance of the clause 2.2.2.h.
 - c. Category Management may deactivate an active provider that is in breach of the above thresholds based on the last 4-years' spend analysis.
 - d. Failure to comply will result in a disciplinary action as per the clause 1.5.4.
 - (i) Subscription based services are exempt from tendering unless the offer is not unique, can be provided by a number of suppliers in the market and falls within procurement Level 2 or higher;
- 2.2.3 The Total Value must be calculated in pounds sterling exclusive of Value Added Tax;

2.2.4 Contracts must not be artificially under estimated or disaggregated to avoid the application of these Contract Procedure Rules or EU/UK Procurement Legislation.

2.3 Category A procurement process

2.3.1 Level 0 procurement (Low Risk) £0 - <£5K

- The appropriate Assistant Director and/or Head of Service must sanction the commencement of any procurement activity. These are for one off purchases that are highly unlikely to be required again e.g. low value and risk works projects.
- A **minimum** of one written quotation must be obtained (Officers are encouraged however to seek further competitive quotations where possible).
- The quotation may take the form of a Supplier email, letter or reference to a current/value catalogue or by using the Low Value Quotation Form.
- Officers must keep such quotations on record for audit purposes and make reference to them on the corresponding Financial Purchase Order.
- Category Management must be informed of all award decisions by completing the **Transparency Agenda Form**. Failure to do so will result in revoking rights of award and disciplinary action.
- All orders placed through this means will be made using the Council's standard Purchase Order terms and conditions. Any amendments should be done in consultation with Category Management.

2.3.2 Level 1 procurement (Low Risk) £5k - <£25k

The appropriate Assistant Director and/or Head of Service must sanction the commencement of any procurement activity. These are for one off purchases that are unlikely to be required again e.g. low value and risk works projects.

- A **minimum** of three written quotations must be obtained (Officers are encouraged however to seek further competitive quotations where possible).
- The quotation must be obtained through the Kent Business Portal using the **Low Value Quotation Form**. Depending on the award criteria, the Most Economically Advantageous Tenderer will be awarded a contract.
- The Kent Business Portal must be updated to keep such quotations on record for audit purposes and make reference to them on the corresponding Financial Purchase Order.
- Category Management must be informed of all award decisions by updating and submitting a Contract's Register entry to Category Management. Failure to do so will result in revoking rights of award and disciplinary action.

- All orders placed through this means will be made using the Council's standard Purchase Order (or industry equivalent as approved by Category Management) terms and conditions. Any amendments should be done in consultation with Category Management.

2.3.3 Level 2 procurement (Low Risk) £25k - <£100k

- The appropriate Assistant Director and/or Head of Service must sanction the commencement of any procurement activity.
- Officers from the Service must work in partnership with Category Management to ensure a corporate approach and delivery of the procurement on behalf of the Council
- Officers must ensure that they liaise with their Procurement Board Directorate Representative and place the procurement project on their respective Directorate Forward Procurement Plan before commencing a Level 2 Procurement.
- A **minimum** of three written quotations must be obtained through the Kent Business Portal by Category Management using the *Invitation to Quote* document.
- Category Management must keep such quotations on record for audit purposes and Officers must make reference to them on the corresponding Financial Purchase Order.

2.4 Category B procurement process

2.4.1 Category B Procurements are considered either a medium or high risk rating and are subject to management through the Council's Procurement Gateway Process by Category Management, the Procurement Board and the Cabinet (where applicable).

2.4.2 The Procurement Gateway Process is a five-stage process as outlined below:

Gateway 1 – Project commencement/options appraisal – Category Management must (in partnership with Service Departments) complete and submit a *Gateway 1 Report* for review and approval to the Procurement Board dependant upon the risk parameters outlined in **Section 2.1.1** and in accordance with **Sections 2.4.4, 2.4.5** and **2.5**.

Gateway 2 – Tender process (including document creation, advertisement, evaluation) – Category Management must (in partnership with Service Departments) complete all necessary procurement documentation and tendering formalities in accordance with **Section 3** of these Contract Procedure Rules.

Gateway 3 – Tender process review and contract award - Category Management must (in partnership with Service Departments) complete and submit a *Gateway 3 Report* for review and approval to the Procurement Board

dependant upon the risk parameters outlined in **Section 2.1.1** and in accordance with **Sections 2.4.4, 2.4.5** and **2.5**.

Gateway 4 – Procurement post project completion review - Category Management must (in partnership with Service Departments) complete and submit a *Gateway 4 Report* for review and approval to the Procurement Board dependant upon the risk parameters outlined in **Section 2.1.1** and in accordance with **Sections 2.4.4, 2.4.5** and **2.5**.

Gateway 5 – Procurement contract management report (prescribed by the Procurement Board and not automatically mandatory) – Category Management must (in partnership with Service Departments) complete and submit a *Gateway 5 Report* for review and approval to the Assistant Director, Legal and Governance, in consultation with the Procurement Board as and when prescribed.

(Note: In determining the level at which procurement decisions are taken regard will be had to requirements relating to key decisions as set out in Article 12 and the Leader and Cabinet rules in Chapter 4 of the Council's Constitution).

2.4.3 For Gateway Reporting purposes, Medium Risk reports are reviewed and approved by the Assistant Director, Legal and Governance in consultation with Procurement board whereas High Risk reports are reviewed and considered for presentation at Cabinet for review and approval.

2.4.4 In addition to the above Category B Procurements are also subject to the requirement of the EU Procurement Regulations where over the relevant threshold for Supplies, (Goods), Services and Works.

2.4.4 **Level 3 procurement (Medium Risk) £100K+**

- Officers must ensure that they liaise with their Procurement Board Directorate Representative and place the procurement project on their respective Directorate Forward Procurement Plan before commencing a Level 3 Procurement.
- Category Management (in partnership with Service Departments) must complete and submit a *Gateway 1 Report* to the respective DMT for review.
- Relevant Director (DMT) must then either approve the report as Level 3 (Medium Risk) or recommend the report to be up-scaled to Level 4 (High Risk) for submission to the Procurement Board for a Gateway 1 review.
- The Authorised Officer will be required to attend the Procurement Board to present the Gateway 1 Report.
- The Assistant Director, Legal and Governance in consultation with the Procurement Board will review the Gateway 1 Report and either approve the risk rating or upscale the procurement risk and instruct the presenting

Authorised Officer to submit the Gateway 1 report for a further review by the Cabinet.

- If the Assistant Director, Legal and Governance, in consultation with the Procurement Board approves the Level 3 (Medium Risk) decision, then the procurement process will be permitted to continue to Gateway 2.
- The Assistant Director, Legal and Governance, in consultation with the Procurement Board will also set the risk and reporting stages for the remainder of the procurement process for Gateway 2, 3, 4 & 5 (if so required) as per the parameters prescribed in **Section 2.4.1** of these Contract Procedure Rules.
- If the Assistant Director, Legal and Governance, in consultation with the Procurement Board upscales the risk rating, then the Gateway 1 decision making process will be decided upon by the Cabinet. The Cabinet will also set the risk and reporting stages for the remainder of the procurement process for Gateway 2, 3, 4 & 5 (if so required) as per the parameters prescribed in **Section 2.4.1** of these Contract Procedure Rules.
- Once the initial Gateway 1 and subsequent Gateway stages have been approved by the Assistant Director, Legal and Governance, in consultation with the Procurement Board and/or the Cabinet, the Authorised Officer must liaise with the Procurement Board Directorate Representative and update the procurement project on their respective Directorate Forward Procurement Plan.

2.4.5 **Level 4 procurement (any project deemed High Risk by the Procurement Board)**

2.4.6 Level 4 (High Risk) Procurement Process are prescribed by the Assistant Director, Legal and Governance, in consultation with the Procurement Board with recommendations for the decision-making associated with the initial Gateway 1 Report and subsequent Gateway 3, 4 & 5 Reports being made to the Cabinet.

2.5 Upscaling Category A to Category B procurements

2.5.1 Where deemed necessary for the achievement of best value, management of internal/external risk and adherence to EU/UK Procurement Legislation, the Council's Category Management Team, on behalf of the Council's Assistant Director, Legal and Governance can at any time upscale a Category A Procurement to a Category B Procurement.

2.5.2 Any such decision by the Council's Category Management Team to upgrade a procurement project will require Officers to comply with the Council's Procurement Gateway Process for Category B Procurements.

2.5.3 Any such decision to upgrade a procurement from a Category A to a Category B by Category Management on behalf of the Council's Assistant Director, Legal and Governance will be final and must be adhered to by Officers of the Council.

- 2.5.4 Officers through the Procurement Gateway Process for Category B Procurements will have the opportunity to present a case to the Procurement Board. This will provide Officers with an opportunity to review the decision to upgrade a procurement from Category A to Category B.
- 2.5.5 Any such review against the decision of the Council's Category Management Team by an Officer of the Council will be decided upon by the Assistant Director, Legal and Governance in consultation with the Procurement Board (except in the case of urgency when the Assistant Director, Legal and Governance will make the decision in consultation with the Chief Operating Officer).
- 2.5.6 The decision of the Council's Assistant Director, Legal and Governance to either uphold the decision made by the Council's Category Management Team or support any such review will be final and binding.
- 2.5.7 Any such decision will be project and situation specific and cannot be automatically relied upon or assumed by any Officer to apply across the board for reviewing future decisions made by Category Management.

SECTION 3 GENERAL TENDER PRINCIPLES

- 3.1 Pre-tender market research and consultation (Public Contracts Regulations 2015, Regulation 40 & 41 “PCR 2015”)
- 3.1.1 Officers may review the market for a proposed procurement through discussions with suppliers and other research but may not:
- (a) Base any specification on one Contractor’s offering such as to distort competition. Bidders may be excluded from the procurement in circumstances where their prior involvement would distort competition (and there are no other means of ensuring equal treatment which can be applied);
 - (b) Make any indication or commitment to Contractors that their offer may be preferred by the Council;
 - (c) Suggest any procurement route, which is not consistent with these Rules;
 - (d) Enter into negotiations about price where a competitive procurement process has yet to take place.
- 3.1.2 Any pre-market research undertaken, including discussions with Contractors and others must be fully documented on file. Where organisations have been involved at pre-procurement stage (whether in soft market testing or otherwise, eg incumbents), a contracting authority must ensure that there is a level playing field when the tender process starts such as providing information which has been made available at pre-procurement stage.
- 3.1.3 Any market research must then be proceeded by a compliant procurement process where there is a business case to proceed.
- 3.2 Third party pre-qualification services
- 3.2.1 Pre-Qualification Services describes the assessment, by a third party organisation of potential suppliers’ generic suitability to contract with a Contracting Authority across a range of requirements (effectively an outsourced pre-qualification process although not specific to any one contract requirement).
- 3.2.2 Pre-qualification results in the formal accreditation of those potential suppliers, which successfully complete the process.
- 3.2.3 Pre-qualification services can be commissioned for vetting of potential suppliers where internal resources are unable to undertake such assessments to assist in the expression of interest process subject to approval by Category Management.
- 3.2.4 Pre-qualification involves suppliers submitting information specified by the Contracting Authority to facilitate its assessment of suppliers’ suitability to tender, below EU thresholds, for tenders relating to works capital projects.

- 3.2.5 These select lists are generally only available for services, works and/or supplies where its estimated value is below the relevant EU threshold value requiring compliance with the procurement Regulations.
- 3.3 Advertising Tender Requirements (Public Contracts Regulations 2015, Regulations 106, 108, 110-113 “PCR 2015”)
- 3.3.1 All requirements above £100K must be advertised on the Kent Business Portal and in the OJEU (where above the EU tender thresholds for goods, services or works).
- 3.3.2 In addition to the above, Officers (in consultation with Category Management) may consider where appropriate additional advertisement in one of the following to increase awareness and competition:
- A dedicated contracts publication;
 - The local press;
 - A relevant trade journal;
 - Voluntary and Community Sector circulation list or website.
- 3.3.3 From 1 April 2015 advertising requirements include:
- All contract notices to the Official Journal (OJEU), must also be published on Contracts Finder within 24 hours. The same applies in respect of contract award notices although this is not required within 24 hours;
 - The PCR 2015 state that sub-central authority contracts over £25,000, include a requirement to publish contract opportunities and award notices on Contracts Finder. For all opportunities that are published to the open market, this is a mandatory requirement.
 - All Public contracts will include a requirement for 30 day payment terms (for undisputed invoices) and these are to be passed down the supply chain. There is also a requirement to report on late payment of invoices. Where express provisions are not included, PCR 2015 imply specific terms into contracts.
- 3.3.4 **Prior Information Notices (Public Contracts Regulations 2015, Regulation 48 “PCR 2015”)**
- PINs are no longer a mandatory requirement.
 - PINs may be used by officers as a call for competition for the restricted or competitive procedure with negotiation. Additional information must be included in the PIN if used for this purpose.
 - A contracting authority cannot rely on a PIN until 35 days after sent for publication.

- Maximum validity is 12 months (except for social and other specific services) (i.e. those covered by the “light touch” regime)

3.3.5 Reserved contracts for certain services (Public Contracts Regulations 2015, Regulation 77 “PCR 2015”)

- PCR 2015 allows contracting authorities to reserve the award of contracts for certain specific health, social and cultural services to certain types of organisations as part of its call for competition.
- The organisations entitled to bid must meet the following conditions:
 - the organisation’s objective is the pursuit of a public service mission linked to the delivery of the services;
 - profits are reinvested with a view to achieving the organisation’s objectives;
 - the structure of management/ownership of the organisation performing the contract are based on employee ownership or participatory principles; and
 - the organisation has not been awarded a contract for those services in the past 3 years.
- If a contracting authority decides to reserve these contracts to such organisations, the maximum duration of a contract which can be awarded is 3 years.

3.3.6 Lots (Public Contracts Regulations 2015, Regulation 46 “PCR 2015”)

- Officers may decide to award a contract in the form of separate lots and may determine the size and subject-matter of such lots.
- Officers may, even where tenders may be submitted for several or all lots, limit the number of lots that may be awarded to one tenderer, provided that the maximum number of lots per tenderer is stated in the contract notice or (if a PIN is used as a call for competition) in the invitation to confirm interest. Officers must set out how this will work in practice including the objective criteria which will determine which lots will be awarded where the application of the award criteria results in one tenderer being awarded more than one lot.
- Although not compulsory, if officers decide not to divide an opportunity into separate lots, reasons for this must be included in the Regulation 84 report (Award Report/Gateway 3).

3.3.7 Electronic communication and access to documents (Public Contracts Regulations 2015, Regulations 22 & 53 “PCR 2015”)

- Subject to certain limited exceptions, all communication and information exchange must be carried out by electronic means. These exceptions include where the specialised nature of the procurement means that specific tools or file formats are needed which are not open to all and generally available or require a licence or where physical or scale

models are required which cannot be transmitted by electronic means. There may also be circumstances in which information of a particularly sensitive nature requires a high level of protection which cannot be ensured by using electronic tools or devices.

- The reasons why electronic communications are not being used must be set out in the Regulation 84 report.
 - Contracting authorities must offer unrestricted and direct access (free of charge) to all procurement documents from the date of publication of the contract notice in OJEU and that the contract notice must include a reference to the internet address where the documents can be accessed. The definition of “procurement documents” is widely drafted meaning any document produced or referred to by a contracting authority which describes elements of the procurement or procedure including the contract notice, technical specification, proposed conditions of contract and formats for the presentation of documents by candidates or tenderers (eg pre-qualification questionnaires and invitations to tender). The requirement to make available all procurement documents at the outset applies to every procurement process unless one or more of the listed exceptions for the use of electronic communications apply.
 - Oral communication can be used provided that its content is documented to a “sufficient degree”. However, oral communication cannot be used in relation to essential elements (defined as including the procurement documents, the request to participate, etc.) of the procurement procedure.
 - Oral communications with tenderers which could have a substantial impact on the content and assessment of tenders is also required to be documented by appropriate means which may include audio records.
- 3.4 Pre-Qualification Questionnaire PQQ (Public Contracts Regulations 2015, Regulations 56-64 “PCR 2015”)
- 3.4.1 A PQQ stage is prohibited to be used for tenders below the EU Threshold level for goods and services. Tenders that fall below the EU threshold values for goods and services will follow an Open Tender Procedure approach i.e. one stage which will encompass selection and award criteria.
- 3.4.2 All tenders, except where prescribed timelines are in place, must specify a time limit of not less than 10 working days to enable interested parties the opportunity to Tender. All exercises shall be completed electronically via the Council’s Quotation/Tendering System.
- 3.4.3 Officers undertaking a PQQ will verify that bids submitted comply with the rules and requirements applicable to the tender as well as checking whether grounds for exclusion apply and selection criteria is satisfied.
- 3.4.4 Officers will check that a tenderer remains “eligible to tender” throughout the process i.e. there are no exclusion grounds or changes in

circumstances which would mean an operator fails to meet the selection criteria.

3.4.5 Officers will consider the mandatory and discretionary grounds for exclusion including additional discretionary grounds where conflicts cannot be remedied or where persistent poor performance has led to contract termination or similar sanctions. Bidders are allowed to provide evidence to demonstrate reliability despite the existence of grounds for exclusion. The duration for the exclusion is:

- 3 years from the date of conviction for mandatory grounds and
- 5 years from the date of the event for discretionary grounds.

3.4.6 As part of the evaluation of the Pre-Qualification Questionnaire credit checking must be completed on all those Suppliers expressing an interest. Further financial analysis should be conducted in conjunction with Corporate Finance, dependent on the nature, value or risk of the contract to fully test the financial ability of the bidder. Full details of the nature of the financial analysis to be undertaken must be included in the Pre-Qualification's Questionnaire's evaluation criteria. These will include:

- minimum annual turnover:
 - no more than 2 x estimated contract value, unless justified;
 - applies per lot but can be combined if awarded more than one lot (note there are specific rules for frameworks and DPS).

3.4.7 A supplier's technical ability to undertake the contract requirements is evaluated at this stage. This cannot be re-tested at the Invitation to Tender stage. This will include:

- education and qualifications if not to be used as award criteria.
- a requirement to accept the European Single Procurement Document (ESPD) which is a self-declaration, as preliminary evidence that there are no grounds for exclusion and that the selection criteria is satisfied. Supporting documents referred to in the ESPD can be requested at any time. The winner must provide up to date information to confirm this.
- Ability to have recourse to e-Certis.
- relying on other entities – Officers may require joint liability (if an economic operator is relying on other entities for educational/ professional purposes, that entity must be performing the relevant parts, must be checked for eligibility and there may be requirement to replace them in certain circumstances).

3.5 The invitation to tender (Public Contracts Regulations 2015, Regulations 22 & 53 "PCR 2015")

- 3.5.1 The Council's standard *Invitation to Tender* documentation must be used for all tender exercises involving the procurement of Supplies, (Goods), Services and Works in excess of £100K.
- 3.5.2 For those procurement exercises involving the procurement of Works and Works related requirements, the appropriate industry standard Invitation to Tender documentation can be used as an alternative to the Council's *Invitation To Tender* document. Any amendments to the industry standard terms must be included in the tender pack and drawn to the attention of all bidders. Legal Services must be consulted on the correct form of contract used (e.g. JCT, ICE, NEC3)
- 3.5.3 The Chief Operating Officer (or such other officer as he shall designate) must be consulted on the financial and commercial aspects of the tender documents, including the evaluation process.
- 3.5.4 Post advertisement at least 3 Contractors must be invited to Tender, unless there is overriding business or legal justification that this is not required and in these circumstances an Exemption must be sought.
- 3.5.5 The specification and evaluation criteria must take into account Social and Economic, Equality, Sustainability, Health and Safety and Value for Money considerations.
- 3.5.6 The risks associated with the contract must be assessed and documented. Appropriate actions should be taken to ensure that the Council's potential and actual exposure to risk and challenge is minimised.
- 3.5.7 A timetable setting out the key stages of the procurement should be set out in the appropriate section of the Council's standard Invitation to Tender documentation.
- 3.5.8 The Invitation to Tender documentation should include a copy of the relevant *Terms and Conditions of Contract*.
- 3.5.9 The Legal Services Team must be instructed on the form of contract and any amendments. It is important for Officers to consider the form of contract to be used to ensure that it is fit for purpose and affords the Council the appropriate level of protection.
- 3.5.10 Where Officers considers that it is not fit for purpose they must liaise with the Legal Services Team with regards to any amendments required to make it fit for purpose.
- 3.5.11 The Invitation to Tender must explain how information provided in the Tender will be treated with regard to statutory requirements.
- 3.5.12 For below EU Threshold procurement projects, Tenderers must be given adequate time to respond, consistent with the level of complexity of the requirement.

- 3.5.13 Tenderers must be required to hold their Tenders open for acceptance for a minimum of 90 calendar days from the date of opening.
- 3.5.14 Invitations to Tender must include a statement that the Council does not bind itself to accept the lowest Tender or any other Tender.
- 3.5.15 Every invitation to tender shall be completed electronically via the Council's Quotation/Tendering System.

3.5.16 Dynamic Purchasing System (Public Contracts Regulations 2015, Regulation 34 "PCR 2015")

- 3.5.16.1 These systems are essentially open frameworks and provide for an electronic process for commonly used supplies, services or works. Contracting authorities must allow all economic operators the ability to participate during the validity of the DPS.
- 3.5.16.2 To set up a DPS, the restricted procedure must be used. A contract notice or PIN must be used, which confirms that it is a call for competition.
- 3.5.16.3 The minimum time period for receipts of request to participate is 30 days.
- 3.5.16.4 The minimum time period for the receipt of tenders is 10 days from the date on which the invitation to tender is sent.
- 3.5.16.5 The maximum duration must be indicated in the call for competition.

3.5.17 Electronic auctions/catalogues (Public Contracts Regulations 2015, Regulations 35 & 36 "PCR 2015")

To ensure transparency the following provisions must be followed:

- 3.5.17.1 The use of electronic catalogues must be identified in the call for competition/ ITT.
- 3.5.17.2 If electronic catalogues are required as part of framework mini-competitions.
- 3.5.17.3 Tenderers can adapt to requirements and resubmit catalogues; or
- 3.5.17.4 Contracting authorities can collect information and adapt these to the requirements of the contract in question and then request confirmation from tenderers (tenderers may object to collection).

- 3.6 Receipt and tender opening
 - 3.6.1 Tenders shall be kept secure electronically and unopened until the time and date specified for their opening.
 - 3.6.2 All tenders received by the time and date specified shall be opened within 5 working days of the closing date in the presence of the Officer from the Service or their nominee and a designated Officer from Category Management.
 - 3.6.3 No tender received after the time and date specified shall be considered unless agreed by the Councils Assistant Director, Legal and Governance either directly or via delegation to the Chief Operating Officer or Category Management.
 - 3.6.4 The formal contract which will include the accepted Tender can be sealed or signed by Authorised Officers within Legal Services. The Authorised Officer must initial every page of a Bill of Quantities or each page of any Schedule to the Form of Tender prepared by the Tenderer.
 - 3.6.5 A record of all tenders signed or sealed will be made and kept by the Legal Services.
- 3.7 Errors in tenders
 - 3.7.1 Officers are entitled to clarify errors, missing or incomplete bids but any clarification is made in full compliance with the principles of equal treatment and transparency.
 - 3.7.2 Where there is an obvious error or omission Category Management may permit a Tenderer to either correct or withdraw their submission. Any such corrections will be completed via the Council's electronic Quotation/Tendering System.
- 3.8 Tender Evaluation (Public Contracts Regulations 2015, Regulations 67 & 68 "PCR 2015")
 - 3.8.1 All Tenders must be assessed in accordance with the pre-determined evaluation criteria and weightings as advertised in the Tender Notice, Pre Qualification Questionnaire and Invitation to Tender documentation as appropriate.
 - 3.8.2 The Tender Evaluation Panel must include relevant representation as appropriate. Where the contract potentially could involve TUPE then HR must be advised at the earliest opportunity and included as part of the Evaluation Process. If a consultant leads on the team then a Head of Service or Assistant Director must sign off their findings.
 - 3.8.3 The Chief Operating Officer or his representative must be consulted on the commercial evaluation of all Category B procurements.
 - 3.8.4 The results of the Tender evaluation must be retained by Category Management.

- 3.8.5 Abnormally Low Tenders (Public Contracts Regulations 2015, Regulation 69 “PCR 2015”)**
- 3.8.5.1 Officers are obliged to seek reasons from bidders to explain prices and costs which appear to be abnormally low in relation to the works, supplies or services.
- 3.8.5.2 Officers may only reject a tender where the evidence supplied does not satisfactorily account for the low level of price or costs proposed.
- 3.9 Negotiation**
- 3.9.1 Officers may only carry out negotiations if:
- (a) An Exemption of these rules has been granted;
 - (b) A single Tender;
 - (c) The Tender is above the EU Thresholds and is in accordance with the EU requirements for an EU Competitive Procedure with Negotiation or a Competitive Dialogue (and a Waiver of these Rules has been granted);
 - (d) They are post tender negotiations in accordance with the rules set out below.
- 3.9.2 Where a competitive tender exercise cannot be carried out in accordance with the Council’s Contract Procedure Rules, a single or multiple negotiated tender exercise may only be sought if a Waiver of Contract Procedure Rules has been granted first. This only applies to a requirement below the OJEU threshold. This Negotiated Procedure must only be used in exceptional circumstances and must be approved in advance by the Council’s Assistant Director, Legal and Governance prior to use as part of the Gateway 1 Process for Category B Procurements.
- 3.9.3 Where the procurement is conducted through either the *Open* or *Restricted Procedures* within the EU Regulations, no negotiations are permitted (including post tender negotiations), which may have the effect of distorting competition (for example fundamental changes to aspects of the contract, including prices changes and variations to the Council’s requirements).
- 3.9.4 Where dialogue with tenderers is permitted under the EU Competitive Procedure with Negotiation or Competitive Dialogue procedures, negotiations shall be conducted by a team of at least two Officers, at least one of who shall be from Category Management.
- 3.9.5 Written records must be made and retained by Category Management of all negotiations. If an Officer is in doubt on any negotiations, they should contact Category Management and Legal Services for guidance.
- 3.9.6 Variants (Public Contracts Regulations 2015, Regulation 45 “PCR 2015”)**

- 3.9.6.1 Officers may now require as well as permit bidders to submit variants (and must set out the minimum requirements they must meet).
- 3.9.6.2 Officers may specify that a variant can only be submitted if a standard bid is submitted or can allow just variants but this must be clear in the procurement documents.
- 3.9.6.3 Officers must ensure that the award criteria can be applied to both non-variant and variant tenders.

3.9.7 Sub-contracting (Public Contracts Regulations 2015, Regulation 71 “PCR 2015”)

- 3.9.7.1 In the procurement documents, Officers may ask the tenderer to indicate in its tender any share of the contract that it intends to sub-contract to third parties and any proposed subcontractors.
- 3.9.7.2 Main contractors must notify Officers of the name, contact details and legal representatives of its sub-contractors in so far as known at the time. This relates to works contracts and in respect of services to be provided at a facility under the direct oversight of Medway Council and must take place after the award of the contract but at the latest when the performance of the contract commences. Officers may extend this approach to supply and other services contracts and to lower tiers of sub-contractors.
- 3.9.7.3 Officers may verify whether there are grounds for exclusion of sub-contractors under Regulation 57 and must require the main contractor to replace a sub-contractor if there are mandatory grounds for exclusion and may require replacement where there are discretionary grounds.

3.10 Award of contracts

- 3.10.1 A contract may only be awarded by an Authorised Officer with the requisite delegated authority to award contracts in accordance with **Section 2** of these Contract Procedure Rules.
- 3.10.2 For contracts subject to the full scope of the EU Regulations, Category Management must inform as soon as possible any tenderer the intended award of contract.
- 3.10.3 The Council must allow a minimum standstill of 10 calendar days between communicating the decision and contract conclusion.
- 3.10.4 The “Standstill” period must not commence until all internal approvals have been finalised in accordance with the Council’s Constitution.
- 3.10.5 Whilst the mandatory standstill period does not generally apply to procurements below the EU thresholds or procurements otherwise outside the full scope of the EU Directives, the above process shall be applied unless justified otherwise.

- 3.10.6 Where a contract exceeding the EU Threshold has been awarded, Category Management must publish a Contract Award Notice in OJEU no later than 48 days after the date of award of the contract.
- 3.10.7 Award of contracts will be based on the most economically advantageous tender assessed from the point of view of the authority. This may be on the basis of price or cost and may include the “best price quality ratio”.
- 3.10.8 Life-cycle costing is also permitted and rules are set out on how to work out life-cycle costing etc in Regulation 68. The approach must be disclosed to bidders.
- 3.10.9 Award criteria must still be linked to the subject matter of the contract but may also include “organisation, qualification and experience of staff assigned to performing the contract” where the quality of the staff assigned can have a significant impact on the level of performance of the contract. Care must be taken not to duplicate any “staff” related assessment undertaken at pre-qualification stage.
- 3.10.10 Individual Reports (Public Contracts Regulations 2015, Regulation 84 “PCR 2015”)**
- Contracting authorities are required to create and keep a written report on each contract, framework agreement and dynamic purchasing system entered into under PCR 2015. (Gateway 3)
 - The information recorded must include information relating to the following (amongst other):
 - the qualification and selection of tenderers and the award;
 - where applicable, why electronic procurement is not used;
 - the use of the negotiated procedure without a call for competition;
 - how conflicts of interest have been managed; and
 - the non-application of the regulations in certain circumstances.
 - In addition to the above, there is a general obligation on contracting authorities to document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions such as communications with economic operators and internal deliberations, preparation of procurement documents, any dialogue and negotiation, selection and award. Documentation must be kept for three years from the award of the contract.
- 3.11 Debriefing/ Bidder Feedback (Public Contracts Regulations 2015, Regulation 55 “PCR 2015”)
- 3.11.1 Officers are required to inform each candidate and tenderer (as soon as possible) of decisions reached concerning the conclusion of a framework

agreement, the award of a contract or admittance to a dynamic purchasing system.

- 3.11.2 Economic operators have a right to request information (and a response must be provided no later than 15 days of a request) and the majority of this information should be provided in the standstill letter. There is also a right to request details of the conduct and progress of negotiations and dialogue with bidders which is in addition to information made available in the standstill letter.
- 3.11.3 Providing unsuccessful tenderers with the information above should in most instances remove the requirement for a further debrief meeting, as there is no further evaluation information to be provided. Where a further request is received in writing from an unsuccessful tenderer (and considered beneficial) a face-to-face debrief meeting may be held with appropriate representation from the Evaluation Panel.
- 3.12 Contract extensions Modification of contracts (Public Contracts Regulations 2015, Regulation 72 “PCR 2015”)
- 3.12.1 Any contract, which provides for (an) extension(s), may be extended in accordance with its terms subject to a Gateway 5 review at the Procurement Board. Where any contract is extended, Category Management will update the Contract Register accordingly.
- 3.12.2 Where the terms of the contract do not expressly provide for an extension, an exemption is required and is subject to any necessary authorisation within the scheme of delegation. These should only be extended in exceptional circumstances and advice must be sought from Category Management and Legal Services.
- 3.12.3 Should there be any contract variations within the first 12 months of the life of the contract which increases the spend on any element within the contract, approval must be given by the relevant Portfolio holder and/or Procurement Board prior to the variation being agreed.
- 3.12.4 Modifications to existing contracts are permitted without commencing a new procurement in the following circumstances:
- Where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses, or options.
 - For additional works, services or supplies by the original contractor, irrespective of their value, that have become necessary and were not included in the initial procurement where a change of contractor:*
 - cannot be made for economic or technical reasons; or
 - would cause significant inconvenience or substantial duplication of costs for the contracting authority; However, any increase in price cannot exceed 50% of the value of the original contract.

- Where all of the following conditions are fulfilled:*
- the need for modification has been brought about by circumstances which a diligent contracting authority could not foresee;
- the modification does not alter the overall nature of the contract; and
- any increase in price is not higher than 50% of the value of the original contract or framework agreement.

(*Note: the contracting authority must publish a notice in the OJEU when a contract has been modified under these headings.)

- Where a new contractor replaces the one which had initially been awarded the contract as a consequence of either:
 - an unequivocal review clause or option which is clear, precise and unequivocal (referred to above); or
 - universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of PCR 2015.
- Where the modifications, irrespective of their value, are not substantial. A modification is considered to be substantial where one or more of the following conditions is met:
 - the modification renders the contract or the framework agreement materially different in character from the one initially concluded;
 - the modification introduces conditions which, had they been part of the initial procurement procedure, would have allowed for the admission of other candidates than those initially selected or for the acceptance of a tender other than that originally accepted or would have attracted additional participants in the procurement procedure;
 - the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement;
 - the modification extends the scope of the contract or framework agreement considerably;
 - where a new contractor replaces the one to which the contracting authority had initially awarded the contract in other cases than those envisaged above.

- Where the value of the modification (on a cumulative basis) is below both of the following values:
 - the relevant EU procurement thresholds; and
 - 10% of the initial contract value for service and supply contracts and below 15% of the initial contract value for works contracts. Where a modification falls outside of the above circumstances, a new procurement process is required. To proceed in those circumstances without a new procurement will therefore amount to an unlawful direct award.

3.13 Termination of Contract (Public Contracts Regulations 2015, Regulation 73 “PCR 2015”)

3.13.1 Contracting authorities shall ensure that every public contract which they award contains provisions enabling the contracting authority to terminate the contract where:

- the contract has been subject to a substantial modification which would have required a new procurement procedure;
- the contractor has, at the time of contract award, been in one of the situations referred to in certain of the mandatory grounds for exclusion; or
- the contract should not have been awarded to the contractor in view of a serious infringement of the obligations under the Treaties and the Public Contracts Directive (that has been declared by the Court of Justice of the European Union in a procedure under Article 258 of TFEU).

3.13.2 To the extent that a public contract does not contain provisions enabling the contracting authority to terminate the contract on any of the grounds mentioned above, such a termination term shall be implied into the contract.

3.13.3 Early termination of any contract may be carried out by the Authorised Officer in accordance with the terms of that contract. Advice must be sought from Category Management and Legal Services, in the first instance, prior to termination. Before a contract can be terminated, a Gateway 5 report must be submitted to the Procurement Board to make an informed decision

3.14 Procurement by non-council officers

3.14.1 Where the Council uses non-Council Officers to act on its behalf in relation to any procurement, then the Officer responsible for the procurement shall ensure that the third parties carry out any procurement in accordance with these Contract Procedure Rules.

3.14.2 All non-Council Officers must sign an agreement not to use information gained during employment with the Council, to gain any commercial or pecuniary advantage in relationship to concurrent or future employment/engagement.

- 3.14.3 No non-Council Officer shall make any decision on whether to award a contract or whom a contract should be awarded to unless specifically empowered to do so in writing by an Officer or body authorised to confer that power.
- 3.14.4 The responsible Officer shall ensure that the non-Council Officer's performance is monitored.
- 3.14.5 Non-Council officers includes, but is not limited to:
- Consultants
 - Main Contractors
 - Sub-Contractors
 - External Advisors.

SECTION 4 CONTRACT AND OTHER FORMALITIES

4.1 Contract documents

- 4.1.1 All Contracts must be in writing using forms of contract approved by Medway Councils legal services team.
- 4.1.2 Where the procurement is for a Total Value of up to £100K the use of a Purchase Order is an acceptable form of contract, which must make reference to the successful quotation and the Council's Terms & Conditions of Purchase.
- 4.1.3 Where the procurement is for a Total Value over £100K, a Formal Contract is to be drawn up by Legal Services. The Contract will incorporate the Conditions of Contract included in the Invitation To Tender documentation and any subsequent variations to these made and agreed during the Invitation to Tender procurement process.
- 4.1.4 Two copies of the contract will be sent to the successful tenderer to duly sign. After signing and returning both copies to the Council, they will both be signed on behalf of the Council. One copy will be retained by Legal Services and one copy will be returned to the successful tenderer for its retention. A scanned copy will be returned by the legal team to category management for storage within the e-tendering system.
- 4.1.5 Contract documents must be retained in accordance with the Corporate Retention Schedule or for a minimum period of six years from the contract end date and, if under seal, for a period of twelve years from the contract end date. Please refer to **Section 4.5** of these Contract Procedure Rules.
- 4.1.6 Category Management will record and retain all decisions, correspondence and documentation for audit purposes.

4.2 Contract formalities

- 4.2.1 Contracts must be completed as follows:

TOTAL VALUE	METHOD OF COMPLETION	BY
Up to £100K	Signature Purchase Order/ITQ Document	Officer with appropriate authority to enter into a contract
£100K+	Signature on Standard Contract & sealed (where appropriate)	Legal Services

- 4.2.2 All contracts for the Supplies (Goods), Services and Works must be concluded in writing using the appropriate Standard Contract before the contract commences.

4.3 Letters of intent

- 4.3.1 Letters of intent can only be issued by an Officer of the Council with prior approval of the Assistant Director, Legal and Governance or Head of Legal Services.
- 4.3.2 The letter must set out the key contract terms - price, duration, etc, and authorises the Contractor to carry out work up to a specified value before the formal agreement is signed.
- 4.3.3 In the case of Works contracts, a letter of intent in a form approved by the Assistant Director, Legal and Governance is acceptable in order to allow work to commence, although the issue of a formal contract must follow without delay.
- 4.3.4 Letters of intent are only binding on the Council and the contracting Party where the letter expressly states that their Tender has been accepted and the Council agrees to pay them the tender sum. The letter of intent should normally seek to incorporate the terms and conditions of the relevant Council standard contract or relevant industry standard contract (e.g. JCT, ICE, NEC) indicating the Council's intention to enter into a formal, written contract with the contracting party, to carry out the Works/Services and receive Supplies (Goods) described in the letter, such Works/Services and receipt of Supplies (Goods) to commence on a date specified or at any rate before the parties execute the formal, written contract, until then the contracting parties obligations to the Council shall be governed by the Invitation to Tender documentation.
- 4.3.5 The wording of the letter of intent should be reviewed by Legal Services prior to issue, to ensure the letter is fit for its intended purpose.
- 4.3.6 A letter of intent is not a substitute for a formal agreement but can be used as an interim measure until the formal agreement has been signed. The tendering procedure set out in **Section 2** of these Contract Procedure Rules shall apply.
- 4.4 Signature
- 4.4.1 Contracts may be signed by Directors (in accordance with the Employee Delegation Scheme), the Assistant Director, Legal and Governance, Head of Legal Services or his/her representative within legal services once the provisions in the Financial Rules and Contract Procedure Rules have been met in each case.
- 4.4.2 In the case of contracts for commissioning of care services, including educational placements and emergency accommodation for the homeless where the Total Value of the contract is not known, the Solicitor responsible for signing must have been granted authority to enter into commissioning contracts by the Assistant Director, Legal and Governance.
- 4.5 Sealing of contracts

- 4.5.1 A contract must be sealed where:
- (a) the Council wishes to enforce the contract for more than six years after its end (e.g. for land or construction works); or
 - (b) the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
 - (c) a Performance Bond is established on behalf of the Contractor(s) or their guarantors; or
 - (d) it is required by parties to the contract; or
 - (e) the total value of the Supplies (Goods), Services and Works exceeds £250K.
- 4.5.2 Where contracts are completed by each side adding their common seal, the affixing must be attested by or on behalf of Legal Services. Legal Services are responsible for the process of sealing contracts on behalf of the Council's Assistant Director, Legal and Governance.
- 4.6 Bonds, parent company guarantees and insurance
- 4.6.1 For all Supplies (Goods), Services and Works contracts, over £250K a Parent Company Guarantee shall be required unless agreed otherwise by the Council's Assistant Director, Legal and Governance in conjunction with the Council's Chief Operating Officer and as part of the Procurement Gateway Process for Category B Procurements. In all other cases consideration should be given to the need for security (a Parent Company Guarantee) to be given for the proper performance of the contract by the contractor.
- 4.6.2 The Council must never give a bond.
- 4.6.3 For all Works and Services contracts, the appropriate Director or appointed Authorised Officer, must notify in writing the Council's insurance officer giving full details of the nature, duration and value of the Works and Services being undertaken on any particular project.
- 4.7 Prevention of corruption
- 4.7.1 The Officer responsible for the contract must comply with the Council Employee Code of Conduct and the Council's Anti Fraud and Corruption Policy and must not invite or accept any gift or reward in respect of the award or performance of any contract. A breach of this requirement by Council officers is likely to result in disciplinary action and may be gross misconduct.
- Officers must not enter into discussions with any tenderer or other interested third party during a procurement process, unless specifically permitted by the procurement process, Category Management or Legal Services.
- 4.7.2 All clarification received from bidders during a procurement process must be submitted electronically via the Council's electronic Quotation/Tendering System. The question and the response must then

be sent to all bidders via the Council's electronic Quotation/Tendering System.

- 4.7.3 All contracts must contain an appropriate clause that provides protection and the right to terminate the contract in the event of a supplier offering any inducement, committing fraud or committing an offence under the Prevention of Corruption Acts.
- 4.7.4 The Council participates in anti-fraud and corruption exercises with other public bodies. In order to do this data is exchanged with such organisations. The data exchange is likely to contain information on our contractors.
- 4.7.5 If an Officer becomes aware that any bidder is lobbying a Member or Officer of the Council then they must report this immediately to the Assistant Director, Legal and Governance.
- 4.8 Declaration of interests/ Conflicts of interest (Public Contracts Regulations 2015, Regulation 24 "PCR 2015")
 - 4.8.1 If it comes to the knowledge of a Member or an Officer of the Council that a contract in which he or she has a financial, economic or other personal interest which might be perceived to compromise their impartiality or independence, he or she shall immediately give written notice to the Council's Assistant Director, Legal and Governance and record it on the register of interests.
 - 4.8.2 Conflicts may also arise with incumbent suppliers. Officers are obliged to take appropriate measures to effectively prevent, identify and remedy conflicts of interest. In circumstances where measures cannot be taken to remedy conflicts, a contracting authority may have discretion to exclude the relevant bidder.

SECTION 5 PERFORMANCE AND CONTRACT MANAGEMENT

- 5.1 All Category A and Category B Procurements must include a set of performance standards (where appropriate) that must be met throughout the contract. Any performance standards must be inserted into the terms and conditions of contract. Key performance indicators or similar benchmarks of quality should be used where available and appropriate.
- 5.2 All Category B Procurements (and Category A Procurements of a complex nature) must have a designated Contract Manager whose name should be notified to the Contractor. Likewise, the Contractor must have a designated Contract Manager whose name is notified to the Council. These resources must be identified and agreed before the contract is awarded.
- 5.3 Regular contract monitoring meetings should be held with the Contractor and minutes of agreed actions taken. The frequency of the meetings to be dictated by the nature, value and associated risks of the contract.
- 5.4 Performance against contract standards must be monitored and recorded on a regular basis, proportionate to the nature, value and associated risks of the contract.
- 5.5 Where service improvements are enshrined in the contract these must be evidenced for the annual audit inspection and for any Gateway 5 review as prescribed by the Council's Procurement Board.

SECTION 6 RISK MANAGEMENT

- 6.1 A full risk assessment should be undertaken on all procurement options available to the Council. These should be documented and owners assigned once an option is selected.
- 6.2 A risk log should be created at the start of the procurement project and managed by the responsible Officer, in the case of High Value/Risk procurements. Risks should be reviewed regularly and appropriate actions taken to manage them. The Director should be kept aware of all risks and provided with a regular report on their status.
- 6.3 The Risk Management section should be consulted on all high value/risk procurement projects at the commencement of the project.

SECTION 7 ENVIRONMENT/SUSTAINABILITY

- 7.1 The Council is committed to making Medway Council a greener and more environmentally friendly place to live and work.
- 7.2 The Council is committed to working towards a 'greener' future, by:
- Taking practical action to reduce, as far as possible, the effect the Council's activities have on the environment.
 - Improving the quality of the local environment; and
 - Encouraging the people of Medway to live and work in ways that reduce the borough's effect on worldwide environmental problems, to improve the environment now and protect the future.
- 7.3 The Council's green procurement rules are based on the following principles:
- (a) Banning products that damage the environment when an alternative is available.
 - (b) Promoting products that damage the environment the least.
 - (c) Understanding that buying environmentally friendly goods and services is part of a process of continuous improvement.
 - (d) Considering costs such as energy and maintenance when we consider tenders.
 - (e) Engaging with suppliers who can actively contribute to the reduction in energy use as part of their Contract with the Council.
 - (f) That all Contractors and Suppliers can demonstrate commitment to carbon reduction in their operations (insofar as they relate to the particular commission)
 - (g) That all Contractors and Suppliers undertake to supply relevant data to the Council to enable the carbon impact to be monitored.

SECTION 8 EQUALITIES

- 8.1 Before starting any procurement, Council Officers must make sure that they consider equality issues by liaising with Corporate Performance & Intelligence and completing a Diversity Impact Assessment. This is essential if the procurement outcome will be a service or product that affects the staff or residents of Medway Council. The Equalities Impact Assessment will inform the detail of the contract specification.
- 8.2 Contractors must adhere to current equalities legislation at all times whilst performing a contract on behalf of the Council.

SECTION 9 SOCIAL AND ECONOMIC VALUE

- 9.1 The current EU Procurement Directives, and UK legislation, allows the Council to take social and economic considerations into account when procuring Supplies (Goods), Services or Works.
- 9.2 The Council is required under the Public Services (Social Value) Act 2012 to consider how the services it procures and commissions might improve the economic, social and environmental well-being of Medway.
- 9.3 For those tender opportunities/contracts where the Council intends to include such social requirements it will ensure that they are drafted in the Invitation to Tender documents, as part of the evaluation criteria and ultimately defined in ways that do not discriminate against any bidders across the UK/EU.

SECTION 10 WHISTLE BLOWING

- 10.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it encourages employees and others with serious concerns about any aspect of the Councils' work to come forward and voice those concerns.
- 10.2 The Councils *whistle blowing policy* encourages our employees to raise concerns in respect of any conduct of officers of the council that:
- may be unlawful;
 - may be contrary to the council's policies;
 - falls below established standards or practice or that may amount to improper conduct;
 - Councils *whistle blowing policy* is intended to encourage and enable staff to raise serious concerns within the council rather than overlooking a problem or blowing the whistle outside. The policy recognises that certain cases will have to proceed on a confidential basis and makes it clear that our staff can raise issues without fear of reprisals.
- 10.3 The council is anxious to ensure that the employees of its contractors are similarly encouraged and enabled to raise concerns in respect of any misconduct of officers of the council.
- 10.4 Contractors are also encouraged to introduce similar provisions to apply in the case of any similar misconduct of the Contractors staff when involved in work for the Council.
- 10.5 Any Member or Officer who believes there has been a breach of these Contract Procedure Rules should report the matter to the Assistant Director, Legal and Governance or use the Council's Whistle blowing Policy.

SECTION 11 CRIMINAL RECORDS BUREAU CHECKS (Disclosure Barring Service DBS)

- 11.1 The Council requires all people who, through the delivery of services to The Council, come into contact with the elderly, disabled and children, to have up to date satisfactory Disclosure Barring Service (DBS) report prior to award of any contract. The Council should also require such Contractors' personnel to be registered with the Disclosure and Barring Service (DBS) if and when such registration becomes necessary.

APPENDIX A - GLOSSARY OF TERMS

Contract	A contract that has been created in accordance with the Contract Procedure Rules for call off or use by the Council. If in doubt whether a contract is approved or not contact the Category Management Team (see also Framework Agreement)
Approved Standard Terms	Includes industry standard terms and terms included within the Council's Standard Contracts
Officer/ Authorised Officer	A person with appropriate delegated authority to act on the Council's behalf within their respective Directorate.
Best Value	Under Best Value, each local authority has a duty to 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness' as set out in the Local Government Act 1999. This takes into consideration the 4Cs of Challenge, Compare, Consult and Compete.
Code of Conduct	The code regulating conduct of Officers contained within the Council's Constitution
Category Management Team	Strategic Procurement team responsible for providing strategic support, expert advice and quality assurance to the Council's Directorates as well as representing and acting on behalf of the Assistant Director, Legal and Governance in all procurement and contract related activities, matters and issues.
Directorate Management Team	Led by each respective Director, with operational procurement and contract management responsibility delegated to Assistant Directors and / or Heads of Service in accordance with these Contract Procedure Rules.
EU Competitive Dialogue Procedure	A procedure leading to the award of a contract whereby the Council produces a shortlist through a dialogue with those tenderers who are considered to have appropriate capacity. Based on the solutions discussed, final tenders are sought from the short listed contractors This procedure is most appropriate for complex procurements where significant input is required

	from the market to inform the drafting of the specification.
Contract Register	A register held by Category Management containing details of all contracts entered into by the Council.
PCR 2015	Public Contract Regulations 2015. These replace the PCR 2006 (As amended)
Procurement Board	A Cabinet Advisory Group chaired by the Deputy Leader of the Council or Member as appointed by the Leader of the Council, with representation from across the Council charged with the duty of developing and reviewing procurement and contractual issues. For the avoidance of doubt, the Procurement Board is a Cabinet Advisory Group and has no formal decision making powers.
Contractor	Any person or body of persons providing, or seeking to provide, Supplies (Goods), Services or Works to the Council.
Council's Procurement Strategy	Defines the overall approach to procurement related activity for the Council.
EU Competitive Procedure with Negotiation	A procedure leading to the award of a contract whereby the Council negotiates the terms of the contract with one or more persons selected by it. The procedure is a complex set of rules, and it is extremely difficult for contracting authorities to meet the requirements to allow the use of this procedure.
EU Notice	Notice posted in the Supplement to the Official Journal of the European Union (OJEU). Includes a Prior Indicative Notice (PIN), a Tender Notice or an Award Notice.
EU Open Procedure	A procedure leading to the award of a contract whereby all interested persons may tender for the contract, duly advertised by notice, i.e. there is no limit on the number of tenders received nor may the Council consider the suitability of interested tenderers prior to submission of Tenders.
EU Regulations	The EU public procurement directives implemented into UK legislation by virtue of the Public Contracts Regulations 2015.

EU Restricted Procedure	This is a 2 stage process which uses a Pre-Qualification (PQQ) and an Invitation to Tender (ITT) Stage.
EU Thresholds	The financial threshold at which EU public procurement directives must be applied if it is expected to be exceeded by the Total Value which are attainable from the Category Management Team. Please contact the Category Management Team for advice when considering projects in the following areas Works, Services, Supplies (Goods) and “Light touch” Services.
Exemption	A formal request in writing made by a Director to exempt the proposed requirement from the Contract Procedure Rules in exceptional circumstances.
Financial Reference	A financial risk assessment of the finances of a company, parent or group of organisations in order to establish their liquidity, profitability, stability and capability to support a contract of the value required. This service is available through a credit reference agency such as Dunn and Bradstreet
Chief Operating Officer	The Chief Operating Officer or a senior officer representing the Chief Operating Officer designated by him to provide financial advice to the Council’s Authorised Officers.
Financial Regulations/Finance Procedure Rules	The Financial Regulations contained within the Constitution.
Framework Agreement	An agreement with suppliers whose purpose is to establish the terms governing contracts to be awarded during a given period, in particular with regard price and quality. It allows the Council to make specific purchases (call-offs) in accordance with the terms of that agreement.
Invitation To Quote	A formal written invitation to a minimum number of suppliers to provide written quotations for goods, services or works using the Council’s standard terms (or those approved by the Council’s legal team) for requirements between £25,000 and £99,999.
Invitation to Tender	A formal written invitation to a minimum number of suppliers to provide sealed bid offers for goods,

	services or works on the Council's standard terms for requirements over £100K
Low Value Quotation	A formal written invitation to a minimum number of suppliers to provide written quotations for goods, services or works using the Council's Purchase Order Terms and Conditions (or those approved by the Council's legal team) for requirements between £0 and £24,999.
Officer	Council employee as defined in the Constitution
OJEU	Official Journal of the European Union
Parent Company Guarantee	A contract, which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead or for the parent of the subsidiary company to pay the Council's reasonable costs/losses (including damages) for the Council having to procure a third party to meet the promises under the Contract with the Council.
Performance Bond	An insurance guarantee policy: If the Contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against a level of cost arising from the supplier's failure.
Pre-qualification Questionnaire (PQQ)	A document that covers economic standing, past experience and technical suitability to determine a shortlist of potential suppliers to invite to ITT. The does not cover delivery questions that will be asked at the ITT stage. The use of pre-qualification questionnaires for below EU threshold contracts is prohibited. For the purpose of clarity, the thresholds are those used for goods and services rather than works or light touch contract.
Official Purchase Order	An order placed through the Integra Finance System (Web Req)
Category Management	means the business improvement process that brings together people from different parts of a business. The aim is to analyse and review discrete parts of the overall spend (called "Categories"), with suppliers, and identify the most

appropriate and effective approach to sourcing for each Category. The intention should always be to increase the value provided by the supply chain. A Category can be defined as a discrete area of spend with boundaries determined by the market facing nature of the function or attributes of the Goods, Services or execution of Works being purchased.

The Council	Medway Council.
Tenderers	Suppliers/contractors who have been invited to submit a tender to the Council.
Total Value	<p>The whole of the value or estimated value (in money or equivalent value) over the contract term for a group of similar commodities or services, in accordance with Best Value:</p> <ul style="list-style-type: none"> • whether or not it comprises several lots or stages across the Council as a whole • whether or not it is to be paid or received by the Council as a whole or separate departments within the Council
Value for Money	The optimum combination of through life cycle cost and quality (or fitness for purpose) to meet the user's requirement.
Written Quotation	Quotation provided by a supplier/contractor to the Council containing pricing information and delivery details for requirements

APPENDIX B – Procedures UNDER Public Contracts Regulations 2015, Regulations 26-32 “PCR 2015”

Officers can choose the Open and Restricted Procedures. The Competitive Procedure with Negotiation and Competitive Dialogue Procedure are available only in specific circumstances. These two processes are available where:

- needs cannot be met without adaptation of readily available solutions;
- contract cannot be awarded without negotiations due to nature, complexity, legal/financial make-up or risks;
- technical specifications cannot be established with sufficient precision;
- they involve design or innovative solutions; or
- irregular (eg late submissions, abnormally low tenders) or unacceptable (eg not required qualifications/ price exceeds published budget) tenders have been received in response to open/ restricted processes.
- The ability to award contracts by way of the negotiated procedure without an advert remains in place provided the specific (considered to be exceptional) circumstances for its use are applicable

There is also the new Innovation Partnership Procedure as set out below.

Open Procedure

Any interested party may submit a tender in response to the call for competition which will be an OJEU notice. The new minimum timescales are set out below. It should be noted that the issue of a prior information notice (PIN) can shorten the timescales under the open procedure but cannot itself be used as the call for competition.

New provisions within PCR 2015 entitle a contracting authority to examine tenders before verifying whether exclusion grounds are absent and selection requirements are satisfied provided a contracting authority does so in an impartial and transparent manner and the contracting authority ensures a contract is not awarded to a supplier which should have been excluded or has failed to meet the selection requirements.

Restricted Procedure

Any economic operator may submit a request to participate in response to a call for competition by providing the information for qualitative selection requested by the contracting authority. The new minimum timescales are set out below. A call for competition can be made by means of a contract notice or, for certain types of contracting authorities, by way of a PIN.

Competitive Procedure with Negotiation

Following qualitative selection, all selected economic operators are invited to negotiate but this procedure can be carried out in successive stages provided this is indicated to bidders upfront (like the competitive dialogue procedure). The procedure has been clarified to confirm that contracting authorities may negotiate initial and all subsequent tenders but not the final tender. Contracting authorities may reserve the right to award following receipt of initial tenders without negotiation but this must be made clear at the start. The new minimum timescales are set out below. A call for

competition can be made by means of a contract notice or, for certain types of contracting authorities, by way of a PIN.

Competitive Dialogue Procedure

The competitive dialogue procedure largely remains the same as that under PCR 2006 except towards the end of the process. Following close of dialogue and receipt of final tenders, tenders may be “clarified, specified and optimised” but this must not involve changes to the essential aspects of the tender or procurement. Post evaluation, the contracting authority may “negotiate” with the winning tenderer to “confirm financial commitments or other terms by finalising the terms of the contract” provided this does not materially modify the essential aspects of the tender or the procurement.

Care must be taken as a contracting authority must ensure that changes do not risk competition being distorted or risk causing discrimination. Minimum timescales are set out below.

Note that a PIN cannot be used as a call for competition so a contract notice must be published.

Innovation Partnership

This is a new for public procurement which is aimed at increasing innovation. The economic operators taking part are known as partners. The basic features of the innovation partnership procedure include:

- seek offers for one or more partners to assist in the development of an innovative product, service or works not yet on the market, and the subsequent purchase of the innovative solution without the need for a separate procurement procedure for the purchase, provided the final purchase corresponds to pre-agreed levels of performance and maximum costs;
 - the procurement can be run with one or several partners carrying out separate R&D activities;
 - the partnership procurement shall be structured to follow R&D activities and the duration/value of each phase should reflect the degree of innovation and sequence of the activities;
 - the partnership procurement shall set intermediate targets to be attained by the partners taking part and provide for payment in appropriate instalments;
 - termination after each phase (in full or per partner) can be reserved upfront;
 - the procurement can be carried out in successive stages provided this is indicated upfront;
 - the initial and each subsequent tender is to be negotiated but the final tender must not be negotiated; and
 - the minimum requirements and the award criteria must not be negotiated..
- Note that a PIN cannot be used as a call for competition so a contracting authority using this procedure will need to commence its tender process by publishing a contract notice in the usual way.

APPENDIX C – Time Limits under PCR 2015

Without prejudice to these minimum timescales, Officers must have regard to the complexity of the contract and the time required for drawing up tenders when setting the time limits. If the tender documents are not available electronically at the call for competition for one of the grounds set out in Regulation 22 then 5 days must be added on to the tender period, except in cases of substantiated urgency in relation to the open, restricted and competitive procedure with negotiation.

Open Procedure

Minimum time period for tender deadline:

- 35 days.
- may be reduced from 35 to 15 days where a PIN is published not being a call for competition (previously 22 days although could be further reduced).
- may be reduced from 35 to 30 days where electronic tender submission (minimum before was 40 days).
- may be reduced where state of urgency (duly substantiated by the contracting authority) from 35 to 15 days.

Restricted Procedure

Minimum time period for requests to participate:

- 30 days.
- runs from contract notice or invitation to confirm interest if a PIN is used for call for competition.
- may be reduced where state of urgency (duly substantiated by the contracting authority) from 30 to 15 days.

Time period for tender submissions:

- reduced from 40 days to 30 days.
- may be reduced further from 30 days to 10 days where PIN is published (not used as call for competition).
- may be reduced where state of urgency (duly substantiated by the contracting authority) from 30 to 10 days.
- may be reduced from 30 to 25 days where electronic tender submission is permitted.
- sub-central authorities may agree a deadline with all selected bidders. In absence of agreement, period must be at least 10 days.

Competitive Procedure with negotiation

- Minimum time period requests to participate as per restricted procedure.
- Option for sub-central contracting authorities to agree timescales as per restricted procedure.

Competitive dialogue

- Minimum time period for requests to participate = 30 days.
- PIN cannot be used as a call for competition.

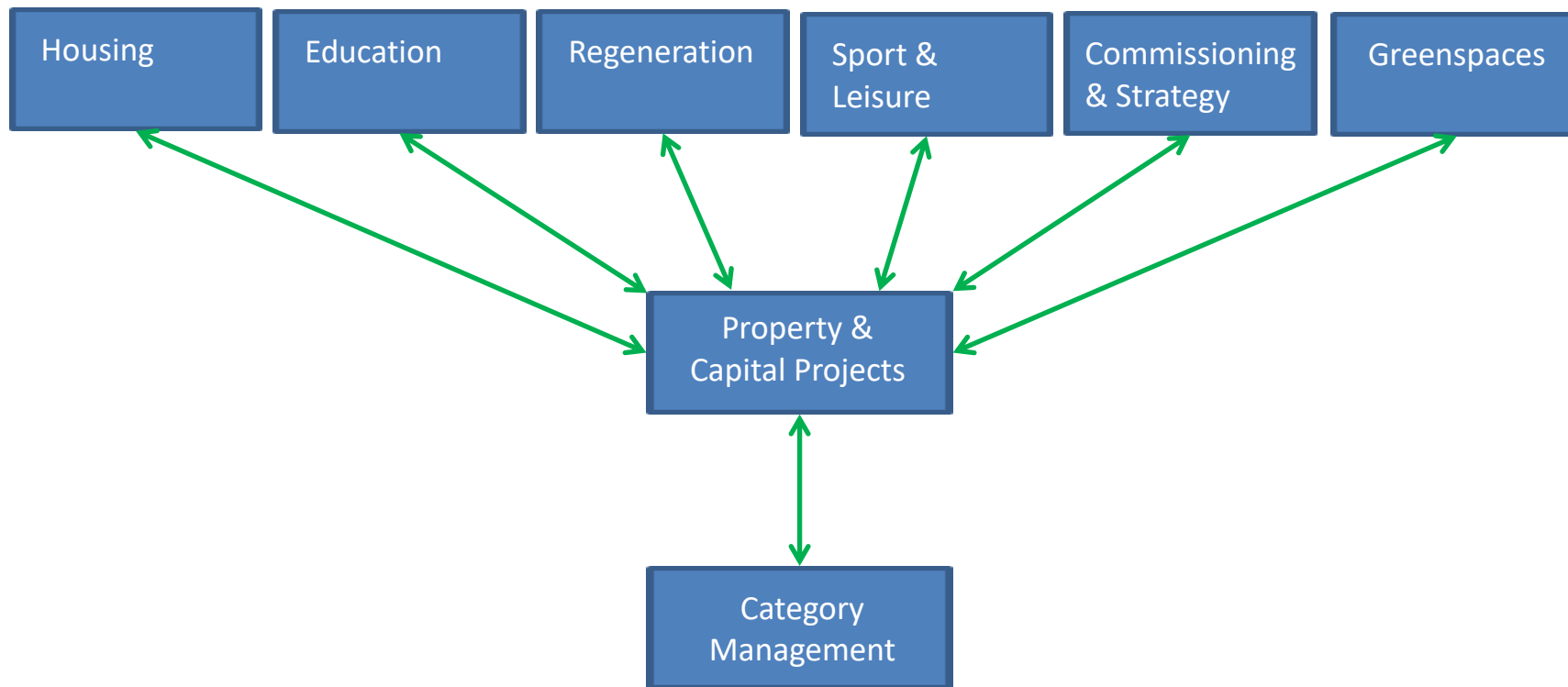
Innovation Partnership

- Minimum time period for requests to participate is 30 days.
- PIN cannot be used as a call for competition.

Negotiated procedure without a call for competition

- No minimum timescales.

APPENDIX D – Example Process of Engagement Based on Capital Funded Projects



Chapter 4 Part 7 – Contract Procedure Rules

Section 1 – Introduction and Overarching Principles

1. Interpretation

- 1.1. The Council's Contract Procedures Rules (the rules) are designed to ensure that proper transparency, equality, scrutiny and accountability is maintained when the Council procures all goods, services and works. These rules are designed to ensure compliance with the Council's Constitution, Council policies and English law.
- 1.2. The Assistant Director (Legal and Governance Services) shall be responsible for monitoring compliance with these rules.
- 1.3. The interpretation of these Contract Procedure Rules is solely a matter for the Council's Assistant Director for Legal and Governance and are not open to interpretation by any other Officer of the Council.
- 1.4. Officers who do not comply with these rules may be subject to disciplinary action and prima facie it will be viewed as gross misconduct.

2. Introduction

- 2.1. These Contract Procedure Rules are made under Section 135 of the Local Government Act 1972. They include provision for competition and regulate the way procurement and tendering takes place within the Council.
- 2.2. These rules have four primary objectives:
 1. To ensure that the Council obtains Value for Money and deploys resources to achieve its corporate objectives
 2. To ensure that the Council complies with laws relating to public procurement
 3. To safeguard Members and Officers of the Council from improper allegations of dishonesty or corruption
 4. To ensure that fairness and transparency remains at the forefront of all procurement activity undertaken by Officers and approved by Members on behalf of the Council.
- 2.3. These rules do not provide guidance on how to procure goods and/or services but set out minimum requirements that must be followed. Further guidance that supports these Rules must be obtained from the Category Management Team.

3. **Scope and application**

3.1. These rules apply to all procurement activity undertaken by or on behalf of the Council unless it is subject to an *Exemption* (as set out in Section 12) or otherwise approved in advance in writing by the AD for Legal and Governance.

3.2. These rules **do not** apply to:

- Employment contracts
- Contracts relating solely to the purchase or sale of interests in land
- Tenders or quotations which have been invited on behalf of any consortium, association or similar body of which the Council is a member, or on behalf of any other local authority, or public body, with whom the Council has a contract, agency agreement, partnering agreement or similar, provided that proper governance is still enforced where appropriate.
- Where properly concluded Framework Agreements or Dynamic Purchasing Systems are relied upon but only where the guidance and award criteria set out for the particular Framework Agreement or Dynamic Purchasing System is strictly adhered to in the engagement of the contractor or supplier.
- Contracts that through demonstration can only be awarded to a single supplier due to the protection of exclusive rights or artistic reasons.
- Any arrangement that otherwise would have been permissible under the Public Contracts Regulations should that regime have been required.
- The Monitoring officer for the purpose of
 - (1) External legal advisors/ legal counsel and the appointment of expertwitnesses in legal proceedings
 - (2) Emergency accommodation where existing provisions cannot meet the need.
- The Director of Children and Adults for the purpose of
 - (1) An emergency placement that is sought for an individual with a registered care provider of their choice under the National Health Service and Community Care Act 1990.
 - (2) Where the particular needs of an individual (either an adult or a child) require a particular social care package, or where an individual has special educational needs which are only available from a particular provider in the opinion as appropriate of the Director of Children and Adults.

3.3. Any third party (e.g., a consultant) who is engaged in the letting, management or supervision of a contract on behalf of the Council must comply with these rules as if they were Council officers.

4. **Review and amendment**

4.1. These rules shall be reviewed at least every two years by the Monitoring Officer in consultation with the Head of Category Management. The Monitoring Officer shall make changes to the Contract Procedure Rules in accordance with Article 14, Section 14.3 of the Council's Constitution. Any

amendments will be subject to approval by Full Council save for minor changes which the Monitoring Officer may make.

5. **General principles**

- 5.1. Before any contract is made, both the following must be satisfied:
- a. The proper authority to proceed.
 - b. Adequate budgetary provision or confirmation of how any deficit will be covered.
- 5.2. As a minimum, all contracts will be entered into using the most appropriate standard form of contract with consideration given to:
- Any Medway Council standard form of contract
 - Any recognised industry standard form of contract
 - Any terms and conditions specifically enforced using an external framework.
- 5.3. Any modifications should be made pre-tender and in consultation with legal services and via Category Management.
- 5.4. Each Assistant Director is responsible for all procurement activity within their respective Division and has the overall responsibility for ensuring Divisional compliance with these Contract Procedure Rules. This extends to any agents acting on their behalf.
- 5.5. The Officer responsible for managing any contract or procurement process must comply with the Employee Code of Conduct and Anti-Fraud and Corruption policies and must not invite or accept any gift or reward in respect of the award or performance of any contract.
- 5.6. When any employee or contractor arrangement may be affected by any transfer arrangement, such as the Transfer of Undertaking Protection of Employment (TUPE), that advice is obtained from HR and/or Legal Services before proceeding with inviting tenders. Officers must consult Pensions and Payroll concerning all TUPE and pension issues before the advert for the contract opportunity is placed.
- 5.7. Where the Council's procurement requirement can be satisfied from an existing approved contract then any order will be considered an exception to these rules provided the call-off arrangements detailed within that contract are followed or where the original Contract is varied in writing in advance to meet the requirement. Category Management and Legal Services must be consulted before invocation of any such variation. In all instances goods, services or works should be obtained via appropriate, existing, approved arrangements. These include and are to be reviewed in the following order:
- 1) In-house services, for example printing and design, facilities management and Local Authority Trading Company
 - a. Pre-existing teams should always have first refusal to deliver.

- 2) Established corporate contracts
- 3) Consortia of which the Council is a member (or can join)
- 4) Approved nationally negotiated contracts and Framework Arrangement such as those arranged by the Crown Commercial Services
- 5) Exhausting the above would result in the market being approached through the relevant process as outlined in Section 2 of these Rules.

6.0 Joint Procurement Arrangements

- 6.1 The Head of Category Management, on behalf of the Council's Monitoring Officer shall approve any joint procurement arrangements with other local authorities or public bodies including membership or use of purchasing consortia prior to the commencement of any procurement on behalf of the Council. They shall also approve any joint procurement arrangements with other local authorities or public bodies including membership or use of purchasing consortia prior to the commencement of any procurement.
- 6.2 Where procurements are being carried out jointly the relevant Assistant Director is responsible to ensure compliance with relevant regulations (currently Procurement Contract Regulations 2015 (PCR)) even if the other party are conducting the tender process on behalf of Medway Council. Clarity of each contracting authority's responsibilities is needed at the outset to ensure compliance for all elements of the tender both individually and jointly.
- 6.3 Contracts shall not include non-commercial terms unless these are necessary to achieve best value for the Council or are included in accordance with the Public Services (Social value) Act 2012 or necessary to enable or facilitate the Council's compliance with the public sector equality duty (Section 149 Equality Act 2010), or any duty imposed on it by the Equality Act 2010. In this context, "non-commercial" means requirements unrelated to the actual performance of the contract.
- 6.4 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) in addition to the winning bidder's tender response for delivery and cost.

7.0 Roles and Responsibilities in procurement activity

- 7.1 A budget must exist for the procurement to take place. This can be established and will be signed off by using the 'Category Management Engagement Form'.
- 7.2 Category Management responsibilities
 - The appointment of a responsible officer
 - Be accountable to the Cabinet for the performance of their duties in relation to purchasing

- Comply with the Council's decision-making processes including, where appropriate, implementing and operating a Scheme of Delegation
- Report any potential breach of these rules to the Councils Monitoring Officer
- Ensure that any conflicts of interest pertaining to any officer involved in the project which might be perceived to compromise their impartiality or independence is highlighted and logged on the conflict-of-interest register
- Comply with all regulatory requirements referred to above and integrity of the tender process
- Compliance with the relevant statutory provisions and the Council's requirements relating to declarations of interest affecting any purchasing process
- That there is an appropriate analysis of the requirement, timescales, procedure, and documentation to be used
- The purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, equality, social value, whole life costings and cost savings
- Compliance with the Council's decision-making processes
- Ensure that all contracts are included on the Council's Contract Register
- Properly engrossed contracts, with supporting documents, are stored with Legal Services prior to the commencement of the contract
- That proper records are maintained in accordance with the Data Retention and Disposal Schedule, with separate files for each procurement of a value of £25,000 or more, which record the decisions and decision makers taken in all stages of the procurement process

7.3 When considering how best to procure works, supplies and services or the granting of service concessions, Category Management shall take into account the wider contractual delivery opportunities and purchasing methods including the use of purchasing schemes and e-procurement/purchasing methods, and the availability of local authority charging and trading powers.

7.4 Procurements over £25,000 may only be undertaken by officers of the Category Management team.

8.0 Financial Thresholds and Procedures

8.1 The table in Section 10 sets out the general rules that apply to the choice of purchasing thresholds and the associated public notice requirements. There is a general presumption in favour of competition.

8.2 The PCR state that:

- Contracting authorities shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner

- The design of the procurement shall not be made with the intention of excluding it from the scope of this Part or of artificially narrowing competition
- For that purpose, competition shall be considered to be artificially narrowed where the design of the procurement is made with the intention of unduly favouring or disadvantaging certain economic operators

8.3 Once a contract has been published and subsequently awarded following a procurement process, Category Management will be responsible for advertising/publicising the required information in the correct journals. These will include

8.4 For anything over £25,000

8.4.1 Contracts Finder

8.5 For anything over the PCR threshold

8.5.1 The above plus find a Tender Service (FTS)

DRAFT

9.0 Financial Thresholds

Level	Value of goods or services/ £	Minimum requirements	Notes
1	£0 – less than £25,000	Service to obtain three quotations in writing	To be conducted as a “Quick Quote” procedure led by service area. Using the Quick Quote documentation, the service is to obtain formal quotations from prospective bidders. Medway Council’s ‘Quick Quote Terms and Conditions’ to be used on all subsequent orders.
2	£25,000 – Up to the legal threshold for Goods/ Services/ Light Touch Regime or less than £500k for works.	Openly advertised tender to be conducted via the Kent Business Portal and managed by the Category Management Team	Category Management team to work with the relevant service (post acceptance of the Category Management Engagement Form) to conduct a fully electronic procurement process via the e-Procurement system which includes: compiling tender documentation, advertise on Contracts Finder, facilitate evaluation and make the award prior to the service performing all necessary contract management duties.
3	Legal Threshold or above for Goods/Services/ Light Touch Regime or £500k or above for works	Public Contracts Regulations 2015 (PCR) compliant advertised tender to be conducted via the Kent Business Portal and managed by the Category Management Team. Process to be subject to internal governance including DMT, Procurement Board and Cabinet (where the project would constitute a Key Decision as per the summary within 20.1 of these Rules)	Category Management team to work with the relevant service (post acceptance of the Category Management Engagement Form) to conduct a fully electronic procurement process via the e-Procurement system which includes: navigate internal governance, compile tender documentation, advertise on the relevant forums (Contracts Finder/FTS), facilitate evaluation and make the award prior to the service performing all necessary contract management duties.
The contract value estimation should be inclusive of VAT (where applicable) and contracts must not be artificially disaggregated.			

9.1 Where contracts are of a type and value which means that they are subject to PCR, there are five main types of procedures available. These are:

- Open - one stage which will encompass selection and award criteria.
- Restricted - a 2 stage process using a Pre-Qualification (PQQ) and an Invitation to Tender (ITT) Stage).
- Competitive dialogue - the contracting authority “negotiate” with the winning tenderer to “confirm financial commitments or other terms by finalising the terms of the contract” provided this does not materially modify the essential aspects of the tender or the procurement.

- Competitive procedure with negotiation – selected operators are invited to negotiate but this procedure can be carried out in successive stages provided this is indicated to all bidders upfront
- Innovation partnership procedures which are intended for long term partnerships, which allow for both the development and subsequent purchase of new and innovative products, services or works currently not on the market).

10.0 Calculating the Contract Value

- 10.1 The contract value shall be the genuine pre- estimate of the value of the entire contract term. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period. This includes proposed extensions, options to include additional services and renewals.
- 10.2 Where the total contract value over the full duration of the contract (not just the annual value) is uncertain, calculate this by multiplying the monthly payment by 48 or annual payment by 4;
- 10.3 For Framework Agreements with no guaranteed commitment the contract value will be the estimated value of orders placed/commissions let under the Framework Agreement over the full duration of the contract term;
- 10.4 Where a partnering arrangement is to be put in place, the total value of the likely partnership;
- 10.5 If the total value of recurring transactions with a single provider exceeds £24,999, the opportunity must be tendered appropriately.
- Should the service area envisage the recurring spend exceeding the above threshold, advice from Category Management should be sought.
 - Category Management may deactivate an active provider that is in breach of the above thresholds
 - Failure to comply may result in a disciplinary action
- 10.6 The relevant Responsible Officers must engage the Category Management Team on any project, recurring or otherwise, valued at £25,000 or more.
- 10.7 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:
- Sufficient time is given to plan and run the process
 - Equal opportunity and equal treatment
 - Openness and transparency
 - Probity
 - Outcomes, which deliver sustainability, efficiency, and equality, social value, whole life costings and cost savings (where appropriate).

11.0 Evaluation of Quotes and Tenders

- 11.1 All quotes and tenders shall be evaluated in accordance with an evaluation criterion notified in advance to those submitting quotes/tenders.
- 11.2 All invitations to tender or quote must:
- Specify the goods, service or works that are required, together with the terms and conditions of the contract that will apply; and
 - State that the council is not bound to accept any quotation or tender
- 11.3 All those invited to tender or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be requested on the same basis.
- 11.4 All tenders shall include:
- Clear instructions on how and where tenders are to be submitted, together with the date and time by which they are to be received
 - A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers
 - A description of the Award Procedure
 - Full details about how the bids will be assessed, including any weighting and sub-criteria that apply and any "pass mark" for any stage of the procurement
 - Information on the Council's policies as appropriate for example, Social Value, Equalities and Sustainability.
 - All invitations to tender shall state that any Tender received after the date and time stipulated in the invitation to tender may be rejected and not considered.
- 11.5 All contracts shall be awarded on the basis of the quote or tender which represents best value for money to the Council, as determined by the award criteria detailed in the tender documentation.

12. Exemptions (Contract Waiver)

- 12.1 The appropriate Assistant Director in consultation with the Head of Category Management and Assistant Director for Legal and Governance may consider that it is not reasonably practicable or in the Council's best interest to seek competitive quotes where the contract value is below national threshold values.

In such instances, the reasons must be fully documented within the Exemption Request Form and approved in writing by the Assistant Director Legal and Governance.

- 12.2 A Responsible Officer who seeks an exemption shall do so only in advance and only in exceptional circumstances.
- 12.3 All approved exemption requests will be submitted to the Cabinet for information purposes summarised within an annual report.
- 12.4 An exemption shall not be applied for reasons of poor contract planning.

12.5 The Assistant Director for Legal and Governance will have ultimate discretion to consider resources and time constraints in the overall context of risk of non-delivery when deciding upon whether to accept or reject an exemption request.

13 Purchasing Schemes (including Framework Agreements)

13.1 The Council may use purchasing schemes subject to the following conditions and must check with Category Management in advance that:-

- The Council is legally entitled to use the purchasing scheme
- The purchases to be made properly fall within the coverage of the purchasing scheme

13.2 The establishment and operation of each purchasing scheme is in compliance with and meets the Council's own requirements.

13.3 A “purchasing scheme” may include:

- Framework arrangements (including those set up by the Crown Commercial Service and any successor body)
- Purchasing arrangements set up by central purchasing bodies and commercial organisations
- Consortium purchasing
- Collaborative working arrangements

13.4 Where a purchasing scheme is used, officers are still required to procure in compliance with the relevant procurement Process.

14. Procurement Strategy and Planning

14.1 The Procurement Strategy compliments these rules. The Procurement Strategy places a strong emphasis on delivering social value, commercial activity, and sustainable initiatives, whole life costing and cost savings where appropriate. The strategy, alongside the work programme and corporate arrangements to support procurement outlines how the council can respond to the changing local government landscape. For example, legislative requirements, Framework Agreements, innovative partnerships and shared working arrangements to improve buying power.

14.2 The Forward Procurement Plan details each directorate’s upcoming procurement activity at levels 2 and 3. It is the responsibility of each Assistant Director to ensure they liaise and finalise the following financial year’s procurement activity in Quarter 4 of the previous. This will be initiated by inviting the Head of Category Management to their respective DMT meeting.

14.3 Projects that have not been agreed to be progressed prior to the new financial year may be delayed or not supported by Procurement Services and will not automatically be considered via the exemption process.

Section 2 – Procurement Processes and Governance

15 Processes

- 15.1 There are three procurement processes which are value bound
1. Anything less than £25,000
 2. £25,000 and up to either
 - a. The legal threshold for a Goods/Services appropriate contract
 - b. The legal threshold for a Light Touch Regime appropriate service
 - c. Less than £500,000 for works projects
 3. Any activity that is
 - a. Post threshold for a Goods/Services appropriate contract
 - b. Post threshold for a Light Touch Regime appropriate service
 - c. Any works project valued at £500k+

16 Process 1 – Projects valued less than £25,000

- 16.1 The appropriate Assistant Director and/or Head of Service must sanction the commencement of any procurement activity. These are for one off purchases that are unlikely to be required again e.g. low value and risk works projects.
- 16.2 Services should complete, share with Category Management and hold on record, a 'Quick Quote Rationale' document, duly signed by the relevant budget holder for each project subject to this process.
- 16.3 A minimum of three written compliant quotations must be obtained where possible or one written quote where the total cost is less than £5,000. If officers are unable to obtain three compliant quotes, they must liaise with the Category Management team prior to declaring single/restricted supplier restraints.
- 16.4 The quotes should be in the form of the Council's Quick Quote documentation that can be obtained from the Category Management team.
- 16.5 The Quick Quote should be completed under a Purchase Order using the Council's 'Quick Quote Terms and Conditions' without any amendments.
- 16.6 Further guidance relating to this process can be obtained from the Category Management team.

17 Process 2 - £25,000 up to the relevant legal thresholds or less than £500,000 for works

- 17.1 The appropriate Assistant Director and/or Head of Service must sanction the commencement of any procurement activity. This must be in the form of a 'Category Management Engagement Form', duly signed and returned to the Category Management team who will counter sign and allocate a procurement officer for the purpose of the activity.

- 17.2 The Category Management team will lead the procurement process and the relevant service will be responsible for subsequent Contract Management.
- 17.3 All opportunities must be openly published on the Kent Business Portal using the Invitation to Quote documentation. Except in limited circumstances where an external framework is used, and the Council must use an alternative prescribed system.
- 17.4 The Council's standard Terms and Conditions should be used unabridged unless agreed otherwise with the Legal team. Any such changes should be made pre-tender.
- 17.5 The Category Management team shall instruct Legal Services to execute a contract.
- 17.6 No contract shall start prior it being signed by all parties and received by Legal Services.

18 Process 3 – any project subject to the Public Contract Regulations 2015 (as amended) or £500,000 or above for works projects.

- 18.1 The appropriate Assistant Director and/or Head of Service must sanction the commencement of any procurement activity. This must be in the form of a 'Category Management Engagement Form', duly signed and returned to the Category Management team.
- 18.2 The Category Management team will lead the procurement process and the relevant service will be responsible for subsequent Contract Management.
- 18.3 All projects within this category will be subject to internal governance as detailed within section 19.
- 18.4 All opportunities must be openly published on the Kent Business Portal using the Invitation to Tender documentation. Except in limited circumstances where an external framework is used and the Council must use an alternative prescribed system.
- 18.5 The Council's standard Terms and Conditions should be used unabridged unless agreed otherwise with Legal Services. Any such changes should be made pre-tender.
- 18.6 These processes will be concluded by the Category Management team instructing legal to execute a contract.
- 18.7 No contract shall start prior to it being signed by all parties and received by Legal Services.

19.0 Governance

- 19.1 Whilst there is no mandatory board level governance associated to Processes 1 & 2, Officers should keep appropriate documentary audit trails that evidence

transparent, objective, best value decision making and be mindful of the benefit this may have and approach as appropriate at a Directorate level.

- 19.2 Process 3 arrangements are subject to internal governance and the appropriate reports must pass the correct gateways to proceed.
- 19.3 All Gateway templates and guidance pertaining to such can be obtained from the Category Management team and must be collaboratively completed by all relevant stakeholders. The client will have ultimate responsibility for all Gateway reports.
- 19.4 The procurement process is broadly split into 4 Gateways.
1. Gateway 1 – Project Commencement/Options Appraisal
 2. Gateway 2 – The tendering process (including document creation, advertisement, evaluation)
 3. Gateway 3 – Tender Process Review/Contract Award
 4. Gateway 4 – Contract Management review – subject to termed contracts only.
- 19.5 Gateway 1 (Project Commencement/Options Appraisal) is a formal reporting stage and reports must be presented to the relevant Directorate Management Team (DMT) for approval prior to being presented at Procurement Board (PB) and finally Cabinet unless the project is not deemed a Key Decision at Procurement Board. The report details but is not limited to: the need, perceived benefits of the project, how success will be measured as well as market capacity and how the market will be approached.
- 19.5.1 Gateway 1 (Project Commencement/Options Appraisal) reports will not be required for entirely ringfenced and grant funded projects signed by the S151 officer as their nature and budget has been pre-agreed.
- 19.6 Gateway 2 (Tendering Process) is not a formal reporting stage but instead the stage at which the procurement activity is conducted in compliance with the pre-approved Gateway 1 report. This stage has split responsibility where the Category Management team manage the overarching process, but the Service Officer is responsible for co-ordination and completion of the specification as well as technical involvement and evaluation where required. All relevant documentation pertaining to Gateway 2 can be obtained from and must be compiled in conjunction with the Category Management team.
- 19.7 Gateway 3 (Tender Process Review and Contract Award) formal reporting to DMT, PB and finally Cabinet where appropriate. The report outlines the procurement process conducted, the way in which it has been evaluated and makes a recommendation for award.
- 19.8 Gateway 4 (Contract Management Review) is an annual reporting stage for termed contracts detailing and presenting to Procurement Board only, all relevant Contract Management information and areas of improvement. The report seeks to assure Senior Officers that the originally perceived benefits are being fulfilled and to allow a level of scrutiny for any further improvements.

20 Key Decision

- 20.1 A key decision, and therefore one which would constitute high risk, is an executive decision which is likely:
- A. To result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - B. To be significant in terms of its effects on communities living or working in an area comprising two or more wards in Medway.
- 20.2 For the purpose of governance, any project, regardless of value, deemed to constitute a Key Decision must be presented to Cabinet at both Gateways 1 and 3 stage.

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Section 3 - Wider Tendering Principles

21 Social Value

- 21.1 Legislation allows the Council to take social and economic considerations into account when procuring Supplies (Goods), Services or Works.
- 21.2 The Council is required under the Public Services (Social Value) Act 2012 to consider how the services it procures, and commissions might improve the economic, social and environmental well-being of residents.
- 21.3 The Council applies on all appropriate contracts a selection of Social Value Themes Outcomes and Measures (TOMs) applicable to the delivery outcome. These deliverables are monitored and reported on by the service as part of contract management.

22. Sustainability

- 22.1 The Council declared a climate emergency and are committed to taking action to reduce its carbon emissions and be net zero by 2050.
- 22.2 The Council is committed to working towards a 'greener' future, and working with contractors to understand and measure the carbon footprint of its contracts such as:
- Taking practical action to reduce, the effect the Council's activities have on the environment
 - Improving the quality of the local environment and
 - Encouraging residents to live and work in ways that reduce the borough's effect on worldwide environmental problems, to improve the environment now and protect the future.
- 22.3 The Council's procurement rules are based on the following principles:
- Sourcing sustainable products wherever possible to minimise the damage to the environment
 - Ensuring relevant tenders over a certain threshold award include environmental impact considerations
 - Considering costs such as energy and maintenance when we consider tenders
 - Engaging with suppliers who can actively contribute to minimising their carbon footprint as part of their contract with the Council.

23. Equalities

- 23.1 Before starting any procurement, Council Officers must make sure that they consider equality issues. An Equalities Impact Assessment will inform the detail of the contract specification.
- 23.2 Contractors must adhere to current equalities legislation at all times whilst performing a contract on behalf of the Council.

24. Modern slavery

- 24.1 The Modern Slavery Act (2015) requires the Council to consider and reduce the risk of modern slavery at all stages of the procurement process.
- 24.2 Tender opportunities/contracts must include such requirements it will ensure that they are drafted in the tender documents, as part of the evaluation criteria and ultimately defined in ways that do not discriminate against any bidders across the UK.

25. Whistle Blowing

- 25.1 The Council is committed to the highest possible standards of openness, probity and accountability, consequently it encourages employees and others with serious concerns about any aspect of the Councils' work to come forward and voice those concerns.

The Council's *whistle blowing policy* Speak Up, encourages and enable staff to raise serious concerns within the council rather than overlooking a problem or blowing the whistle outside. The Councils *policy* enables our employees to raise concerns in respect of any conduct carried out on behalf of the council that:

- may be unlawful
- may be contrary to the council's policies
- falls below established standards or practice or that may amount to improper conduct

- 25.2 The policy recognises that certain cases may have to proceed on a confidential basis and concerns can be raised in good faith without fear of reprisals.
- 25.3 The council is wants to ensure that the employees of its contractors are similarly encouraged and enabled to raise such concerns and contractors are encouraged to introduce similar provisions in their organisations that are applicable to any work undertaken for the Council.
- 25.4 Any Member or Officer who believes there has been a breach of these rules should report the matter to the Monitoring Officer or use the Council's Whistle blowing Policy.

26 Criminal Records Bureau Checks (Disclosure Barring Service DBS)

- 26.1 The Council requires all people who, through the delivery of services come into contact with the elderly, disabled and children, to have an up to date and satisfactory Disclosure Barring Service (DBS) report prior to performing any obligation under contract. The Council should also require such Contractors' personnel to be registered with the Disclosure and Barring Service (DBS) if and when such registration becomes necessary.

27 Transparency

- 27.1 The Local Government Transparency Code (2015) outlines the Government's approach to place more power into the hands of local people; to allow access to information on how money is spent by the Council. The Council has decided to publish details of contracts, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000.

28. Risk Management

- 28.1 A full risk assessment should be undertaken on all procurement options available to the Council. These should be documented, and owners assigned once an option is selected.
- 28.2 A risk log should be created at the start of the procurement project and managed by the responsible Officer, in the case of High Value/Risk procurements. Risks should be reviewed regularly, and appropriate actions taken to manage them. The Director should be kept aware of all risks and provided with a regular report on their status.
- 28.3 The Risk Management section should be consulted on all high value/risk procurement projects at the commencement of the project.

29. Performance and Contract Management

- 29.1 All Procurements at levels 2 and 3 must include a set of key performance indicators or similar benchmarks of outputs, quantities and or quality that must be met throughout the contract and they must be inserted into the terms and conditions of the contract.
- 29.2 All Procurements must have a designated Contract Manager whose name should be notified to the Contractor. Likewise, the Contractor must have a designated Contract Manager whose name is notified to the Council. These resources must be identified and agreed before the contract is awarded.
- 29.3 Regular contract monitoring meetings (minimum quarterly) should be held with the Contractor and written minutes of agreed actions and performance against indicators taken. The frequency of the meetings to be dictated by the nature, value and associated risks of the contract.
- 29.4 Performance against contract standards must be monitored and recorded on a regular basis, proportionate to the nature, value and associated risks of the contract.
- 29.5 Where service improvements are enshrined in the contract these must be evidenced for the annual audit inspection and for any Gateway 4 review as prescribed by the Council's Procurement Board.

Section 4 - Contracting

30 Contract documents

- 30.1 All Contracts must be in writing using forms of contract approved by Medway Councils legal services team.
- 30.2 Where the procurement is for a Total Value of up to £100K the use of a Purchase Order is an acceptable form of contract, which must make reference to the successful quotation and the Council's Terms & Conditions of Purchase.
- 30.3 Where the procurement is for a Total Value over £100K, a Formal Contract is to be drawn up by Legal Services, which can only be initiated by a Contract Approval Signing Form issued by the Category Management Team. The Contract will incorporate the Conditions of Contract included in the Invitation To Tender documentation and any subsequent variations to these made and agreed during the Invitation to Tender procurement process.
- 30.4 Category Management will record and retain all decisions, correspondence and documentation for audit purposes.

31 Contract formalities

- 31.1 Contracts must be completed as follows:

TOTAL VALUE	METHOD OF COMPLETION	BY
Up to £100K	Signature Purchase Order/ITQ Document	Officer with appropriate authority to enter into a contract
£100K+	Signature on Standard Contract & sealed (where appropriate)	Legal Services

- 31.2 All contracts for the Supplies (Goods), Services and Works must be concluded in writing using the appropriate Standard Contract before the contract commences.

32 Letters of intent

- 32.1 Letters of intent can only be issued with prior approval of the Assistant Director of Legal and Governance or Head of Legal Services.
- 32.2 The letter must set out the key contract terms - price, duration, etc, and authorises the Contractor to carry out work up to a specified value before the formal agreement is signed.
- 32.3 The wording of the letter of intent shall be reviewed by and issued by Legal Services.

- 32.4 A letter of intent is not a substitute for a formal agreement but can be used as an interim measure until the formal agreement has been signed. The tendering procedure set out in **Section 2** of these Contract Procedure Rules shall apply.

33 Signature

- 33.1 Contracts may be signed by Assistant Directors (in accordance with the Employee Delegation Scheme), the Assistant Director for Legal and Governance, Head of Legal Services or his/her representative within legal services once the provisions in the Financial Rules and Contract Procedure Rules have been met in each case.

- 33.2 In the case of contracts for commissioning of care services, including educational placements and emergency accommodation for the homeless where the Total Value of the contract is not known, the Solicitor responsible for signing must have been granted authority to enter into commissioning contracts by the Assistant Director for legal and Governance.

34 Sealing of contracts

- 34.1 A contract must be sealed where:

- (a) the Council wishes to enforce the contract for more than six years after its end (e.g. for land or construction works); or
- (b) the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- (c) a Performance Bond is established on behalf of the Contractor(s) or their guarantors; or
- (d) it is required by parties to the contract; or
- (e) the total value of the Supplies (Goods), Services and Works exceeds £250K.

- 34.2 Where contracts are completed by each side adding their common seal, the affixing must be attested by or on behalf of Legal Services. Legal Services are responsible for the process of sealing contracts on behalf of the Assistant Director for Legal and Governance.

35 Bonds, parent company guarantees and insurance

- 35.1 For all Supplies (Goods), Services and Works contracts, subject to process 3 (paragraph 16) may be required to seek a Parent Company Guarantee or Performance Bond should the procuring officer deem it necessary as part of the governance process.

GLOSSARY OF TERMS

Approved Standard Terms	Includes industry standard terms
Best Value	Under Best Value, each local authority has a duty to 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness' as set out in the Local Government Act 1999. This takes into consideration the 4Cs of Challenge, Compare, Consult and Compete.
Category Management	means the business improvement process that brings together people from different parts of a business. The aim is to analyse and review discrete parts of the overall spend (called "Categories"), with suppliers, and identify the most appropriate and effective approach to sourcing for each Category. The intention should always be to increase the value provided by the supply chain. A Category can be defined as a discrete area of spend with boundaries determined by the market facing nature of the function or attributes of the Goods, Services or execution of Works being purchased.
Category Management Team –	Strategic Procurement team responsible for providing strategic support, expert advice and quality assurance to the Council's Directorates as well as representing and acting on behalf of the Chief Legal Officer in all procurement and contract related activities, matters and issues.
Directorate Management Team –	Led by each respective Director, with operational procurement and contract management responsibility delegated to Assistant Directors and / or Heads of Service in accordance with these Contract Procedure Rules.
Code of Conduct	The code regulating conduct of Officers contained within the Council's Constitution
Competitive Dialogue	A procedure leading to the award of a contract whereby the Council produces a shortlist through a dialogue with those tenderers who are considered to have appropriate capability and capacity. Based on the solutions discussed, final tenders are sought from the short listed contractors This procedure is most appropriate for complex procurements where significant input is

	required from the market to inform the drafting of the specification.
Competitive Procedure with Negotiation	A procedure leading to the award of a contract whereby the Council negotiates the terms of the contract with one or more persons selected by it. The procedure is subject to a complex set of rules.
Contract	A contract that has been created in accordance with the Contract Procedure Rules for call off or use by the Council.
Contract Register	A register held by Category Management containing details of all contracts entered into by the Council.
Contractor	Any person or body of persons providing, or seeking to provide, Supplies (Goods), Services or Works to the Council.
Council's Procurement Strategy	Defines the overall approach to procurement related activity for the Council.
Exemption	A formal request in writing made by the relevant Director to exempt the proposed requirement from the Contract Procedure Rules in exceptional circumstances.
Financial Reference	A financial risk assessment of the finances of a company, parent or group of organisations in order to establish their liquidity, profitability, stability and capability to support a contract of the value required.
Financial Regulations/Finance Procedure Rules	The Financial Regulations contained within the Constitution.
Find a Tender Service (FTS)	A web based platform upon which procurement opportunities and procurement notices need to be published, replacing the Official Journal of the European Union (OJEU) or Tenders Electronic Daily (TED).
Framework Agreement	An agreement with suppliers which establishes the terms governing contracts to be awarded during a given period. It allows the Council to

	make specific purchases (call-offs) in accordance with the terms of that agreement.
Invitation To Quote (ITQ)	A formal written invitation to a minimum number of suppliers to provide written quotations for goods, services or works on the Council's standard terms for requirements between £25K and the relevant Threshold or less than £500k for works.
Invitation to Tender (ITT)	A formal written invitation to all suppliers to provide sealed bid offers for goods, services or works on the Council's standard terms, or those otherwise agreed with legal services, for requirements over the relevant threshold or £500k for works.
Kent Business Portal (KBP)	Kent Business Portal – Advertising of contracts and awards shared with other Kent authorities.
LATCo	Local Authority Trading Company
Officer	Council employee/ worker as defined in the Constitution
Officer/ Authorised Officer	A person with appropriate delegated authority to act on the Council's behalf within their respective Directorate.
Official Purchase Order	An order placed through the corporate finance management system.
Open Procedure	A procedure leading to the award of a contract whereby all interested persons may tender for the contract, duly advertised by notice, i.e., there is no limit on the number of tenders received nor may the Council consider the suitability of interested tenderers prior to submission of Tenders.
Parent Company Guarantee	A contract, which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead or for the parent of the subsidiary company to pay the Council's reasonable costs/losses (including damages) for the Council having to procure a third party to meet the promises under the Contract with the Council.
Performance Bond	An insurance guarantee policy: If the Contractor does not do what it has promised under a contract

with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against a level of cost arising from the supplier's failure.

PCR 2015

Public Contract Regulations 2015.

Pre-qualification
Questionnaire (PQQ)

A document that covers economic standing, past experience and technical suitability to determine a shortlist of potential suppliers to invite to ITT. It does not cover delivery questions that will be asked at the ITT stage.

Procurement Board

A Cabinet Advisory Group chaired by the Deputy Leader of the Council or Member as appointed by the Leader of the Council, with representation from across the Council charged with the duty of developing and reviewing procurement and contractual issues. For the avoidance of doubt, the Procurement Board is a Cabinet Advisory Group and has no formal decision-making powers.

Quick Quotation

A formal written invitation to a minimum number of suppliers to provide written quotations for goods, services or works using the Council's Purchase Order Terms and Conditions (or those approved by the Council's legal team) for requirements between £0 and less than £25,000.

Restricted Procedure

This is a 2-stage process which uses a Pre-Qualification Questionnaire (PQQ) and an Invitation to Tender (ITT) Stage.

Thresholds

The financial threshold at which public procurement laws must be applied.

The council

Medway Council

Tenderers

Suppliers/contractors who have been invited to submit a tender to the Council.

Total Value

The whole of the value or estimated value (in money or equivalent value) over the contract term.

Value for Money

The optimum combination of through life cycle cost and quality (or fitness for purpose) to meet the user's requirement.

Written Quotation

Quotation provided by a supplier/contractor (bespoke or web based) to the Council containing pricing information and delivery details for requirements

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