

# Council Assembly

Wednesday 28 November 2012

7.00 pm

Harris Academy Peckham, 112 Peckham Road, London SE15 5DZ

## Supplemental Agenda No. 3

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6.2.	<b>Council Tax Technical Reforms - Addendum Report</b>	1 - 23
	<p>Council assembly is asked to agree recommendations from the cabinet on 23 October and 20 November 2012 on detailed technical reforms arising from recent changes to council tax legislation.</p> <p>The addendum report includes the recommendations from cabinet on 20 November 2012 and Appendix 2, the Equalities Analysis.</p>	

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Date: 23 November 2012

<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 28 November 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Council Tax Technical Reforms – Addendum Report	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Cabinet	

## RECOMMENDATIONS

That council assembly considers this addendum report in conjunction with the main report and:

1. Agree the recommendation of the Cabinet on 23 October 2012 to remove the existing ten percent discount awarded for second home properties with effect from the 1 April 2013 (see paragraphs 6 and 7 of the main report).
2. Agree the recommendations of Cabinet agreement on 20 November 2012 to introduce local discounts and an empty house premium, as set out below:
  - (1) The introduction of a local discount to replace class A exemptions set at zero percent from 1 April 2013 for properties where there are major repairs or structural alterations.
  - (2) The introduction of a local discount to replace class C exemptions set at 100 percent for up to a maximum of 2 months from 1 April 2013 for empty and unfurnished properties, subject to a review within March 2014.
  - (3) The introduction of a local discount of zero percent from 1 April 2013 for empty (unoccupied) and furnished properties.
  - (4) The introduction of an empty homes premium resulting in council tax of 150 percent for properties that have been empty and unfurnished for more than two years from 1 April 2013.

## BACKGROUND INFORMATION

3. On 23 October 2012, cabinet agreed to recommend to council assembly the removal of second homes discount from 1 April 2013 and agreed to the need for officers to submit a further report to cabinet in November 2012 to set out further recommendations on the approach to changes in respect of council tax discounts and exemptions. The further report (see Appendix 1 on the main agenda) was considered at cabinet on 20 November 2012 and the full decision from that meeting is set out as a recommendation to council assembly in paragraph 2 above.

## KEY ISSUES FOR CONSIDERATION

4. On 20 November 2012 cabinet considered a further report which outlined the approach to technical changes to council tax discount and exemptions. Cabinet agreed to recommend to council assembly the creation and

introduction of local discounts together with the introduction of an empty homes premium from 1 April 2013.

5. Cabinet was also informed within the report of 20 November that an Equalities Impact Assessment for the proposed changes to second homes and council tax exemptions was being developed by council officers. This assessment reviews those likely to be affected by any change within the borough and determine any mitigating action that may be recommended as part of any change. Appendix 2 of the main report is circulated as a late item because the Equalities Impact Assessment needed to be updated after the meeting of cabinet on 20 November 2012, in order to accurately reflect the outcome of that meeting and assess the impact of its decision.
6. Monitoring information relating to protected characteristics, is not collected from residents claiming exemptions and discounts, therefore it is not possible to quantify the actual/potential positive or negative impact upon specific groups. The proposals will apply to all private and social landlords (including the council), developers and individual owners of second homes and empty properties. In some cases therefore the proposals may be viewed as increasing a business charge but for individual owners may increase financial burdens. Where available data and evidence exists it has been included within the equalities assessment.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

7. Following the cabinet meeting on 20 November 2012, council assembly is advised that it is now enabled to agree all the recommendations contained within the main report to this addendum, under Part 3A of the council's constitution.
8. Council assembly is advised that the legislative basis for the recommendations is found in the Local Government Finance Act 1992 (as amended by ss.10-12 Local Government Finance Act 2012) which give local authorities the statutory power to apply amended discounts. The Local Government Finance Act 2012 received Royal Assent on 31 October 2012 and is now law.
9. In respect of all the recommendations, decision makers must provide evidence of consideration of the equality assessment outcomes. Council assembly is required to note the completed equality assessment at Appendix 2 and is reminded of the requirement to have due regard to the public sector equality duty set out in s.149 Equality Act 2010 in its deliberations and conclusion.
10. Council assembly is further reminded of the council's statutory obligations and approved policies in respect of mitigating the effects of child poverty, providing equality of opportunities for children and young people, and providing advice and assistance to those who are or are at risk of homelessness.

### **Strategic Director of Finance and Corporate Services**

11. This addendum report requests that assembly agree the recommendations of cabinet of 20 November for the creation and introduction of local discounts together with the introduction of an empty homes premium from 1 April 2013.

12. This report also requests that assembly note the outcome of the Equalities Impact Assessment and associated mitigating actions to the changes proposed.

### REASONS FOR URGENCY

13. The value of council tax discounts and exemptions are taken into consideration when the council tax base is calculated. The council tax base report is scheduled to be considered by council assembly in January 2013.
14. As there is a requirement for decisions to create local discounts to be made by council assembly there is a need for these changes to be confirmed ahead of the January 2013 council assembly meeting so there is sufficient time for these decisions to be incorporated into the council tax base report.

### REASONS FOR LATENESS

15. The deadline for reports for council assembly was 15 November 2012, which was before cabinet had met on 20 November 2012 to consider the technical reform report on exemptions and discounts. Consequently it was not possible to confirm the decision of the 20 November 2012 cabinet until after this date.
16. Further the Equalities Impact Assessment could not be completed or submitted until the decision on the recommendations within the report of 20 November 2012 cabinet was reported, in order to accurately reflect the outcome of that meeting and legitimately assess the impact of its decision.
17. As a consequence of the above this report is being submitted as an addendum to council assembly.

### BACKGROUND DOCUMENTS

No.	Title
None	

### APPENDICES

No.	Title
Appendix 2. (To main report)	Council Tax Technical Reforms – Equalities Analysis – November 2012

**AUDIT TRAIL**

<b>Lead Officer</b>	Duncan Whitfield, Strategic Director of Finance and Corporate Services	
<b>Report Author</b>	Mike Lynch, Improvement & Development Manager	
<b>Version</b>	Final	
<b>Dated</b>	21 November 2012	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	22 November 2012	

# Council Tax Technical Reforms

## Equality analysis

November 2012

## Things to remember:

Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies. Understanding the affect of your policies and practices on people with different protected characteristics is an important part of complying with the general equality duty.

Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service users changes, as the general equality duty is a continuing duty.
- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Best practice guidance from the EHRC recommends that public bodies:

- Consider all the [protected characteristics](#) and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- Use equality analysis to inform policy as it develops to avoid unnecessary additional activity.
- Focus on the understanding the effects of a policy on equality and any actions needed as a result, not the production of a document.
- Consider how the time and effort involved should relate to the importance of the policy to equality.
- Think about steps to advance equality and good relations as well as eliminate discrimination.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate).
- Use insights from engagement with employees, service users and others can help provide evidence for equality analysis.

Equality analysis should be referenced in equality impact statements in council reports. Community impact statements are a corporate requirement in all reports to the following meetings: the cabinet, individual decision makers, scrutiny, regulatory committees and community councils. Community impact statements enable decision makers to identify more easily how a decision might affect different communities in Southwark and to consider any implications for equality and diversity It be referenced in community impact statements in council reports.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should be written in a clear and transparent way using plain English. It may be published under the council's publishing of equality information, or if part of a business plan, requested by the public under the council's publication scheme.

Equality analysis should be reviewed after a sensible period of time to see if the affects you expected have occurred. If not then you will need to consider amending your policy accordingly. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Equality Analysis will not need to go to an Equality and Diversity Panel for feedback, as under the old Equalities and Human Rights Scheme. Community engagement is recommended as part of the development of equality analysis and the council's community engagement division and FEHRS can assist with this (see section below on community engagement). [www.southwarkadvice.org.uk](http://www.southwarkadvice.org.uk)



## Section 1: Equality analysis details

<b>Proposed policy/decision/business plan to which this equality analysis relates</b>	Technical reforms of Council Tax
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<b>Equality analysis author</b>	Mike Lynch				
<b>Strategic Director:</b>	Duncan Whitfield				
<b>Department</b>	Finance	<b>Division</b>	Revs & Bens		
<b>Period analysis undertaken</b>	October-November 2012				
<b>Date of review (if applicable)</b>	March 2014 and annually thereafter				
<b>Sign-off</b>		<b>Position</b>		<b>Date</b>	

## Section 2: Brief description of policy/decision/business plan

### 1.1 Brief description of policy/decision/business plan

The Government issued a consultation paper on 31<sup>st</sup> October 2011 (Technical Reforms of Council Tax) seeking views on allowing billing authorities greater flexibility and discretion on applying discounts and exemptions to certain classes of empty properties from 1<sup>st</sup> April 2013.

The outcome of the consultation is to allow billing authorities to;

1. Remove exemption Class A for properties that require or undergoing major and replace this with a discount between 0 – 100% for up to 12 months.
2. Remove exemption Class C for properties that are unoccupied and unfurnished and replace this with a discount between 0 – 100%.
3. Charge the full Council Tax on second homes
4. Charge the full Council Tax on empty but furnished property
5. Charge 150% Council Tax on homes empty for 2 years or more.

The Local Government Finance Act 2012 was granted royal assent on 31 October 2012 and is now law, this enables billing authorities to introduce the reforms on which the above consultation was based.

The Council are proposing to;

1. Remove Class A and C exemptions and replace this with 0% discount for properties previously described under Class A and a 100% discount for a maximum of 2 months on properties previously described under class C
2. Charge the full Council Tax on second homes and 150% Council Tax on homes empty for 2 years or more.
3. Charge the full Council Tax on 2<sup>nd</sup> Homes removing the current 10% discount and
4. Charge the full Council Tax on empty but furnished homes, removing the current 10% discount

This will encourage properties to be brought back into use at the earliest possible time and maximise revenue from the proposed changes.

Equality monitoring information is not collected from those claiming exemptions and therefore it is not possible to quantify the actual/potential positive or negative impact upon specific groups. The proposals will apply to all private and social landlords including the Council, developers and individual owners of 2<sup>nd</sup> homes and empty properties. In some cases therefore the proposals may be viewed as increasing a business charge but for individual owners may increase financial burdens.

A summary of awards made for 2009/10 – 2011/12 is included in **Appendix A**. This identifies the values of Class A and C exemptions awarded in the last 3 years together with the split associated with Council and non council properties

Based on the best information available, those most affected by the changes will be owners, developers, landlords including the Council as the largest Landlord within the borough and individual Council Tax payers. An analysis of awards identifying the split between organisations and individual owners for the period from 1<sup>st</sup> April to 12th October is included in **Appendix B**.

Other than exemption classes A and C, the government has confirmed it is abolishing exemption class L, mortgagee in possession, therefore from 1 April 2013 banks and building societies will no longer have exemption in these circumstances. Otherwise the government is not proposing to make any other changes to the existing exemption classes. A list of current empty property exemptions is included as **Appendix C**.

An analysis of the geographic location of all the properties subject to the proposed changes indicates that the impact is spread reasonably evenly across the whole borough with the exception of the Dulwich area which is proportionately unaffected.

**Section 3: Overview of service users and key stakeholders consulted**


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<b>2. Service users and stakeholders</b>	
<b>Key users of the department or service</b>	Housing Associations, Registered Social Landlords, managing agents, Council Tax payers and Housing.
<b>Key stakeholders were / are involved in this policy / decision / business plan</b>	<p>This is a central government initiative to address technical reforms of council tax giving local authorities more flexibility on what discounts they can charge on 2<sup>nd</sup> homes and certain empty properties.</p> <p>No consultation has been undertaken with the key users of the service</p>

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## Section 4: Pre-implementation equality analysis

This section considers the potential impact (positive and negative) of proposals on the key 'protected characteristics' in the Equality Act 2010 and Human Rights, the equality information on which above analysis is based and mitigating actions to be taken.

**Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

### Potential impacts (positive and negative) of proposed policy/decision/business plan

There is potential for financial impact on organisations and individual owners of empty property where they will be required to pay more or receive discounts for shorter periods. However the data and evidence available relating to individuals is limited as it not directly relevant to the determination of liability for Council Tax for empty properties or 2<sup>nd</sup> homes.

There is no direct evidence of an impact relating to age in respect of the proposed changes to discounts and exemptions.

The intended outcome of bringing empty properties back into use sooner together with additional council tax revenue may however benefit this group, the wider community and the council.

### Equality information on which above analysis is based

Interrogation and analysis of the Council Tax data base confirms that the Council Tax payers largely impacted by these proposed changes are Registered Social landlords, Landlords of individual premises, managing agents and the Councils Housing Department.. In addition there are individual owners of second homes and owners of empty premises.

Because age information is not relevant to the determination of council tax liability it is not held within the Council Tax system, therefore evidence and data is limited.

### Mitigating actions to be taken

Communicate and publish the changes to key users of the service. Ensure advice, budgeting support, financial education, is available to individual key users through appropriate channels including credit unions and voluntary advice agencies.

We will review recovery policies and procedures to ensure that they are fair and reflect the shift in behaviour that is required from tax payers who previously benefited from property exemptions and discounts and which would have reduced council tax liability.

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups.

**Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

#### **Possible impacts (positive and negative) of proposed policy/decision/business plan**

There is potential for financial impact on organisations and some individuals where they will be required to pay more or receive discounts for shorter periods. However the data and evidence available relating to individuals is limited as it not relevant to the determination of liability for Council Tax for empty properties or 2<sup>nd</sup> homes.

There is no direct evidence of an impact relating to disability in respect of the proposed changes to discounts and exemptions

The intended outcome of bringing empty properties back into use sooner together with additional council tax revenue may however benefit this group, the wider community and the council

#### **Equality information on which above analysis is based**

Interrogation and analysis of the Council Tax data base confirms that the Council Tax payers largely impacted by these proposed changes are Registered Social landlords, Landlords of individual premises, managing agents and the Councils Housing Department.. In addition there are individual owners of second homes and owners of empty premises.

Because disability information is not relevant to the determination of council tax liability it is not held within the Council Tax system, therefore evidence and data is limited.

#### **Mitigating actions to be taken**

Ensure advice, information and financial support is available through appropriate channels and targeted more effectively at disabled people including charities and voluntary advice agencies.

We will review recovery policies and procedures to ensure that they are fair and reflect the shift in behaviour that is required from tax payers who previously benefited from property exemptions and discounts and which would have reduced council tax liability.

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups.

**Gender reassignment** - The process of transitioning from one gender to another.

#### **Possible impacts (positive and negative) of proposed policy/decision/business plan**

There is potential for financial impact on organisations and some individuals where they will be required to pay more or receive discounts for shorter periods. However the data and evidence available relating to individuals is limited as it not relevant to the determination of liability for Council Tax for empty properties or 2<sup>nd</sup> homes

There is no direct evidence that the proposed changes impact specifically on this group although the intended outcome of bringing empty properties back into use sooner together with additional council tax revenue may benefit this group, the wider community and the council

#### **Equality information on which above analysis is based**

Interrogation and analysis of the Council Tax data base confirms that the Council Tax payers largely impacted by these proposed changes are Registered Social landlords, Landlords of individual premises, managing agents and the Councils Housing Department.. In addition there are individual owners of second homes and owners of empty premises.

Because gender reassignment information is not relevant to the determination of council tax liability it is not held within the Council Tax system, therefore evidence and data is limited

#### **Mitigating actions to be taken**

Ensure advice, information and financial support is available through appropriate channels including working with voluntary advice agencies .

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups.

**Marriage and civil partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination.**

#### **Possible impacts (positive and negative) of proposed policy/decision/business plan**

There is potential for financial impact on organisations, some individuals and couples where they will be required to pay more or receive discounts for shorter periods. However the data and evidence available relating to individuals and couples is limited as it not directly relevant to the determination of liability for Council Tax for empty properties or 2<sup>nd</sup> homes.

There is no direct evidence of an impact relating to marriage or civil partnerships in respect of the proposed changes to discounts and exemptions

The intended outcome of bringing empty properties back into use sooner together with additional council tax revenue may however benefit this group, the wider community and the council

#### **Equality information on which above analysis is based**

Interrogation and analysis of the Council Tax data base confirms that the Council Tax payers largely impacted by these proposed changes are Registered Social landlords, Landlords of individual premises, managing agents and the Councils Housing Department.. In addition there are individual owners of second homes and owners of empty premises.

Because marriage and civil partnership information is not directly relevant to the determination of council tax liability it is not held within the Council Tax system, therefore evidence and data is limited.

### Mitigating actions to be taken

Communicate and publish the changes to key users of the service. Ensure advice, budgeting support, financial education, is available to individual key users through appropriate channels including credit unions and voluntary advice agencies.

We will review recovery policies and procedures to ensure that they are fair and reflect the shift in behaviour that is required from tax payers who previously benefited from property exemptions and discounts and which would have reduced council tax liability.

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups.

**Pregnancy and maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

### Possible impacts (positive and negative) of proposed policy/decision/business plan

There is potential for financial impact on organisations and some individuals where they will be required to pay more or receive discounts for shorter periods. However the data and evidence available relating to individuals is limited as it not relevant to the determination of liability for Council Tax for empty properties or 2<sup>nd</sup> homes.

There is no direct evidence of an impact relating to this group in respect of the proposed changes to discounts and exemptions

The intended outcome of bringing empty properties back into use sooner together with additional council tax revenue may however benefit this group, the wider community and the council

### Equality information on which above analysis is based

Interrogation and analysis of the Council Tax data base confirms that the Council Tax payers largely impacted by these proposed changes are Registered Social landlords, Landlords of individual premises, managing agents and the Councils Housing Department.. In addition there are individual owners of second homes and owners of empty premises.

Because pregnancy information is not directly relevant to the determination of council tax liability it is not held within the Council Tax system, therefore evidence and data is limited

### Mitigating actions to be taken

Communicate and publish the changes to key users of the service. Ensure advice, budgeting support, financial education, is available to individual key users through appropriate channels including credit unions, voluntary advice agencies, women's groups and forums.

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups.

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

#### **Possible impacts (positive and negative) of proposed policy/decision/business plan**

There is potential for financial impact on organisations and some individuals where they will be required to pay more or receive discounts for shorter periods. However the data and evidence available relating to individuals is limited as it not relevant to the determination of liability for Council Tax for empty properties or 2<sup>nd</sup> homes.

There is no direct evidence of an impact relating to race in respect of the proposed changes to discounts and exemptions.

The intended outcome of bringing empty properties back into use sooner together with additional council tax revenue may however benefit this group, the wider community and the council

#### **Equality information on which above analysis is based**

Interrogation and analysis of the Council Tax data base confirms that the Council Tax payers largely impacted by these proposed changes are Registered Social landlords, Landlords of individual premises, managing agents and the Councils Housing Department.. In addition there are individual owners of second homes and owners of empty premises.

Because race information is not relevant to the determination of council tax liability it is not held within the Council Tax system, therefore evidence and data is limited .

#### **Mitigating actions to be taken**

Communicate and publish the changes to key users of the service. Ensure advice, budgeting support, financial education, is available to individual key users through appropriate channels including credit unions, voluntary advice agencies, representative groups including Community Action Southwark.

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups

**Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

#### **Possible impacts (positive and negative) of proposed policy/decision/business plan**

There is potential for financial impact on organisations and some individuals where they will be required to pay more or receive discounts for shorter periods. However the data and evidence available relating to individuals is limited as it not relevant to the determination of liability for Council Tax for empty properties or 2<sup>nd</sup> homes.

There is no direct evidence of an impact relating to religion and belief in respect of the proposed changes to discounts and exemptions



The intended outcome of bringing empty properties back into use sooner together with additional council tax revenue may however benefit this group, the wider community and the council

### Equality information on which above analysis is based

Interrogation and analysis of the Council Tax data base confirms that the Council Tax payers largely impacted by these proposed changes are Registered Social landlords, Landlords of individual premises, managing agents and the Councils Housing Department.. In addition there are individual owners of second homes and owners of empty premises.

Because religion and belief information is not relevant to the determination of council tax liability it is not held within the Council Tax system, therefore evidence and data is limited.

### Mitigating actions to be taken

Communicate and publish the changes to key users of the service. Ensure advice, budgeting support, financial education, is available to individual key users through appropriate channels including credit unions, voluntary advice agencies and forums.

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups

**Sex** - A man or a woman.

### Possible impacts (positive and negative) of proposed policy/decision/business plan

There is potential for financial impact on organisations and individuals where they will be required to pay more or receive discounts for shorter periods..

The evidence available from the Council Tax system suggests that when considering individual liability there is likely to be a greater proportionate impact upon men rather than women across all the categories of change.

### Equality information on which above analysis is based

The analysis of Council tax data suggests that the ratio of men to women impacted by these reforms is 2-1 (1312 men, 665 women) which is generally opposite to the ratio of the female population within Southwark which is known to be higher, (male resident population in Southwark is 142,600 and the female resident population is 145,700).

This may be misleading however as historically changes in ownership of a property are often notified by one party, historically by more men than women, although a joint liability may in reality exist and the data may not recognise individuals who are in fact landlords with property portfolios.

### Mitigating actions to be taken

Communicate and publish the changes to key users of the service. Ensure advice, budgeting support, financial education, is available to individual key users through appropriate channels including credit unions, voluntary advice agencies and forums.

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups

**Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

### Possible impacts (positive and negative) of proposed policy/decision/business plan

There is potential for financial impact on organisations and some individuals where they will be required to pay more or receive discounts for shorter periods. However the data and evidence available relating to individuals is limited as it not relevant to the determination of liability for Council Tax for empty properties or 2<sup>nd</sup> homes.

There is no direct evidence of an impact relating to sexual orientation in respect of the proposed changes to discounts and exemptions

### Equality information on which above analysis is based

Interrogation and analysis of the Council Tax data base confirms that the Council Tax payers largely impacted by these proposed changes are Registered Social landlords, Landlords of individual premises, managing agents and the Councils Housing Department.. In addition there are individual owners of second homes and owners of empty premises.

Because sexual orientation information is not relevant to the determination of council tax liability it is not held within the Council Tax system, therefore evidence and data is limited

### Mitigating actions to be taken

Communicate and publish the changes to key users of the service. Ensure advice, budgeting support, financial education, is available to individual key users through appropriate channels including credit unions, voluntary advice agencies and forums.

Following the introduction of these changes further equality analysis will be conducted to measure the impact of these changes and whether this has had any unanticipated, disproportionate affect on any particular groups

<b>Human Rights</b> There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
Privacy – Data will be used and shared for administrative purposes in accordance with relevant Data Sharing regulations. .
<b>Equality information on which above analysis is based</b>
Information and data is not held within the Council Tax system.
<b>Mitigating actions to be taken</b>
N/A .

## Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key areas identified as requiring more detailed analysis or key mitigating actions.			
Number	Description of Issue	Action	Timeframe
1	Communicating changes to those affected	Communications plan to be agreed	December 2012 – March 2013
2	Raise awareness of information, advice and support especially with regard to other empty property exemptions	Signposting to be reviewed to ensure it is up to date and widely available and publicised	December 2012 – March 2013
3	Support is in place for those experiencing financial hardship arising with the changes	Brief advice and support organisations on the changes and continue regular liaison meetings / forums.	December 2012 – ongoing
4	Financial inclusion / budgeting advice	Work with third parties including credit unions and advice agencies to increase the provision of financial education and budgeting support.	Dec-Mar 2013
5	Recovery procedures	Review recovery policies and procedures to ensure that they are fair and reflect the shift in behaviour that is required from tax payers previously not liable for any Council Tax.	Dec-Mar 2013
6	Ongoing analysis	Further equality analysis will be conducted to measure the impact of this policy and whether this has had any unanticipated, disproportionate affect on any particular groups.	Ongoing

5. Equality objectives (for business plans)					
Based on the initial analysis above, please detail any equality objectives that you will set for your department/service.					
Objective	Lead officer	Current performance (baseline)	Targets		
			2012/13	2013/14	2014/15
N/A					

## APPENDIX A

### Class A Exemptions awarded in 2011-12

Exemption Duration	Number of awards	% of total awards	Value of awards	% of total value	Average amount awarded
1-7 days	37	2.10%	£570.57	0.10%	£15.42
1-14 days	55	3.11%	£1,700.14	0.29%	£30.91
1-28 days	75	4.25%	£3,081.49	0.53%	£41.09
1-42 days	137	7.76%	£15,008.50	2.59%	£109.55
1-56 days	225	12.74%	£34,171.69	5.89%	£151.87
1-91 days	344	19.48%	£66,838.02	11.53%	£194.30
1-182 days	580	32.84%	£177,835.61	30.67%	£306.61
All	1766	100.00%	£579,876.71	100.00%	£328.36

Type	Number of awards	% of total awards	Value of awards	% of total value	Average amount awarded
Southwark properties	956	54.13%	£138,505.69	23.89%	£144.88
Non-Southwark Properties	810	45.87%	£441,371.02	76.11%	£544.90
All	1766	100.00%	£579,876.71	100.00%	£328.36

### Class A Exemptions awarded in 2010-11

Type	Number of awards	% of total awards	Value of awards	% of total value	Average amount awarded
Southwark properties	1504	51.42%	£908,035.15	50.96%	£603.75
Non-Southwark Properties	1421	48.58%	£873,922.97	49.04%	£615.01
All	2925	100.00%	£1,781,958.12	100.00%	£609.22

### Class A Exemptions awarded in 2009-10

Type	Number of awards	% of total awards	Value of awards	% of total value	Average amount awarded
Southwark properties	5	0.69%	£2,198.04	0.58%	£439.61
Non-Southwark Properties	718	99.31%	£376,205.96	99.42%	£523.96
All	723	100.00%	£378,404.00	100.00%	£523.38

**Class C Exemptions awarded in 2011/12**

**Average debt awards for Class C in 2011/12**

Exemption Duration	Number of awards	% of total awards	Value of awards	% of total value	Average amount awarded
1-7 days	1671	15%	£24,783.47	1.28%	£14.83
1-14 days	2862	26%	£69,945.83	3.60%	£24.44
1-28 days	4987	45%	£209,784.05	10.80%	£42.07
1-42 days	6507	58%	£391,230.41	20.15%	£60.12
1-56 days	7292	65%	£510,275.34	26.28%	£69.98
1-60 days	7415	66%	£532,949.97	27.45%	£71.87
1-91 days	8291	74%	£731,043.78	37.65%	£88.17
All	11110	100%	£1,941,644.78	100%	£174.01

**Class C Exemptions awarded in 2011/12**

Type	Number of awards	% of total awards	Value of awards	% of total value	Average amount awarded
Southwark properties	2903	26.13%	£519,807.34	26.94%	£179.06
Non-Southwark Properties	8207	73.87%	£1,409,796.44	73.06%	£171.78
All	11110	100.00%	£1,941,644.78	100.00%	£174.76

**Class C exemptions awarded in 2010/11**

Type	Number of awards	% of total awards	Value of awards	% of total value	Average amount awarded
Southwark properties	2439	28.92%	£309,560.59	21.40%	£126.92
Non-Southwark Properties	5996	71.08%	£1,136,775.73	78.60%	£189.59
All	8435	100.00%	£1,446,336.32	100.00%	£171.47

**Class C exemptions awarded in 2009/10**

Type	Number of awards	% of total awards	Value of awards	% of total value	Average amount awarded
Southwark properties	2407	28.03%	£387,847.76	19.91%	£161.13
Non-Southwark Properties	6181	71.97%	£1,559,884.72	80.09%	£252.37
All	8588	100.00%	£1,947,732.48	100.00%	£226.80

## APPENDIX B

### Current Class A Exemptions as at 12/10/12

Category	Number of accounts	% of accounts	Value	% value
LBS	12	9.52%	11838.21	8.06%
RSL	2	1.59%	1612.53	1.10%
Commercial landlord/developer	61	48.41%	68694.70	46.78%
Private individual	51	40.48%	64715.22	44.07%
<b>Totals</b>	<b>126</b>	<b>100.00%</b>	<b>146860.66</b>	<b>100.00%</b>

**NB 59.42% of awards relate to organisations and 40.48% relate to private individuals.**

### Current Class C Exemptions as at 12/10/12

Category	Number of accounts	% of accounts	Value	% value
LBS	287	24.32%	172691.74	18.93%
RSL	167	14.15%	130548.71	14.31%
Commercial landlord/developer	557	47.20%	489998.34	53.71%
Private individual	169	14.32%	119096.73	13.05%
<b>Totals</b>	<b>1180</b>	<b>100.00%</b>	<b>912335.52</b>	<b>100.00%</b>

**NB 85.68% of awards relate to organisations and 14.32% relate to private individuals.**

## APPENDIX C

<b>Class</b>	<b>Description</b>	<b>Exemption period</b>	
A	Major repairs/structural alterations	Up to 12 months	
B	Unoccupied, owned by charity	No time limit	
C	Empty and unfurnished	Up to 6 months	
D	Due to person being in prison	No time limit	
E	Person gone to live in care home	No time limit	
F	Council Tax payer deceased	No time limit	
G	Occupation prohibited by law	No time limit	
H	Dwelling held for minister of religion	No time limit	
I	Person living elsewhere to receive personal care	No time limit	
J	Person living elsewhere to provide personal care	No time limit	
K	Dwelling left empty by a student	No time limit	
L	Mortgagee in possession (Repossessed property)	No time limit	
Q	Left empty by bankrupt person Where liability rests with trustee	No time limit	
R	Caravan pitches or boat moorings not in use	No time limit	
T	Unoccupied annex to an occupied dwelling that cannot be let separately	No time limit	



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MUNICIPAL YEAR 2012/13**

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