

Approach to equality – Equality analysis template

February 2012

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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

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Section 1: Equality analysis details

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

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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 31st 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 1st 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 2nd 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.

A summary of awards made for 2009/10 – 2011/12 is included in **Appendix A**.

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 from 1st 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**.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
Key users of the department or service	Housing Associations, Registered Social Landlords, managing agents, Council Tax payers and Housing.
Key stakeholders were / are involved in this policy / decision / business plan	No consultation has been undertaken with key users of the service

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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 no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

Communicate and publish the changes to key users of the service. Ensure advice, information and financial support is available through appropriate channels including working with voluntary advice agencies.

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 no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

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

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

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

There is no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

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

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 no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

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

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 no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

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

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 no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

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

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 no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

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

Sex - A man or a woman.

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

There is no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

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

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 no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

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

Human Rights

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

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

There is no direct evidence that the proposed changes impact specifically on this group.

Equality information on which above analysis is based

Information and data is not held within the Council Tax system.

Mitigating actions to be taken

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

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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

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

Exemption Duration	Number of awards	% of total	Value of awards	% of total	Average amount awarded
1-7 days	1671	15.0%	£24,783.47	1.28%	£14.83
1-14 days	2862	25.8%	£69,945.83	3.62%	£24.44
1-28 days	4987	44.9%	£209,784.05	10.87%	£42.07
1-42 days	6507	58.6%	£391,230.41	20.28%	£60.12
1-56 days	7292	65.6%	£510,275.34	26.44%	£69.98
All	11110	100.0%	£1,929,603.50	100.00%	£173.68

Type	Number of awards	% of total	Value of awards	% of total	Average amount awarded
Southwark properties	2903	26.13%	£519,807.06	26.94%	£179.06
Non-Southwark Properties	8207	73.87%	£1,409,796.44	73.06%	£171.78
All	11110	100.00%	£1,929,603.50	100.00%	£173.68

Class C Exemptions awarded in 2010-11

Type	Number of awards	% of total	Value of awards	% of total	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	Value of awards	% of total	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%
Totals	126	100.00%	146860.66	100.00%

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%
Totals	1180	100.00%	912335.52	100.00%

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

APPENDIX C

Class	Description	Exemption period	
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	