

EQUALITY IMPACT ASSESSMENT FORM

December 2014

THE COUNCIL'S EQUALITIES STATEMENT

This Council recognises that people have different needs, requirements and goals and we will work actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We will also work to create equal access for everyone to our services, irrespective of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

NAME OF NEW OR REVISED PROPOSAL*	Council Tax and Business Rate: Increase in Court Fees
DIRECTORATE	Corporate Services
SERVICE AREA	Corporate Finance – Council Tax and Business Rates
CONTACT OFFICER	John Carpenter, Council Tax and NNDR Manager
DATE FOR NEXT REVIEW OR REVISION	This proposal, if ratified, will take effect from 1 st April 2016 and will be reviewed later that year.

***Throughout this Equalities Impact Assessment Form, 'proposal' is used to refer to what is being assessed, and therefore includes policies, strategies, functions, procedures, practices, initiatives, projects and savings proposals.**

INTRODUCTION

The aim of an Equality Impact Assessment (EIA) is to ensure that Equalities issues have been consciously considered throughout the decision making processes of the work undertaken by every service area in the Council and work done at a corporate level.

The form should be used if you have identified a need for a full EIA following the screening process covered in the Equalities Implications in Committee Reports Guidance document (available on the Equalities and Welsh Language Portal on the intranet).

The EIA should highlight any areas of risk and maximise the benefits of proposals in terms of Equalities. It therefore helps to ensure that the Council has considered everyone who might be affected by the proposal.

It also helps the Council to meet its legal responsibilities under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the Welsh Language Measure 2011. There is also a requirement under Human Rights legislation for Local Authorities to consider Human Rights in developing proposals.

The Council's work across Equalities, Welsh Language and Human Rights is covered in more detail through the Strategic Equalities Objectives and Action Plan 2012.

This approach strengthens work to promote Equalities by helping to identify and address any potential discriminatory effects before introducing something new or changing working practices, and reduces the risk of potential legal challenges.

When carrying out an EIA you should consider both the positive and negative consequences of your proposals. If a project is designed for a specific group e.g. disabled people, you also need to think about what potential effects it could have on other areas e.g. young people with a disability, BME people with a disability.

There are a number of supporting guidance documents available on the Equalities and Welsh Language Portal (the Committee report guidance mentioned above, the Consultation and Monitoring guidance) and the Council's Equalities and Welsh Language team can offer support as the EIA is being developed - the contact email is equalities@caerphilly.gov.uk.

PURPOSE OF THE PROPOSAL

1	<p>What is the proposal intended to achieve? <i>(Please give a brief description of the purpose of the new or updated proposal by way of introduction.)</i></p> <p>The Council charges fees to those council tax payers and business rate payers who are subject to magistrates' court legal proceedings in respect of unpaid council tax and business rates. The fees relate to the costs incurred by the Council in carrying out the actions required prior to and including serving a magistrates' court summons on behalf of the court, and the subsequent application for a liability order which gives the Council certain powers to recover the unpaid taxes.</p> <p>The proposal to increase the fees by 4% in 2016/17 is an incremental step towards the aim of ensuring that the fees charged reflect the actual costs incurred by the Council, subject to the maximum imposed by Welsh Assembly regulations (currently £70 per case). This proposal forms part of the Medium-Term Financial Plan for 2016/17.</p>
2	<p>Who are the service users affected by the proposal? <i>(Who will be affected by the delivery of this proposal? e.g. staff members, the public generally, or specific sections of the public i.e. youth groups, carers, road users, people using country parks, people on benefits etc.)</i></p> <p>Council Tax is a local tax payable by any adult regarded as being a 'liable person' for a dwelling. The most financially disadvantaged council tax payers may benefit from the Council Tax Reduction Scheme which can help cover up to 100% of the Council Tax for eligible tax payers. There are also a range of discounts and exemptions that apply in certain circumstances. In addition, there are categories of certain persons that are to be disregarded when calculating the amount of tax payable, for example a person with severe mental impairment.</p> <p>Business rate is a local tax which is payable by any person/organisation which is entitled to possession of a non-domestic property. There are several different types of rate relief and exemptions that can reduce the amount payable in certain circumstances.</p> <p>Most council tax and business rate payers make their payments as required by the demand notice (bill) issued to them by the Council.</p>

However, there are a minority of individuals/organisations that do not make payment as required and find themselves subject to legal proceedings which results in the Council incurring additional costs. In 2014/15 there were around 6,400 cases which equated to 7.5% of the total households/businesses liable to pay these taxes.

IMPACT ON THE PUBLIC AND STAFF

<p>3</p>	<p>Does the proposal ensure that everyone has an equal access to all the services available or proposed, or benefits equally from the proposed changes, or does not lose out in greater or more severe ways due to the proposals?</p> <p><i>(What has been done to examine whether or not these groups have equal access to the service, or whether they need to receive the service in a different way from other people?)</i></p> <p>If council tax or business rate is not paid on time, the Council must follow certain recovery procedures involving the issuing of one or more statutory reminder notices and, if necessary, a final notice which removes the right to pay in instalments and explains that legal action may commence if payment is not received as required. Continued non-payment will lead to a magistrates' court summons being served by the Council informing the defaulting tax payer that an application will be made for a liability order. A liability order is a court order that enables the Council to enforce the collection of unpaid council tax or business rate.</p> <p>All tax payers are treated equally in terms of this recovery process and all tax payers being served with a court summons are liable to pay the same amount of court fees.</p>
	<p><u>Actions required</u></p> <p>None</p>

<p>4</p>	<p>What are the consequences of the above for specific groups?</p> <p><i>(Has the service delivery been examined to assess if there is any indirect affect on any groups? Could the consequences of the policy or savings proposal differ dependent upon people's disability, race, gender, sexuality, age, language, religion/belief?)</i></p>
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	No evidence has been identified to suggest that this proposal would have a differential impact on any particular group. As all tax payers are treated equally in terms of the recovery process and the amount of court fees payable, the consequences of the proposal being implemented will not differ depending upon disability, race, gender, sexuality, age, language, religion/belief.
	<p><u>Actions required</u></p> <p>None</p>

INFORMATION COLLECTION

5	<p>Is full information and analysis of users of the service available? <i>(Is this service effectively engaging with all its potential users or is there higher or lower participation of uptake by one or more groups? If so, what has been done to address any difference in take up of the service? Do any savings proposals include an analysis of those affected?)</i></p> <p>All tax payers are treated equally in terms of the recovery process and the amount of court fees payable. Furthermore, those affected will entirely depend upon whether payment is received as required, and this can vary from year to year. Council tax and business rate staff are trained to signpost tax payers facing difficulty in meeting their payments to various agencies such as CAB, Supporting People, Families First and are aware of the help and support that these agencies and others, such as Age Cymru, can give. For these reasons an analysis of those affected has not been undertaken.</p>
	<p><u>Actions required</u></p> <p>None</p>

CONSULTATION

6	<p>What consultation has taken place? <i>(What steps have been taken to ensure that people from various groups have been consulted during the development of this proposal? Have the</i></p>
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	<p><i>Council's Equalities staff been consulted? Have you referred to the Equalities Consultation and Monitoring Guidance?)</i></p> <p>The proposal went to Cabinet on 14th October as part of the draft savings proposals for 2016/17 and is due to go to Policy & Resources Scrutiny on 7th December 2015. It forms part of the ongoing public consultation meetings that are being held and any views expressed will be incorporated into the reports to Cabinet and full Council in February 2016.</p> <p>[The Council's Equalities staff have been consulted and the Equalities Consultation and Monitoring Guidance has been considered]</p>
	<p><u>Actions required</u></p> <p>Comments from the public consultation exercises may reveal unforeseen (By the Council) issues which may need to be addressed.</p>

MONITORING AND REVIEW

<p>7</p>	<p>How will the proposal be monitored? <i>(What monitoring process has been set up to assess the extent that the service is being used by all sections of the community, or that the savings proposals are achieving the intended outcomes with no adverse impact? Are comments or complaints systems set up to record issues by Equalities category to be able analyse responses from particular groups?)</i></p> <p>All tax payers are treated equally in terms of the recovery process and the amount of court fees payable, hence the impact will not depend upon people's disability, race, gender, sexuality, age, language, religion/belief.</p> <p>Towards the end of 2016/17, it should be possible to analyse those council tax and business rate accounts that have been the subject of legal proceedings during 2016/17.</p>
	<p><u>Actions required</u></p> <p>If the proposal is ratified, it may be helpful to analyse those council tax and business rate accounts that have been the subject of legal proceedings, however, as many factors determine a tax payer's ability to pay council tax and/or business rate, the usefulness of any analysis would probably be limited.</p>

8	<p>How will the above be evaluated? <i>(What methods will be used to ensure that the needs of all sections of the community are being met?)</i></p> <p>This proposal treats all tax payers who will incur the increased court fees equally. No evidence has been identified to suggest that this proposal would have a differential impact on any particular group. As above, the usefulness of any analysis would probably be limited.</p>
	<p><u>Actions required</u></p> <p>None</p>
9	<p>Have any support / guidance / training requirements been identified? <i>(Has the EIA or consultation process shown a need for awareness raising amongst staff, or identified the need for Equality training of some sort?)</i></p> <p>No</p>
	<p><u>Actions required</u></p> <p>None</p>
10	<p>Where you have identified mitigating factors in previous answers that lessen the impact on any particular group in the community, or have identified any elsewhere, please summarise them here.</p> <p>None</p>
11	<p>What wider use will you make of this Equality Impact Assessment? <i>(What use will you make of this document i.e. as a consultation response, appendix to approval reports, publicity etc. in addition to the mandatory action shown below?)</i></p> <p>It will be added as an appendix to a report to Policy and Resources Scrutiny Committee on 7th December 2015 and used to support the proposal before Cabinet on 3rd February 2016 and before the Special Council Meeting on 24th February 2016.</p>

	<p><u>Actions required</u></p> <ul style="list-style-type: none"> EIA, when completed, to be returned to equalities@caerphilly.gov.uk for publishing on the Council's website.

Completed By:	John Carpenter
Date:	November 2015
Position:	Council Tax and NNDR Manager
Name of Head of Service:	Stephen Harris