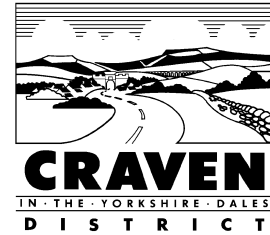


Policy Committee – 17th January 2017

Council Tax Reduction Scheme for 2017/18.



Report of the Corporate Head – Business Support

Lead Member – Councillor Dawson

Presenting Officer – Revenues and Benefits Manager

Ward(s) affected: All

- 1 **Purpose of Report** – To review options regarding the current council tax reduction scheme.

Members agreed to consultation (POL 771) about the proposed changes to the current council tax reduction scheme. The results of the consultation support the proposed changes and are contained in section 12.

2. **Recommendations** – Members are recommended to:-

- 2.1 Align Craven's Council Tax Reduction scheme (CTR) with the main changes applied to Housing Benefit (HB) by DWP as approved by Parliament.

- 2.2 The changes are

- 1) Removal of Family Premium for all new claims.
- 2) Changes to temporary absence rules for all persons who leave GB (4 weeks).
- 3) SDP not to be granted where a person receives UC (Carer Element) for them.
- 4) Dependants will be limited to 2 (in line with amendments to housing benefit as specified in the summer budget 2015) for new claims after April 2017 – certain exemptions will apply.
- 5) New claims ESA Work Related Activity Group will not receive Work Related Activity Component.

- 3 **Background**

- 3.1 Craven Council tax Reduction Scheme has remained unchanged for 2 years so now requires a full review.

- 3.2 When Council Tax Reduction was introduced it was done so on the condition that it cost at least 10% less than Council Tax Benefit Expenditure which was £3627602 in its last year. CTR expenditure has been 2013/14 £2779369.25, 2014/15 £2560720.32, 2015/16 £2464994.50.

Given the CTR expenditure is well within the 10% figure there is no pressure to make additional savings within the scheme. Additionally it must be noted that any changes applied to the local scheme will only impact on non pensionable age claimants which is approximately 33% of the caseload.

- 3.3 The changes listed in 2.2 will be catered for in the Northgate System for HB and CTR. Additionally keeping HB and CTR aligned as much as possible will make administration easier and more efficient.

4 Caseload and expenditure

As at 01/06/2016 the CTR caseload was 2782 of which 1128 are of working age. CTR Expenditure was £2464994.50 in 2015/16.

5 Impact of the changes

The changes in 2.2 will impact on working age families who make a new claim after 01/04/2017 and those are absent from their property for over 4 weeks. The actual financial impact is impossible to calculate however none of the changes will increase expenditure to Craven DC.

6 Future changes beyond 2017/18

The scheme should be reviewed every year to take account of changes to other benefits as welfare reform continues.

7 Financial and Value for Money (vfm) Implications

There is no increased expenditure to the CTR scheme. By aligning to HB changes the authority saves on software upgrades (funded by DWP) and general administration.

8 Legal Implications

None. A billing authority must make a Council Tax Reduction scheme as specified in Section 13A of the Local Government Finance Act 1992 as amended in 2012. The scheme must comply with The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations for years 2012 onwards.

9 Contribution to Council Priorities

This report supports the delivery of the Council's Financial Resilience priority.

10 Risk Management

Minimal risks are anticipated (i.e. Council Tax collection and disputes), however these will be closely monitored and managed. It must also be noted that Discretionary Housing Payments are available to offset the reductions in Housing Benefit which will be more substantial than the reductions in CTR. Such payments will reduce the financial impact on some claimants although they cannot be used directly to pay Council Tax.

11 Equality Analysis –

Attached.

12 Consultations with Others –

Full consultation took place during October and November 2016. Online forms were available on the website and paper copies sent to all Parish Councils and available at Craven DC locations accessed by the public. There are approximately 27000 households in Craven and there were only 6 responses were received. All proposed changes were supported by a majority ranging from 66.67% to 83%.

Of the 6 who responded;

83.33% agreed the current scheme needed to be changed.

66.67% agreed to the proposed removal of the family premium.

83.33% agreed to the proposed changes to reduce the temporary absence period to 4 weeks.

83.33% agreed to the proposed change to remove the work related activity component for new Employment and Support Allowance applicants.

66.67% agreed to the proposed calculation limit of 2 children per claim.

66.67% agreed to the proposed change to the Severe Disability premium.

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Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices

1. Equality analysis



Craven District Council Equality Analysis Template

Equality analysis is an important part of our commitment to meeting the needs of all of our communities. Completing an equality analysis of policies and decisions enable the Council to consider the needs different people have and make sure that these can be met. The assessments will often include the views of people who use the service.

The Equality Act 2010 requires us to have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation;
- Advancing equality of opportunity; and
- Fostering good relations.

We have to do these things in relation to the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The first arm of the duty, i.e. "eliminate unlawful discrimination", also covers marriage and civil partnerships.

The Equality Analysis process helps us to understand the probable impacts of a proposal on any or all protected groups. If we find that our proposal is likely to affect some people in a negative way we can look for ways to reduce or remove this effect. Equality analysis is taken to policy committee for consideration by members and officers making a decision and include any major implications in the text of reports so that those making decisions are able to give proper consideration to our equality responsibilities.

The Council's Equality Analysis template and guidance is a means of deciding whether or not there is potential for a policy, strategy, procedure or function to result in a less favourable outcome on any group within the community, or unlawful discrimination of any kind.

Further information about what the equality aims mean in practice are available in the information and guidance in [part 4 \(4.3\)](#). Please complete this form (using the guidance notes where appropriate) for any new/ proposed policies or practices or when updating an existing policy* or practice. All completed forms must be returned to Harriet Steventon, Policy Development Officer hsteventon@cravenc.gov.uk 01756 706290.

* **NOTE:** The word 'Policy' is used to encompass anything that is being assessed.

** For further information about equality analysis please refer to the [Equality analysis and the equality duty: A guide for public authorities](#)

Service:	Revenues and Benefits
Activity/Project/Policy/Decision/Function being assessed:	Council Tax Reduction Scheme
Responsible Officer:	David Carré

PART 1: ESTABLISHING RELEVANCE TO EQUALITY

1.1	Does the policy or procedure have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation?	<u>Yes on age.</u>
Links to evidence:		
Answer:	<i>The proposed amendments are in line to Central Government amendments to housing benefit. The changes only apply to working age claimants and not to pensioners. However it must be noted that the main changes are to the family premium and limit of dependent children used in the calculation of CTR and this would have no impact on the vast majority of claimants who are of pensionable age if the changes were applied to them as well.</i>	

NOTE: If answer **no** and you decide your policy does not have relevance to equality, please go to [PART 6](#). If you answered **yes**, please go to [PART 2](#)

PART 2: SCOPING THE ANALYSIS

2.1	Are you analysing something existing, new/proposed or changing?
Answer:	<i>The CTR scheme has existed since 2013. The proposed changes to the scheme are before Policy Committee for approval.</i>
2.2	Why are you doing it?
Links to docs/reports:	
Answer:	<ul style="list-style-type: none">• <i>The changes are required to keep CTR in line (as much as possible) with housing benefit. This is to ease the administration of the scheme and keep software costs to a minimum.</i>• <i>The changes proposed will have been approved by Central Government for housing benefit so all legal implications including discrimination will have already been checked. As with all welfare reform we can expect legal challenges however they will be made against housing benefit legislation before CTR schemes.</i>

PART 3: DATA AND EVIDENCE

3.1	What data/research/consultation do you have (relating to any relevant protected characteristics*) to support your analysis? Is additional information required to fill any gaps in your understanding?	Information and Guidance
Links to evidence:		
Answer: <i>The proposed changes will apply to new claimants or those claiming after a gap in entitlement. It is impossible to estimate how many people that are affected by the changes will fall into these groups. It is anticipated most working age families for continue with their claim for some time before the changes affect them and those on a passport benefit will be protected from the changes.</i>		
*NOTE: Protected Characteristics: AGE, DISABILITY, GENDER, RACE, SEXUAL ORIENTATION, RELIGION/BELIEF, PREGNANCY/MATERNITY, GENDER REASSIGNMENT		

PART 4: ANALYSING THE IMPACT OF YOUR EQUALITY INFORMATION

NOTE: The word 'Policy' is used to encompass anything that is being assessed.

4.1	How will the policy and resulting activities affect different communities and protected characteristic* groups (including employees)?	Information and Guidance
Answer: The changes will apply to all new working age claimants in the district. They will potentially see a reduction in the amount of CTR they receive.		
*NOTE: Protected Characteristics: AGE, DISABILITY, GENDER, RACE, SEXUAL ORIENTATION, RELIGION/BELIEF, PREGNANCY/MATERNITY, GENDER REASSIGNMENT		

4.2	What measures does or could the policy include to mitigate any adverse or disproportionate impact?
Answer:	<i>The CTR scheme could continue without the changes however it would be difficult to administrate alongside housing benefit and be costly for software changes. It must be noted that the vast majority of authorities' are also applying these changes and that they may be included in the prescribed CTR regulations for 2016.</i>

4.3	What measures does or could the policy include to advance equality and foster good relations?	<u>Information and Guidance</u>
Answer:	<p><i>None. Welfare reform is about reducing the amount of state processed benefits claimants received.</i></p> <p><i>Last year the authority approved a scheme under 13A (1) (c) of the LGFA 1992 for Council Tax liability to be reduced in exceptional financial circumstances. This may apply to the most vulnerable affected by the proposed changes to CTR if they fit the criteria of the scheme.</i></p>	

PART 5: ADDRESSING THE IMPACT

Having considered the potential or actual impacts the policymaker should be in a position to make an informed judgment on what should be done. There are four possible options:

5.1	<p>Which of the options below best address the impact?</p> <p>Options:</p> <ol style="list-style-type: none"> 1. No major change - the EIA demonstrates that the policy is robust and that the evidence shows no potential for discrimination and that all opportunities to promote equality have been taken. 2. Adjust the policy to remove barriers or better promote equality. 	<u>Information and Guidance</u>
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	<p>3. Continue the policy despite potential for adverse impact or missed opportunities to promote equality.</p> <p>4. Stop and remove the policy – if the policy shows actual or potential unlawful discrimination it must be stopped and removed or changed.</p>	
Answer:	1	

NOTE: The word 'Policy' is used to encompass anything that is being assessed.

PART 6: ACTION PLAN

A principle - derived from relevant case law decisions - states that the Public Sector Equality Duty is also a continuing duty, requiring continuing attention and a review of decisions post-implementation. Therefore, every equality analysis should, at least, result in an action plan that sets out the arrangements for reviewing the actual impact of a new policy or changes to an existing policy once it has been implemented. This could result in a Performance Indicator.

Beyond **monitoring, evaluation and review**. The action plan could include actions in the following categories:

- involvement and consultation;
- further data collection and evidence gathering;
- mitigating disproportionate or adverse impact; and/or
- taking any opportunity to advance equality and foster good relations.

You can produce the action plan by using the template below, you should also consider if your actions need to be included in your service plan on Ten.

	ACTION	BY WHEN
1	The CTR scheme should be reviewed on an annual basis.	June 2017
2		
3		
4		
5		

PART 7: SIGNING OFF YOUR EQUALITY ANALYSIS

All completed equality analysis should be presented to the CDC Community Engagement and Equalities Steering Group for peer review, signed off by your head of service and sent electronically to the Policy Development Officer hsteventon@cravenc.gov.uk 01756 706290

Completed by	David Carré
Date presented at CDC Equality and Diversity Virtual Group	
Sign off by Head of Service	
Sign off date	

For completion by Partnerships and Communications:

Date Received	
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Part 1: Establishing relevance to equality

1.1: Does the policy, or procedure have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation?

You need to ensure that your policy or procedure (both current and proposed), have given proper consideration to equality. This means checking that it covers all of the protected characteristics. It also means checking that it is appropriate for all arms of the general equality duty and, in particular, whether it needs to place greater emphasis on, for example, advancing equality or fostering good relations.

Examples of policies that may be important for equality include grant-making programmes and school admissions and exclusions policies. Other examples are changes to service delivery (including withdrawal or reduction of services), and recruitment or pay policies. Policies that set quality standards for others to follow may also be important for equality. At the other end of the scale are policies which are not relevant to equality, for example, a policy on when to check the temperature of fridges in a hospital.

Some policies may be more difficult to judge. For example, licensing arrangements for clubs may appear to affect all groups equally, but may have an impact on increasing the risks of violence targeted at protected groups and on the good relations aim of the duty. The following questions can help you to determine if your policy or procedure has the potential to cause a negative impact or discriminate against different groups in the community, this is not an exhaustive list:

- Does the policy affect service users, employees or the wider community, and therefore potentially have a significant effect in terms of equality? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality? (for example, a government strategy, an inspection or a funding criterion).
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools).
- Does it relate to an area where equality objectives have been set by your organisation?

When you decide that a policy is not relevant to equality, you will need to document this (in section 1.1), along with the reasons and the information that you used to make this decision. A simple statement of no without any supporting information is not likely to be sufficient, nor is a statement that no information is available. This is particularly important where you are not familiar with methods of equality analysis or with equality concerns, as you could inadvertently overlook issues that could indicate relevance to equality. This could leave you vulnerable to legal challenge.

Publication of your decision about the relevance of your policies to equality, and the evidence and analysis used, will ensure openness and transparency, and enable people to understand the decisions you have taken. You could do this when you publish a draft policy for consultation.

Part 3: Data and Evidence

3.1: What data, research, consultation and other evidence or information is available which is relevant to this Equality Analysis?

Please cite any quantitative (i.e. statistical or monitoring data) and qualitative evidence (i.e. consultation, complaints, research etc) relating to protected groups, employees or communities having different needs, experiences or attitudes in relation to this policy - including potential take-up of resulting services.

The evidence required will depend on the nature of the proposed policy, but it will probably include some of the items listed below:

- Service-level equality monitoring data (disaggregated by disability, gender, gender reassignment, ethnicity/nationality, age, sexual orientation, pregnancy/maternity and religion or belief) for the services being assessed or those which are similar.
- Information about the population or local community, including census findings. See [STREAM](#).
- The results of involvement activities, consultations or recent surveys.
- Comparisons with similar policies/activities in other departments or authorities.
- Analysis of records of enquiries or complaints from the public about services or policies.
- Recommendations of inspection and audit reports and reviews.
- Recent research findings from a range of national, regional and local sources.
- Information from groups and agencies directly in touch with particular protected groups in the communities the authority serves; for example, qualitative studies by trade unions and voluntary and community organisations.

The most important and appropriate data is likely to be service-level data and consultation. This will provide detailed information about who is using services and about their experiences and outcomes.

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include surveys, or holding informal consultation exercises to

supplement the available statistical and qualitative data.

[Guidance on engagement and the Equality Duty](#)

[Craven District Council Community Engagement Toolkit](#)

[Cabinet Office Consultation Principles](#)

Where a significant gap in knowledge exists; does this justify suspending the development of the policy (if new or proposed) to carry out further research

Part 4: Analysing the Impact

4.1: How will the policy and resulting activities affect different communities and protected characteristic groups (including employees)?

Identifying the **positive and negative** impacts will be easier for existing policies. For new policies, a prediction will need to be made. This is not a guess, but a structured assessment based on evidence that enables a thorough approach to understanding the positive and/or negative effect of a policy.

- **Is there any evidence that any part of the proposed policy could discriminate unlawfully, directly or indirectly, against people from some communities or groups?**

[Please click here for definitions of the different types of discrimination.](#)

- Does the evidence suggest there will be a positive impact upon people with protected characteristics?
- Could the policy outcomes differ according to those with a protected characteristic? For example, because they have particular needs, experiences, concerns or priorities in relation to the issues addressed by the policy or practice. Put another way:
- Could the policy or practice affect different groups disproportionately? For example, are more women than men affected, more disabled people, etc?
- Is there evidence of higher or lower participation or uptake by different groups?
- Is the proposed policy likely to affect relations between certain communities or groups? (positively or negatively)
- If there will be a greater impact on one group, is that appropriate and consistent with the policy objective?
- Does the policy involve procurement or joint working? If so are you aware of your partner's equality policy and 'track record'?
- It is essential to consider not just the intended consequences of the policy or practice but also any unintended consequences and barriers that might prevent it being effective for certain communities or groups.

Part 4: Analysing the Impact

4.3: What measures does or could the policy include to advance equality and foster good relations?

The Act helpfully explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act describes fostering good relations as tackling prejudice and promoting understanding between people from different groups.

Equality analysis is also an opportunity to identify ways to promote and advance equality of opportunity and ensure greater access to Council services. This may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic – such as providing computer training to older people to help them access information and services or making reasonable adjustments for people with a disability.

Promotion can include the use of website, newsletters, service leaflets, training, open days, cultural events, tapping into work of other agencies e.g. those attending the CVS minority ethnic forum etc.

Part 5: Analysing the Impact

5.1: Which of the options below best address the impact?

Having considered the potential or actual impacts the policymaker should be in a position to make an informed judgment on what should be done. There are four possible options:

Option 1: No major change - the Equality Analysis demonstrates that the policy or practice is robust and that the evidence shows no potential for discrimination and that all opportunities to promote equality have been taken.

If this conclusion is reached it will be essential to document the reasons why and the evidence used. The assessment and the reasons for it will need to be brought to the attention of the decision-maker (if it is not the person assessing the policy).

Option 2: Adjust the policy to remove barriers or better promote equality

In considering how to adjust the policy, two possible courses of action will need to be considered. Firstly, it may be possible to remove or change the aspect of the policy that creates the unwanted impact. This simply relates to the particular aspect of the policy and does not mean that the whole policy will have to be abandoned.

Option 3: Continue the policy despite potential for adverse impact or missed opportunities to promote equality

The Equality Analysis needs to clearly set out the justifications for doing this and must be in line with the need to have due regard. For the most important relevant policies, particularly weighty reasons will be needed. It is important to underline that there can be no justification for direct discrimination and that indirect discrimination will need to be justified according to the legal requirements.

Option 4: Stop and remove the policy – if the policy shows actual or potential unlawful discrimination it must be stopped and removed or changed

At the other end of the scale are policies that are discriminatory or that create or enable unlawful discrimination. These must be immediately stopped and changed. Identifying what is and isn't unlawful discrimination can be difficult, even for the courts. For help in identifying what is unlawful discrimination, please refer to the guidance on the Commission website, including the codes of practice on each of the public sector duties and anti-discrimination legislation.