



**Full Council**  
20 January 2014

**Report from the Director of  
Regeneration and Growth**

For Action

Wards affected:  
ALL

**Proposed Local Council Tax Support Scheme for  
2014/15**

**1. Summary**

1.1 This report sets out:

1.1.1 A recommended local Council Tax Support Scheme for 2014/15 based upon the experience from the first year of the local scheme, the outcomes from this year's consultation process and continuing to achieve a financially neutral position.

1.1.2 The findings of the consultation process which took place between 11 November 2013 and 13 December 2013.

1.1.3 The financial and equality impacts of the recommended revised local Council Tax Support scheme for Brent residents.

1.2 A summary of the background to local Council Tax Support is set out in this report.

**2. Recommendations**

2.1 Members of Full Council are asked to consider and approve the following recommendations:

- 2.1.1. To approve and authorise the making and implementation of the recommended Council Tax Support Scheme for 2014/15 as set out in Appendix B.
- 2.1.2. In approving the recommended scheme for 2014/15, to agree that applicable amounts, allowances and non dependant deductions (not relating to pensioners) remain unchanged from the 2013/14 scheme;
- 2.1.3. To note the findings of the Equalities Impact Assessment in relation to the recommended scheme as set out in Appendix A of this report.

### **3. Executive summary**

- 3.1 Under Government welfare reforms, the national Council Tax Benefit scheme was abolished on 31<sup>st</sup> March 2013 and was replaced by localised Council Tax Support schemes from 1<sup>st</sup> April 2013.
- 3.2 The funding arrangements for the new Council Tax Support Scheme are less generous than those relating to Council Tax Benefit and as such the Council Tax Support scheme was designed to reduce expenditure by the forecast funding loss of between £5.2 M to £6M.
- 3.3 Council Tax Support expenditure is demand led but the grant relating to it is fixed. As such the scheme devised during 2012 took account of forecast expenditure in both 2013/14 and 2014/15, to ensure that this could be met within the grant funding available. It was expected that significant changes would not be needed for the 2014/15 year unless the anticipated savings were not realised or a review of the equalities impact assessment found unintended inequalities in the scheme. The Brent Local Council Tax Support Scheme was agreed by Full Council on 10 December 2012 following due process including the necessary consultation.
- 3.4 The forecast cost of the scheme for 2013/14 is currently in line with the financial modelling carried out to during the design phase. There have been no unexpected equalities issues arising from the scheme implementation to date (see Equalities Impact Assessment in Appendix A to this report).
- 3.5 The prescribed scheme for pensioners (that the Government required should be protected in the scheme) will need to be amended to take into account of annual uprating figures as notified by the Department of Work and Pensions and the local scheme will be updated to reflect this. It is proposed that the sections of the local scheme itself which do not relate to pensioners will remain largely unchanged; this includes not uprating applicable amounts, premiums, disregards, non dependant deductions or other figures that the DWP would have uprated in the old

Council Tax Benefit scheme (that do not relate to pensioners). This will prevent any inflationary impact on the cost of the local scheme.

- 3.6 The Local Council Tax Support Scheme must be agreed by full council each year even if there are minor or no changes to the scheme by the end of January in the appropriate year. For each financial year, the Council must consider whether to revise its scheme or to replace it with another scheme. This scheme must, therefore, have Full Council agreement by 31 January 2014.
- 3.7 The scheme proposed and then implemented for 2013/14 was designed to be a 2 year scheme unless it failed to meet the financial and/or equality objectives. As the scheme has achieved its objectives, only minor amendments have been proposed for year two of the scheme.
- 3.8 As there are no changes proposed to the main principles of the local scheme and as only minor amendments are being proposed to the local scheme itself, only a short public consultation period was necessary and this took place between 11 November 2013 and 13 December 2013. Details of these the findings from the consultation are set out in section 7.

## **Background**

### **4. Government proposals and main principles**

- 4.1 The government made provision within the Local Government Finance Bill to replace the national Council Tax Benefit (CTB) scheme from 1<sup>st</sup> April 2013 with localised schemes for Council Tax Support (CTS) devised by individual (or groups of) local authorities (LA's). Brent devised and implemented its local scheme from 01 April 2013.
- 4.2 Responsibility within central government for Council Tax Support has passed from the Department of Work and Pensions (DWP) (responsible for the existing national scheme) to the Department for Communities and Local Government (DCLG) (responsible for the localised provision from April 2013).
- 4.3 Local CTS schemes are funded by a fixed grant unlike the previous Council Tax Benefit scheme which had demand-led funding. The fixed grant resulted in an immediate reduction to funding when compared to previous levels of subsidised expenditure.
- 4.4 Local Authorities have a duty to run a local Council Tax Support Scheme within their area that must contain the following:
  - Pensioner claimants will generally be protected so that their award would be the generally the same as if calculated under the national CTB scheme – this is achieved by the provision of a statutory

scheme. The protection for pensioner customers results in the 10% financial saving as highlighted by the government as falling disproportionately on working-age claimants.

- Schemes must support work incentives; this was taken into account when devising our scheme for year one with the creation of an increased earnings disregard; this has been maintained in year two.
- LA's must ensure that appropriate consideration has been given to support for other vulnerable groups, including those which may require protection under other statutory provisions including the Child Poverty Act 2010, the Disabled Persons Act 1986 and the Equality Act 2010, amongst others. Due consideration was given to vulnerable groups in year one with the creation of a scheme for vulnerable customers who received protection against having to pay a minimum contribution. This has been maintained in year two with an additional group of customers being classed as vulnerable.

4.5 Once a local Council Tax Support scheme has been made by the Council, it cannot be revised for at least one financial year. A Billing Authority must however *consider* whether to revise or replace its scheme with another one on an annual basis.

4.6 Any revision to a scheme must be made by the Council by the 31<sup>st</sup> January immediately preceding the financial year in which it is to take effect and will require consultation arrangements to be applied. In this instance, only very minor changes are recommended and the consultation method and length of the consultation period reflect this.

4.7 For each financial year, the Council is under a legal obligation to consider whether to revise its local Council Tax support scheme or to replace it with another scheme. Such decisions, including any revisions to a scheme, need to be made by 31 January in the financial year preceding that for which the revision or replacement scheme is to take effect.

## **5 The Council's Recommended CTS scheme for 2014/15**

5.1 The Council set out six key principles and features described below for working age claimants for year one of the localised Council Tax Support Scheme and these have been maintained in year two. These principles were:

### **Principle 1: "Everyone should pay something"**

All working age claimants (unless defined as protected) shall be required to pay a minimum contribution towards their Council Tax – set in the scheme at 20%.

**Principle 2: “The most vulnerable claimants should be protected”  
(from the minimum contribution)**

Claimants shall be protected from the 20% minimum contribution if they or a dependant in their household are entitled to a disability premium, enhanced disability premium, disabled earnings disregard, Disability Living Allowance or Personal Independence Payment, Disabled Persons Reduction for Council Tax purposes, War Disablement Pension and War Widow’s Pension.

**Principle 3: “The scheme should incentivise work”**

Incentives to work are achieved by letting claimants who are working keep more of what they earn (before means-testing) – the recommended scheme proposes an increase of £10 per week in the earnings disregards within the former national scheme for Single Person, Couple and Lone Parent earnings (currently set at £5, £10 and £25 respectively). In this context, a disregard means the amount of weekly earnings that may be ignored when calculating entitlement to Benefit.

**Principle 4: “Everyone in the household should contribute”**

Other adults in the claimant’s household (“non-dependants”) should contribute more proportionately to their income – the recommended scheme proposes doubling the existing rates of non-dependant deductions from those in place in 2012/13 and replacing the current nil deduction for other adults in the claimant’s household receiving Job Seekers Allowance (Income Based) with a deduction of £6.60.

**Principle 5: “Better off claimants should pay relatively more so that the least well off receive greater protection.”**

The recommended scheme proposes that the taper used in the Benefit calculation for those above the means-test (i.e. where the claimant’s income exceeds their needs) should be increased to 30% from the current 20%. This is the rate at which Council Tax Support reduces where weekly income exceeds basic living needs and will be 30 pence in the pound rather than the 20 pence currently applied for CTB.

**Principle 6: “Benefit should not be paid to those with relatively large capital or savings”**

The recommended scheme proposes reducing the current savings cut-off limit applied for CTS claims from £16,000 which had applied in the former CTB scheme to £6,000.

5.2 Other general features of the 2012/13 scheme were as follows:

- 5.2.1 Premiums and personal allowances used to determine basic living needs for a claimant and their family when calculating entitlement to CTS to be held at the rates applied for CTB in 2012/13. This will have the effect of contributing to the required savings by counteracting any inflationary growth in expenditure.

5.2.2 Where new working age benefits are introduced by the government (in particular Personal Independence Payments and Universal Credit, both of which have been introduced during the first year of the CTS scheme albeit in small numbers), treatment of these benefits to be broadly equivalent to treatment of the corresponding current working age benefits within the CTS scheme.

For example, claimants in receipt of Universal Credit shall be treated as being liable to pay a minimum 20% contribution towards their Council Tax unless they are protected.

(Personal Independence Payments will replace Disability Living Allowance; Universal Credit will combine Income Support, Job Seekers Allowance (Income Based), Employment Support Allowance (Income Related), Working and Child Tax Credits and Housing Benefit, and will be rolled out nationally over four years from October 2013, though no significant volumes of migration are expected in Brent during 2014/15).

5.3 Additional proposals were received from the consultation undertaken in relation to protecting claimants and groups of claimants from payment of the minimum 20% Council Tax contribution as follows:-

- Everyone should be protected;
- Those with children under five;
- Customers affected by other aspects of Welfare Reform;
- All JSA and ESA customers;
- Customers receiving Personal Independence Payments;
- Those on state pensions;
- Persons on benefits, in particular long term benefits;
- Disabled customers;
- Persons on a low income and in particular those who have lost their jobs;

Each of the proposed options has been considered with regard to their suitability and feasibility. In some cases suggestions have not been progressed as the proposed scheme already provides for protection (e.g. customers receiving personal independence payments and those on state pensions). Other suggestions have however been considered and although it is not proposed to amend the scheme for 2014/15, additional help may be available in some cases if the customer is also receiving Housing Benefit. In particular:-

- Where Customers are also affected by other aspects of Welfare Reform and in particular the Overall Benefit Cap and the Spare Room Subsidy (commonly known as the bedroom tax), a sympathetic approach will be taken when considering whether the award of Discretionary Housing Payments (which are not payable

in respect of CTS itself) could be made where customers are also having to make a contribution to their council tax because of the abolishment of the Council Tax Benefit scheme;

- 5.4 Other proposals submitted primarily focused on moving back to the Council Tax Benefit scheme principles either in full or for those in receipt of other Welfare Benefits. Unfortunately, these proposals are not viable for the Council as the scheme cannot then meet the necessary financial savings to meet the funding deficit.
- 5.5 Some changes have been made to the 2013/14 scheme, specifically amendments which allow for protection for war pensioners and customers entitled to the disability premium for income support purposes but who were not explicitly included in the classification of vulnerable and the changes are as follows:-
- 5.6 War pensioners  
Where customers are of pensionable age and in receipt of a war pension, the full amount will now be disregarded (rather than the statutory £10 per week which was in the prescribed scheme for 2013/14). This was the case under the old Council Tax Benefit scheme where Brent had adopted a local scheme to disregard war disablement and war widow's pension in full. This change has been incorporated into Brent's Council Tax Reduction Scheme document for 204/15.
- 5.7 Customers on lower and higher rate Incapacity Benefit  
These customers had not specifically been included in the definition of vulnerable and had not been flagged to be protected from the minimum contribution in the scheme for 2013/14. This has now been amended for the proposed 2014/15 scheme.
- 5.8 The recommended scheme for 2014/15 has been established with due regard to the Council's statutory obligations, consultation responses and in order to continue to distribute the reduced funding available amongst those claimants most in need of financial assistance, while still achieving the necessary financial savings to meet the funding deficit.
- 5.9 The local Council Tax Support scheme complies with the Government's key principles of protecting Pensioner claimants from changes in their existing CTB award, supports work incentives and gives appropriate consideration to support other vulnerable groups, including those which may require protection under other statutory provisions including the Child Poverty Act 2010, the Disabled Persons Act 1986 and the Equality Act 2010, amongst others.
- 5.10 Amendments from the 2013/14 scheme which allow for protection for war pensioners and customers entitled to the disability premium for

income support purposes but who were not explicitly included in the classification of vulnerable are as follows:-

- 5.11 An equalities impact assessment has been carried out to explain how the scheme for 2013/14 has affected customers and this is included as Appendix A.

## **6. Consultation Arrangements**

- 6.1 The consultation for 2013/14 was extensive and consideration was given to all proposals that were received as part of that exercise. Some proposals were taken forward into the scheme itself (for example, the proposal to define as vulnerable those in receipt of carers allowance (providing care for another person). Full details of that exercise were included in last year's report for full council.

- 6.2 As only minor (and advantageous) amendments are recommended for the 2014/15 scheme (which primarily clarify policy intention in the 2013/14 scheme rather than changing the scheme itself), it was not incumbent of the Council to consult as extensively as for the year one scheme and many authorities chose not to consult at all for the second year of the scheme if it is essentially the same as the year one scheme. Further, the Council's intention was that the scheme devised for 2013/14 would be a two year scheme so long as it was meeting the financial and equality objectives. Nevertheless, Brent thought that it was preferable to seek views on a 'no change' policy.

- 6.3 However, it was decided that only a short period of consultation was needed and that this would be exclusively web based. The consultation period ran from 11 November 2013 until 13 December 2013, using the following approach:-

- All consultation documentation including the questionnaire was available on Brent Council's Consultation Tracker website - [www.brent.gov.uk/consultation](http://www.brent.gov.uk/consultation);
- A text message was sent to approximately to 1,500 existing council tax support recipients customers outlining the nature of the consultation and providing details of how to access the consultation documentation;
- An email was sent to members of the Citizen's Panel with details on how to access the documentation;
- An e-mail was sent to 175 key stakeholders including voluntary organisations, advice agencies and housing associations with details of the consultation.

## **7.0 Consultation Responses – Analysis**

- 7.1 The online questionnaire restated the key principles of the scheme and outlined the minor amendments as well as requesting responses to four questions.
- 7.2 Respondents were asked the following questions:
- With reference to the key principles, to rank them in order of importance;
  - To state to what extent the respondent agreed or disagreed about adopting a 'no change' policy;
  - To state to what extent the respondent agreed or disagreed about the proposal to protect customers on lower and higher rate incapacity benefit by classifying these as vulnerable within the scheme, and;
  - To give details of any other groups that the respondent considered should be protected (as being part of a vulnerable group).
- 7.3 There were 30 consultation questionnaire responses received. Although this is fairly low, in context, there were 184 questionnaires completed in respect of last year's consultation following an extensive promotional exercise and a 9 week consultation period.
- 7.4 Of the 30 responses, 22 (66%) considered that protecting the most vulnerable claimants (from the minimum contribution) was the most important with a further 7 (23.3%) stating that the principle that everyone should pay something was the most important.
- 7.5 18 (60%) of the 30 respondents did not agree with the proposal not to change the scheme in 2014/15. Suggestions on how the scheme should be changed were:-
- 7 respondents suggested that all recipients of Council Tax Support should be protected;
  - 4 respondents suggested that all recipients of other Welfare Benefits (primarily JSA) should be protected;
  - 2 respondents suggested that students should be protected;
  - There was one response for protection for each of the following customers: those with children under 5, those affected by other Welfare Reforms, those on state pensions, disabled customers and those on ESA.
- 7.6 25 (83.3%) out of 30 respondents agreed with the proposal to protect customers on lower and higher rate incapacity benefit.
- 7.7 There were 5 additional comments (in response to question four). Three of these were general comments pointing out the perceived injustice of asking for a minimum contribution for some of the poorest/most vulnerable Brent residents and pursuing recovery of any debt occurring due to this part of the scheme. One comment was to point out that the difficulty in understanding the issue itself and one comment was about the lack of widespread publication of the consultation.

- 7.8 Of the 30 responses, 23 indicated that they receive a bill from Brent Council but only 4 said they were currently receiving Council Tax Support in Brent.
- 7.9 10 respondents indicated that they were employed (full or part time), 7 said they were pensioners, 3 were unemployed with one person each saying they were disabled or student (8 skipped the question)
- 7.10 Due to the very small sample size, a table of responses for ethnic group, age, religion, sexual orientation and gender re-assignment is not being provided. However, it is noted that of those who responded, 10 (45% as only 22 responses were given) indicated that are White British compared with 36% in this group in the borough as a whole and 23% who are in receipt of Council Tax Support.

### **Response to the consultation suggestions and comments**

7.11 Suggestion: All Council Tax Support recipients should be protected from the minimum contribution

The suggestions were either to exempt all CTR recipients from the minimum contribution or to replace the local scheme with the old Council Tax Benefit scheme. The cost of protecting all CTR recipients from the minimum contribution would be approximately £3.65M (and the cost of reverting to the 'CTB' scheme significantly more than this) so this suggestion is not financially viable.

7.12 Suggestion: Customers in receipt of other Welfare Benefits should be protected from the minimum contribution

The cost of protecting customers in this category would be approximately £2.2M. Once again, this does not permit the scheme to meet the financial imperative and cannot be considered as viable.

7.13 Suggestion: Customers with children under 5 in the household should be protected from the minimum contribution

The cost of protecting customers in this category would be approximately £1.1M and would thus place a significant extra burden on the General Fund and possibly is not financially viable. This suggestion was made by only one respondent and the recommended scheme for 2014/15 already assists customers with children in the following ways:-

- By disregarding in full any Child Benefit in the assessment of a customers income;
- Premiums and allowances are used to determine a customers basic living needs and amounts are determined for each child living in the household;
- An amount of £175 for one child or £300 for two children may be disregarded for child care costs for many working families.

It is considered that the scheme does already assist customers in this category and that the protection suggested is not affordable for Brent.

#### 7.14 Other suggestions

Other suggestions mainly relate to customers who are mainly already protected (pensioners and the disabled) or not normally liable for council tax (students). There was one suggestion to include as protected those in receipt of ESA (Employment Support Allowance) which would cost just under £500k. However, this is still a significant cost to the General Fund and these customers are already receiving additional money in respect of their personal circumstances and not considered to be the most vulnerable in need of additional protection through the CTR scheme.

### **8. Financial Implications**

8.1 Government funding for the scheme has been fixed for 2014/15 and later years at the figure awarded for 2013/14 – i.e. £24.124m. This forms part of the Council's overall grant settlement and is not ring-fenced. The figure is net of the GLA share of the Council Tax precept

8.2 The figure for Council Tax Support to be granted used in setting the Council Tax Base for 2013/14 (which is used to calculate anticipated Council Tax Income for the year) was £30.849m. This was calculated before the scheme came into operation and was therefore, an early estimate.

8.3 The latest forecast expenditure figure for 2013/14 is significantly lower than this and is now estimated to be slightly under £29m. The balance of the caseload between people on full to partial benefit is mainly responsible for this. The decrease will contribute to the Council Tax surplus figure as at 31/03/14, which will feed in to the Council's overall budget for 2014/15.

8.4 The Council Tax support caseload as at 01 September 2013 was 32,525 but this has increased by 200 since that date. However, it is not certain whether this increase is indicative of likely changes in caseload next year and nor has this resulted in any significant change in actual expenditure during 2013/14 as yet.

8.5 There will be a small increase in expenditure for pensioner cases due to the uprating in the government's prescribed scheme, estimated to be £49k.

8.6 It is assumed that there will be no increase in Council Tax in 2014/15.

8.7 The estimated figure for Council Tax Support to be granted in 2014/15, which feeds in to the Council Tax Base figure as above is £29.037m.

## **9. Risks associated with the recommended scheme for 2014/15**

9.1 There are financial risks of keeping the main principles of the scheme unchanged in 2014/15 and these are as follows:

9.1.1 The actual changes in caseload and associated expenditure due to caseload variances are unknown. Estimates are based on current trends but there are indications that the economic climate is such that caseload may even fall;

9.1.2 The impact of Universal Credit (UC) remains unclear. It was decided for year one to treat anyone in receipt of UC as a 'passported' case so that customers in this position would be treated as if they were receiving Income Support, Job Seekers Allowance (Income Based) or ESA (Income Related) and this is carried into year 2. Currently, the indications are that there will not be any widespread rollout of UC in Brent before 2015/16. However, if the UC programme does start affecting Brent residents during 2014/15, then some customers who would not previously have been entitled to full benefit will be treated as passported cases. This will increase expenditure as the ratio of full to partial support cases will increase. Despite this, the forecast contingency is considered sufficient to meet any additional costs generated by these claims.

9.1.3 Although collection rates for 2013/14 are at levels consistent with the financial model put forward, actual full year collection for customers affected will not be known until next year. As there is no additional help that can be given if customers are struggling to keep up with their payments, there is a risk that collection will fall during 2014/15 as customers try and pay arrears from the previous year.

## **10. Equalities Impact Assessment**

10.1 This is included as Appendix A in this report. However, the EIA has not identified any adverse impacts in the first year of operation. Prior to the first year implementation, potential adverse impacts were identified for the Asian ethnic group and for older working-age claimants, though these were accepted as justifiable consequences of the policy intention within the scheme.

## **11. Legal implications of the recommended scheme**

11.1 In relation to the content that must be set out in a Council tax reduction scheme, that is currently set out in section 10 of the Local Government Finance Act 2012 and in clause 1 of Schedule 4 which inserts Schedule 1A to the Local Government Finance Act 1992 ("LGFA 1992"). Under these provisions, a Council Tax Reduction / Support scheme must state the following:

- (1) A scheme must state the classes of persons who are to be entitled to a reduction under the scheme;
- (2) A scheme must set out the reduction to which persons in each class are to be entitled (and different reductions may be set out for different classes);
- (3) A scheme must state the procedure by which a person may apply for a reduction under a scheme;
- (4) A scheme must state the procedure by which a person can make an appeal under section 16 of the LGFA 1992 against any decision of the authority which affects (a) the person's entitlement to a reduction under the scheme, or (b) the amount of any reduction to which the person is entitled;
- (5) A scheme must state the procedure by which a person can apply to the authority for a reduction under section 13A(1)(b) of the LGFA 1992.

11.2 As for stating the classes of people who are to be entitled to a reduction under a scheme, classes may be determined by reference to the following:

- (i) The income of any person liable to pay council tax on the authority in respect of a dwelling;
- (ii) The capital of any such person;
- (iii) The income and capital of any other person who is a resident of the dwelling;
- (iv) The number of dependants of any person within paragraph (i) or (iii) above;
- (v) Whether the person has made an application for the reduction.

11.3 As for stating the reduction to which persons in each class are to be entitled and if different reductions are set out for different classes, a reduction may include the following detail:

- (a) A discount calculated as a percentage of the amount which would be payable apart from the scheme;
- (b) A discount of an amount set out in the scheme or to be calculated in accordance with the scheme;
- (c) Expressed as an amount of council tax to be paid (lower than the amount which would be payable apart from the scheme) which is set out in the scheme or is to be calculated in accordance with it; or
- (d) The whole amount of council tax (so that the amount payable is nil).

11.4 The Local Government Act 2012 states that for each financial year, Councils must consider whether to revise its Council Tax Reduction / Support scheme or replace it with another scheme and that such decisions need to be made by 31 January in the financial year

preceding that for which the revision or replacement scheme is to take effect. If any revision to a scheme (or any replacement scheme) has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision in relation to that reduction or removal as the Council thinks fit. The Local Government Act 2012 states that Full Council has to make the final decision to revise or replace its Council Tax Reduction / Support Scheme.

- 11.5 The Local Government Act 2012 states that the Council must consult with the GLA, which is a precepting authority, when preparing or revising or replacing a Council tax reduction scheme and that thereafter, the Council must publish a draft Council Tax reduction scheme and then consult with other such persons who are likely to have an interest in the operation of such a scheme. Thereafter, the Council (i.e. Full Council) has to make a decision to revise its Council Tax Support scheme by 31 January 2014 which will then be effective from April 2014.
- 11.6 In addition to the Public Sector Equality Duty, which is discussed below, the Department for Communities and Local Government has advised that the following should also be taken into account when setting up a Council Tax Reduction Scheme:
- Child Poverty Duty under the Child Poverty Act 2010;
  - Homelessness Act 2002;
  - Armed Forces Covenant;
  - Chronically Sick and Disabled Persons Act 1970,
  - Disabled Persons (Services, Consultation and Representation) Act 1986,
  - and the Children Acts 1989 and 2004.

The above-mentioned legislation was referred to and considered in the report to Full Council on 10 December 2012 when Full Council decided to make and approve the proposed local Council tax support scheme for 2012/13. As only minor amendments are being proposed for the local scheme for 2014/15 and as no changes are proposed for the main principles of the local scheme for 2014/15, the legal implications regarding the above-mentioned legislation as set out in the report to the Full Council meeting of 10 December 2012 will not be repeated in this report.

- 11.7 The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic

- 11.8 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 11.9 Having “due regard” to the need to “advance equality of opportunity” between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.
- 11.10 The Council’s duty under section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the provision of localised council tax support for the area of Brent. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process. When the decision comes before the Executive, Members of the Executive must consider the effect that implementing a particular policy will have in relation to equality before making a decision. An Equality Impact Assessment will assist with this.
- 11.11 There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method. The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups and by gathering detail and statistics on who claims Council tax benefit and who benefits from certain discounts and exemptions which may be under consideration for changing.
- 11.12 The Equality Impact Assessment is set out in Appendix A to this report.

## **Appendices**

Appendix A – Equalities Impact Assessment

Appendix B – Local council Tax Support Scheme 2014/15

### **Background Papers**

Local Government and Finance Act 2012

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