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| Meeting of:   | <b>Cabinet</b>   |
| Date of Meeting:  | <b>Thursday, 16 February 2023</b>  |
| Relevant Scrutiny Committee:  | Corporate Performance and Resources  |
| Report Title:   | Council Tax Unoccupied Dwellings: 2024/25  |
| Purpose of Report:  | To seek approval for the policy to be adopted for Council Tax on unoccupied dwellings for 2024/25.                         |
| Report Owner:   | Executive Leader and Cabinet Member for Corporate Performance and Resources  |
| Responsible Officer:  | Matt Bowmer - Head of Finance/Section 151 Officer  |
| Elected Member and Officer Consultation:  | No Elected Members have been consulted as this is not a ward specific matter<br><br>Operational Manager Exchequer Services |
| Policy Framework:   | This is a matter for Executive decision by Cabinet and referral to Full Council for consideration.                         |
| <p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• This report brings to the attention of Cabinet the Council’s discretionary powers when determining the level of Council Tax premiums to be levied on long-term empty properties and in respect of periodically occupied properties (commonly known as second homes).</li> <li>• The report draws Cabinet’s attention to the results and conclusions of the recent consultation on the Council's proposals.</li> <li>• The report proposes that Cabinet recommends to Full Council that premiums are levied on long term empty properties from and including the 2023/24 financial year and second homes from and including the 2024/25 financial year, due to the many positive impacts that can be achieved by bringing empty properties back into use.</li> <li>• This is in line with the Council’s objective to increase the supply of housing in the Vale of Glamorgan. The headline annual need for affordable housing in the Vale of Glamorgan from 2021 to 2026 is 1,205 dwellings.</li> </ul> |  |

## **Recommendations**

1. That Cabinet approves and recommends to Council for approval that the following Council Tax premiums are levied:
  - A 100% Council Tax premium is levied in 2023/24 in respect of long-term empty properties, a 150% premium in 2024/25 and a 200% premium in 2025/26.
  - A 100% Council Tax premium is levied in 2024/25 in respect of second homes.
2. That Cabinet approves and recommends to Council that delegated authority be given to the Head of Finance to implement the changes and to notify the owners of all affected properties.
3. That Cabinet approves and recommends to Council that delegated authority be given to the Head of Finance to determine applications for an exception under the regulations as set out in paragraph 5.5
4. That Cabinet approves and recommends to Council that the Chief Executive and Leader review these premiums in future years and bring changes to Cabinet and Council for approval as appropriate.

## **Reasons for Recommendations**

1. The Council is required to determine its policy on the introduction of premiums in respect of second homes and long-term empty properties as defined in Sections 12A and 12B of the Local Government Finance Act 1992, as inserted by the Housing (Wales) Act 2014.
2. To ensure that all customers impacted by the introduction of premiums are aware of the changes.
3. To ensure arrangements are put in place to consider exceptions.
4. To ensure premiums levied are kept under review as appropriate.

## **1. Background**

### **Council Tax Premiums**

- 1.1 From 1st April, 2017, S139 The Housing (Wales) Act 2014 (which amended the Local Government Finance Act 1992) gave local authorities in Wales the discretion to charge higher amounts (a premium), of up to an additional 100% on top of the standard rate of Council Tax, on second homes and long-term empty properties.
- 1.2 However, with the introduction of the Council Tax (Long Term Empty Dwellings and Dwellings Occupied Periodically (Wales) Regulations 2022, a billing authority

in Wales may determine in relation to its area, that if on any day a dwelling is a long term empty dwelling (12 months or more) or a dwelling occupied periodically (second home), then as from 1st April, 2023, the amount of council tax payable can be increased by a percentage of no more than 300%.

- 1.3 A decision to charge a premium on second homes must be made at least one full year before the beginning of the financial year to which the premium relates. Therefore, in order to charge a premium from 1st April, 2024, a billing authority must make a determination before 1st April, 2023.
- 1.4 The Council is acting on the existing guidance which currently states that a decision to charge a premium on long term empty properties must be made before the beginning of the financial year to which the premium relates. Therefore, in order to charge a premium from 1st April, 2023, a billing authority must make a determination before 1st April, 2023 as is the action being proposed in this report. Welsh Government are consulting on changes to the Local Government guidance issued by Ministers when determining premiums but the final version is yet to be published.
- 1.5 The determination to charge a premium must be made by Council. Prior to doing so, a local authority must give due consideration to its statutory duties to carry out an Equality Impact Assessment. A local authority should also give consideration to engagement and consultation with key stakeholders before taking a decision to charge either premium.
- 1.6 As at 31st October, 2022, within the Vale of Glamorgan area, the following properties fell within the category of second home or long term empty property:
  - 528 properties fell within the category of long-term empty property (more than twelve months)
  - 402 properties fell within the category of second home

## 2. Key Issues for Consideration

- 2.1 The Council's current policy is to not charge premiums for long-term empty properties and second homes.
- 2.2 Whilst there is a potential to charge premiums on the number of properties outlined above, there are a variety of exemptions that apply. As a result, the Council is prevented from charging a premium in the following circumstances:

| Classes of Properties | Definition                        | Application                               |
|-----------------------|-----------------------------------|---|
| Class 1               | Dwellings Being Marketed For sale | Long Term Empty Properties & Second Homes |

|         |  |   |
|---------|--|---|
| Class 2 | Dwellings Being Marketed For let                             | Long Term Empty Properties & Second Homes |
| Class 3 | Annexes forming part of the main dwelling                    | Long Term Empty Properties & Second Homes |
| Class 4 | Main residence if not residing in armed forces accommodation | Long Term Empty Properties & Second Homes |
| Class 5 | Occupied caravan pitches and moorings                        | Second Homes                              |
| Class 6 | Seasonal homes where year-round occupation is prohibited     | Second Homes                              |
| Class 7 | Job related dwellings  | Second Homes                              |

- 2.3 Due to the number of properties that may fall into the exempt classes outlined above, then the 930 properties that could potentially attract a premium, will undoubtedly be reduced.
- 2.4 There is a clear benefit in introducing premiums including bringing long term empty properties back into use and supporting the Council in increasing the supply of affordable housing, thereby enhancing the sustainability of local communities.
- 2.5 The headline annual need for affordable housing in the Vale of Glamorgan from 2021 to 2026 is 1,205 units per annum, comprising:
- 915 units of social rented accommodation
  - 211 units of intermediate rented housing
  - 79 units of low-cost home ownership
- 2.6 A new Empty Homes Strategy has recently been developed. There is an Empty Homes Strategy 2019-2024 in place and there is excellent ongoing joined up working taking place in the Authority. Cabinet (23rd March, 2020 Minute C285 refers) approved the Empty Homes Strategy 2019-2024 for adoption and the final version can found here:  
<https://www.valeofglamorgan.gov.uk/Documents/Living/Housing/Empty-Homes/Empty-Homes-Strategy-2019-2024-English.pdf>
- 2.7 However, it should be noted that finding good quality affordable private rented accommodation within the Vale of Glamorgan is becoming increasingly challenging. This is due to several factors outside of the control of the authority, including the rising house prices in the area which are incentivising landlords to sell their properties; the ever-increasing gap between Local Housing Allowance rates and market rents; changes to taxation on certain types of mortgages and legislative changes including the extended notice period required to be given to private tenants.

- 2.8 The existence of large numbers of long-term empty dwellings is a drain on the Council’s resources. For example, outreach work by colleagues in the Place Directorate and case work involving complaints and emergency works in default undertaken by the relevant teams responsible for enforcement action, such as SRS. The Council Tax premiums could provide funds for assistance in dealing with these issues and, if the overall aim of bringing properties back into use is achieved, the burden on the public purse would be reduced.
- 2.9 There is also clearly a financial benefit to the Council of introducing premiums. For illustrative purposes taking a band ‘D’ average of approximately £1,750 for the current year, then the following could be raised on current figures:

**Second Homes:**

|                                     | 100%  | 200%  | 300%  |
|-------------------------------------|-------|-------|-------|
|                                     | £M    | £M    | £M    |
| Potential revenue on 402 properties | 0.703 | 1.400 | 2.100 |

**Empty Properties:**

|                                     | 100%  | 200%  | 300%  |
|-------------------------------------|-------|-------|-------|
|                                     | £M    | £M    | £M    |
| Potential revenue on 528 properties | £924k | £1.8m | £2.8m |

- 2.10 However, it should be noted that these are the maximum figures, and the actual number could potentially be 50% less if a premium is introduced. It is likely that the Council will also receive notification from a potentially large group of these owners informing the Council that the property has become occupied prior to the premium being introduced. Where this is the case, there is also the possibility of a single occupier and a 25% Single Persons Discount being claimed against the current 100% charge.
- 2.11 However, it is prudent to consider that there are also negatives in introducing premiums as this may have a detrimental impact on local tourism and the local economy during a cost of living crisis. In addition, it could be argued that owners of both second homes and empty properties do not use local services to the same degree as other residents and therefore it may be perceived unfair to charge additional council tax.
- 2.12 With Cabinet’s approval, a consultation exercise was undertaken and ran for the period 5th December, 2022 to 6th January, 2023 and the report is attached at Appendix A. Owners of the 930 properties who would be directly affected by the proposal were sent a letter advising them of the proposals and the options being

considered, whilst also being advised of the procedure for responding to the consultation. This information was also made available online and was displayed on social media in order to give other stakeholders an opportunity to respond.

- 2.13 A total of 385 responses to the consultation were received, the majority of which (56.36%) were unsupportive of any change to the current policy.
- 2.14 A total of 157 (40.8%) responses were in favour of a premium levy at some level.
- 2.15 As the majority of those currently directly impacted did not respond to the consultation despite receiving a letter outlining the proposals, then this would suggest that there is no significant opposition to implementing a premium.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The proposals in this report will enable the Council to continue to work towards the Well-Being Outcome of Cohesive Communities by contributing to the goal of attractive, viable, safe and well-connected communities.
- 3.2 It will also work towards the outcome of a Globally Responsible Wales as fewer properties will be left empty, providing access to housing for more people and less requirement for building new homes.

### **4. Climate Change and Nature Implications**

- 4.1 By reducing the number of empty properties, it is expected that there will be less need to build new properties, thus utilising less green space and the associated carbon footprint of the building effort itself.

### **5. Resources and Legal Considerations**

#### **Financial**

- 5.1 Any income raised through the introduction of premiums on long term empty properties and second homes would be retained by the Council. However, additional resources would be required in order to monitor properties subject to the premium and represent the Council at Valuation Tribunal where appeals are made against the decision to charge a premium.
- 5.2 To effectively tackle nuisance long term empty properties, a revised Joint Working Agreement needs to be in place with SRS so that they undertake proactive enforcement work in the Vale of Glamorgan as they currently do in Cardiff and Bridgend. This would require funding. Additional resource is also

required in the Regeneration Service to support the outreach work and the number of schemes being delivered.

### **Employment**

5.3 None as a direct result of this report.

### **Legal (Including Equalities)**

5.4 The legal framework for Council Tax premiums has changed with the implementation of the Council Tax (Long-term Empty Dwellings and Dwellings Occupied Periodically) (Wales) Regulations 2022 ('the 2022 Regulations') which came into force on 1st April, 2022 which amends sections 12A and 12B of the Local Government Finance Act 1992 which provide statutory powers to all Local Authorities in Wales to charge, or vary, a council tax premium, increasing the higher amount of council tax a billing authority (a county council or county borough council) in Wales can apply to long-term empty dwellings and dwellings occupied periodically to 300% for the 2023 to 2024 financial year and for subsequent years.

5.5 The 2022 Regulations provides limited exceptions where the premium would not apply, with exceptions including properties being marketed for sale or let, annexes, and seasonal properties where year-round occupation is prohibited.

5.6 The Council carried out a consultation exercise between 5th December, 2022 and 6th January, 2023.

5.7 The consultation responses identified that in a small number of cases (4 cases, 1%), second homes were being used to assist with the care of elderly/disabled relatives who lived within the Council's area and therefore any change in the level of discount applied may have a negative impact on the ability to provide care. The remainder of the results indicated that there was no known or apparent Equality Act impact on any others with protected characteristics.

5.8 Section 13A(1)(c) of the Local Government Finance Act 1992 provides a discretion to Local Authorities in Wales to reduce the amount of council tax payable, including reducing the amount to nil, in circumstances where it is felt appropriate to do so. As a result, where properties are being used to assist elderly/disabled relatives and an increase in council tax would cause financial hardship, then the Council can consider using its discretionary powers to reduce the amount of council tax payable. This would allow the Council to continue to award reductions in mitigating circumstances.

5.9 The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Council's must in making decisions have due regard to the need to (1) eliminate

unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.

- 5.10 The Council has undertaken an Equality Impact Assessment (Appendix B) on the proposal to introduce premiums on long term empty properties and second homes. The consultation together with the Equality Impact Assessment assists the Council in meeting its public sector equality duties under the Equality Act 2010.

## **6. Background Papers**

None.





# **Council Tax Unoccupied Properties**

## **Consultation Report**

## **Background**

The Council is required to determine its policy on the introduction of premiums in respect of periodically occupied properties (commonly known as second homes) and long-term empty properties (12 months or more) as defined in Sections 12A and 12B of the Local Government Finance Act 1992, as inserted by the Housing (Wales) Act 2014.

## **Unoccupied furnished dwellings**

### **Council Tax Premiums**

From 1 April 2017, the regulations gave local authorities in Wales the discretion to charge higher amounts (a premium), of up to an additional 100% on top of the standard rate of Council Tax, on second homes and long-term empty properties.

However, the Welsh regulations changed to allow a billing authority in Wales to determine, that if on any day a dwelling is a long term empty dwelling (twelve months or more) or a dwelling occupied periodically (second home), then from the 1st April 2023, the amount of Council Tax payable can be increased by a percentage of no more than 300%.

The Council does not currently charge premiums on long-term empty properties or second homes.

The determination to charge a premium must be made by full Council. Prior to doing so, a local authority must give due consideration to its statutory duties to carry out an Equality Impact Assessment. A local authority should also give consideration to engagement and consultation with key stakeholders before taking a decision to charge either premium.

As of 31<sup>st</sup> October 2022, the numbers of affected properties are:

- 402 properties fell within the category of second home
- 528 properties fell within the category of long-term empty property (more than twelve months)

It is proposed that the Council use its discretionary power and charge a premium of 100% for Long Term Empty Properties from 1 April 2023 with the premium then increasing by a further 50% in each of the two subsequent years and a premium of 100% for Second Homes from 1 April 2024.

There is a clear benefit in introducing premiums including bringing long term empty properties back into use, supporting the Council in increasing the supply of affordable housing and reducing costly intervention when properties fall into disrepair.

There is also a financial benefit to the Council in introducing premiums.

## Consultation Methodology

Current long term empty properties and second homes were identified, 930 in total. A letter was sent advising these stakeholders of the proposals and the options available, whilst also being advised of the procedure for responding to the consultation. This information was also made available online and was displayed on social media to give other stakeholders an opportunity to respond.

All stakeholders were invited to answer a number of questions on the options available to the Council when using its discretion. The preferred option of the Council was clearly indicated.

The questions asked were designed to gain an understanding of whether stakeholders, in particular those who could be potentially affected, felt that the Council's preferred option was the best approach. In order to gain this understanding, they were asked their views on the following:

**Option One** – to maintain the current Vale of Glamorgan policy which is to not charge premiums and continue to charge the flat rate of Council Tax according to the valuation band for all long-term empty properties and second homes.

**Option Two** – to charge a 100% premium on long-term empty properties and a 100% premium on second homes.

**Option Three** – to charge a 200% premium on long-term empty properties and a 200% premium on second homes.

**Option Four** – to charge a 300% premium on long-term empty properties and a 300% premium on second homes.

Stakeholders were then asked to confirm their preferred option.

Online responses to the consultation were encouraged as the preferred method, however provision was made to allow stakeholders to contact the Council for a paper form.

## Results

A total of 930 letters were issued to stakeholders responsible for the Council Tax on the long term empty properties and second homes. 385 responses were received from ALL stakeholders. There are currently just under 61,000 domestic properties in the Vale of Glamorgan.

From the 385 consultation responses received

- 217 (56.36%) were in favour of not levying premiums
- 57 (14.81%) were supportive of the Council's preferred option of introducing a 100% premium.

- 34 (8.83%) were in favour of introducing a 200% premium.
- 66 (17.14%) were in favour of introducing a 300% premium.
- 5 (1.30%) didn't vote and made other statements.
- 2 (0.52%) said their opinion was that 100% premium should be introduced on second homes and 300% on long-term empty properties.
- 2 (0.52%) said their opinion was that there should be no premium on second homes but 300% for long-term empty properties.
- 1 (0.26%) said their opinion was that there should be a 200% premium on second homes and a 100% on long-term empty properties.
- 1 (0.26%) said their opinion was that all options were unfair as there was no option for properties in major renovation.

From the above figures it can be seen that 40.8% of stakeholders who responded are in favour of a premium levy at some level.

A variety of responses addressed a number of issues, these included the lack of services used by owners' of empty properties 40 (10.39%) of respondents, 9 (2.34%) stated that they had a second property due to work commitments and 4 (1.04%) stated that they possessed a second property due to the fact that it had been inherited following the death of a relative or that it was annexed to their main dwelling.

47 (12.21%) of respondents made negative comments in relation to any alteration to the current policy whilst 162 (42.08%) were generally supportive of introducing a premium of some kind.

5 (1.30%) of respondents indicated that they would be unable to pay any increased contribution towards their council tax.

4 (1.04%) of respondents stated that they were owners of second homes which were being used to assist with the care of elderly/disabled relatives who live within the Council's area. These respondents indicated that any change in the level of discount applied may have a negative impact on their ability to provide care. However, the Council can use its discretion under Section 13A(1)(c) and continue to award support in mitigating circumstances.

## **Conclusions**

The response to the consultation allows a number of conclusions to be drawn.

1. There is a clear understanding among the stakeholders who have responded of how the Council's preferred option will impact on affected parties.
2. A small number of respondents feel that they will be unable to make any additional contribution towards their council tax.
3. The majority of stakeholders who responded to the consultation are generally critical of the proposal to introduce premiums.

4. As the majority of those directly impacted did not respond to the consultation despite receiving a letter outlining the proposals, then this would suggest there is no significant opposition to implementing a premium.

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# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

Please click on headings to find general guidance or section guidance with an example. You will find supporting information in appendices at the end of the guidance.

When you start to assess your proposal, arrange to meet Tim Greaves, Equality Co-ordinator, for specific guidance. Send the completed form to him for a final check and so that he can publish it on our Vale of Glamorgan equality web pages.

Please also contact Tim Greaves if you need this equality impact assessment form in a different format.

### 1. What are you assessing?

|                                    |
|------------------------------------|
| Council Tax – Unoccupied Dwellings |
|------------------------------------|

### 2. Who is responsible?

|             |                     |                    |                     |
|-------------|---------------------|--------------------|---------------------|
| <b>Name</b> | Andrew Saunders     | <b>Job Title</b>   | Exchequer Manager   |
| <b>Team</b> | Finance (Exchequer) | <b>Directorate</b> | Corporate Resources |

### 3. When is the assessment being carried out?

|                                    |               |
|------------------------------------|---------------|
| <b>Date of start of assessment</b> | December 2022 |
|------------------------------------|---------------|

### 4. Describe the proposal?

|   |
|---|
| <b>What is the purpose of the proposal?</b> |
|---|

*To implement a premium on council tax charges in respect of periodically occupied dwellings (second homes) and long term (over twelve months) empty, unfurnished dwellings.*

|  |
|--|
| <b>Why do you need to put it in place?</b> |
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*To discourage owners from allowing their properties to remain empty in order to support the Council's objectives of bringing empty homes back into use.*

**Do we need to commit significant resources to it (such as money or staff time)?**

*Any premium introduced will increase the overall revenue received through Council Tax.*

*It is anticipated that the charging of premiums will increase the overall workload within the council tax section and therefore additional resources may be required. Should this be the case, then this will be funded from the additional revenue that will be raised.*

*Additional revenue could also be used to provide additional resource for enforcement and intervention in the Council's planning and regulatory services.*

**What are the intended outcomes of the proposal?**

*The intention is to implement a premium in respect periodically occupied properties (second homes) and long term (over twelve months) empty, unfurnished dwellings.*

**Who does the proposal affect?**

*The proposal will affect owners of empty properties.*

**Note:** If the proposal affects lesbian, gay, homosexual, or transgender people, ensure you explicitly include same-sex couples and use gender neutral language.

**Will the proposal affect how other organisations work?**

*No*

**Will the proposal affect how you deliver services?**

*No*

**Will the proposal impact on other policies or practices?**

*No*

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Can you change the proposal so that it further promotes equality of opportunity and fosters good relations?

No

How will you achieve the proposed changes?

*The Council Tax Team are able to identify all effected empty properties through the council tax database and any premium that may be applicable will automatically be applied to council tax accounts from the 1<sup>st</sup> April 2024.*

Who will deliver the proposal?

*The Council Tax Team within Exchequer Services.*

How will you know whether you have achieved the proposal's purpose?

*The Council Tax Team are aware of those owners who currently pay council tax in respect of periodically occupied properties (second homes) and long term (over twelve months) empty, unfurnished dwellings. Any premium introduced would be levied from the 1<sup>st</sup> April 2024.*

### 5. What evidence are you using?

The **Gunning Principles**, established from past court cases, can be helpful in ensuring we apply fairness in engagement and consultation:

**Principle 1:** Consultation must take place when the proposals are still at a formative stage. You must not have already made up your mind.

**Principle 2:** Sufficient reasons must be put forward to allow for intelligent consideration and response. Have people been given the information and opportunity to influence?

**Principle 3:** Adequate time must be given for consideration and response. Is the consultation long enough bearing in mind the circumstances?

**Principle 4:** The product of consultation must be conscientiously taken into account when finalising the decision.



# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

Have you complied with the duty to engage as described above and are you sufficiently informed to proceed?

|     |     |    |  |
|-----|-----|----|--|
| Yes | YES | No |  |
|-----|-----|----|--|

### Engagement (with internal and external stakeholders)

*Internal and external engagement has taken place with stakeholders, through consultation, both of which had the opportunity to respond, highlighting any concerns, if any, that they may have. In addition, regular engagement with the Council's Empty Homes and Loans Officer has taken place with the view of bringing empty properties back into use.*

*The introduction of premiums will also assist with the Council's Enforced Sale Policy. This policy was developed in consultation with Legal Services to ensure the process was legally sound. Prior to its adoption in 2020, the Empty Homes Strategy 2019-24 (including reference to forced sale) was subject to consultation internally within the Council and also with relevant external partners and stakeholders.*

### Consultation (with internal and external stakeholders)

*A consultation exercise has taken place allowing all internal and external stakeholders the opportunity to respond to the council's preferred option of implementing a 100% premium on Long Term Empty Properties (over 12 months) and periodically occupied properties (Second Homes) allowing them the opportunity to make any comments they feel are appropriate.*

*The consultation ran for the period 5<sup>th</sup> December 2022 to the 6<sup>th</sup> January 2023.*

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

### National data and research

*The application of premiums that can currently be applied by the Council can be split into two distinct categories, these being long term empty, unfurnished dwellings (empty for more than 12 months) and periodically occupied properties (second homes).*

*Throughout Wales, 11 Local Authorities currently charge a premium on long term empty properties and 9 Local Authorities currently charge a premium on second homes.*

### Local data and research

*The Council, through local data research, identified the number of homeowners who would be impacted by any change and was as follows:*

- *long term empty, unfurnished dwellings: 528*
- *Periodically Occupied Properties (Second Homes): 402*

## 6. How robust is the evidence?

**Does it show what the impact will be (positive and negative)?**

*There will be a negative impact on those homeowners who have a second home or long term empty property as they will see an increase in their council tax payments.*

*There will be an overall positive impact in the Vale of Glamorgan area as levying a premium on the full council tax would encourage homeowners to bring empty properties back into use.*

*Whilst the Council is able to identify the owners of the empty properties that will be subject to the additional charge, there was limited information available in relation to the equality groups which may be affected.*

*Whilst some properties may be owned by individuals from a particular equality group, there was no evidence to assess whether some groups are more likely to own properties affected by these recommendations than other groups.*

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*However, a consultation exercise was undertaken between the periods 5<sup>th</sup> December 2022 to the 6<sup>th</sup> January 2023. The results obtained from the consultation indicated that in a small number of cases (4 cases, 1%), second homes were being used to assist with the care of elderly/disabled relatives who lived within the Council's area and therefore any change in the level of discount applied may have a negative impact on the ability to provide care. The remainder of the results indicated that there was no apparent equality impact on any other protected equality group.*

**What are the gaps?**

*No gaps have been identified.*

**What will you do about this?**

*N/A*

**What monitoring data will you collect?**

*Information on the number of owners who will be charged a premium as a result of the determination will be monitored by the Council Tax Team.*

**How often will you analyse and report on this?**

*The number of properties falling into each category will be reported on an annual basis.*

**Where will you publish monitoring data and reports?**

*The details regarding empty properties and second homes are reported to the Welsh Government on an annual basis and are publicly available on the Welsh Government website StatsWales.*

## 7. Impact

**Is there an impact?**

*There will be an impact on the following number of homeowners:*

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## Including the Welsh Language and Socio-economic Duty

- *long term empty, unfurnished dwellings: 528*
- *Periodically Occupied Properties (Second Homes): 402*

*In addition, in a small number of cases (4 cases, 1%), second homes are being used to assist with the care of elderly/disabled relatives who live within the Council's area and therefore any change in the level of discount applied may have a negative impact on the ability to provide care.*

**If there is no impact, what is the justification for thinking this? Provide evidence.**

*N/A*

**If there is likely to be an impact, what is it?**

**Age:**

*The only age factor in relation to council tax is the requirement to be over 18 years old. In addition, the consultation identified that 99 (27.8%) of respondents fell between the ages of 55-64, 76 (21.3%) fell between the ages of 65-74 and 46 (12.9%) were aged 75 or over*

**Disability:**

*52 (14.4%) of respondents stated they were registered as having a disability. The consultation also identified that in a small number of cases (4 cases, 1%), of those who responded to the consultation, that second homes are being used to assist with the care of elderly/disabled relatives who live within the Council's area and therefore any change in the level of discount applied may have a negative impact on the ability to provide care.*

**Gender reassignment, including gender identity** (ensure policies explicitly include same-sex couples and use gender neutral language):

*No evidence is available to indicate any gender impact of the recommended changes.*

**Marriage and civil partnership (discrimination only):**

*No evidence is available to indicate any marriage and civil partnership impact of the recommended changes.*

**Pregnancy and Maternity:**

*No evidence is available to indicate any pregnancy and maternity impact of the recommended changes.*

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### **Race:**

*No evidence is available to indicate any race impact of the recommended changes.*

### **Religion and belief:**

*Any empty property awaiting occupation by a member of any religious denomination to perform his/her duties is exempt and therefore will not be impacted by these changes.*

### **Sex:**

*No evidence is available to indicate any impact of the recommended changes.*

### **Sexual orientation**

Ensure policies explicitly include same-sex couples and use gender neutral language.

*No evidence is available to indicate any sexual orientation impact of the recommended changes.*

### **Socio-economic considerations**

Socio-economic disadvantage can be disproportionate in both communities of interest and communities of place – think about how this leads to further inequality of outcome and how intersectionality can exasperate this.

*No evidence is available to indicate any socio-economic impact of the recommended changes.*

### **Welsh language**

How does your proposal ensure that you are working in line with the requirements of the Welsh Language Standards (Welsh Language Measure (Wales) 2011), to ensure the Welsh language is not treated less favourably than the English language, and that every opportunity is taken to promote the Welsh language (beyond providing services bilingually) and increase opportunities to use and learn the language in the community?

*No evidence is available to indicate any Welsh language impact of the recommended changes.*

### **Human rights**

*No evidence is available to indicate any human rights impact of the recommended changes.*

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

### How do you know?

*Council Tax legislation does not enable the Council to use council tax to advantage or disadvantage an individual based upon an equality group.*

*From 4 (1%) respondents to the consultation made comments in relation to providing care for disabled/elderly relatives and that the removal of the discount may impact on the provision of care, due to the additional financial burden that would be placed on the owner.*

### What can be done to promote a positive impact?

*Council Tax legislation does not enable the Council to use council tax to advantage or disadvantage an individual based upon an equality group.*

### What can be done to lessen the risk of a negative impact?

*Disability: Section 13(A)(1)(c) of the Local Government Finance Act 1992 provides a discretion to Local Authorities in Wales to reduce the amount of council tax payable, including reducing the amount to nil, in circumstances where it is felt appropriate to do so. As a result, where properties are being used to assist elderly/disabled relatives and an increase in council tax would cause financial hardship, then the Council can consider using its discretionary powers to reduce the amount of council tax payable. This would allow the Council to continue to award reductions in mitigating circumstances.*

### Is there a need for more favourable treatment to achieve equal outcomes? (Disability only)

*Council Tax legislation does not enable the Council to use council tax to advantage or disadvantage an individual based upon an equality group. However, Section 13(A)(1)(c) of the Local Government Finance Act 1992 would allow the Council to continue to award reductions in mitigating circumstances.*

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

**Will the impact be positive, negative or neutral?**

*Council Tax legislation does not enable the Council to use Council tax to advantage or disadvantage an individual based upon an equality group.*

### 8. Monitoring ongoing impact

**Date you will monitor progress and outcomes**

*April 2024 Long Term Empty Properties*

*April 2025 Second Homes*

**Measures and outcomes that you will monitor**

- *Number of long term empty, unfurnished dwellings affected by the change.*
- *Number of periodically occupied properties (second homes) affected by the change.*

*The impact on Equality Groups (if any), particularly those identified through the Council's consultation exercise.*

**Date you will review implemented proposal and its impact**

*April 2024 Long Term Empty Properties*

*April 2025 Second Homes*

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

### 9. Further action as a result of this equality impact assessment

| Possible Outcomes          | Say which applies   |
|----------------------------|---|
| No major change            |   |
| Adjust the policy          |   |
| Continue the policy        | <i>The policy is required in order to collect revenue raised through these recommendations in order to support the provision of Council services.</i> |
| Stop and remove the policy |   |

### 10. Outcomes and Actions

|  |
|--|
| Recommend actions to senior management team                                  |
| Outcome following formal consideration of proposal by senior management team |

### 11. Important Note

Where you have identified impacts, you must detail this in your Cabinet report when seeking approval for your proposal.

### 12. Publication

Where will you publish your approved proposal and equality impact assessment?  
*Vale of Glamorgan website.*

In addition to anywhere you intend to publish your approved proposal and equality impact assessment, you must send a copy to Tim Greaves, Equality Co-ordinator, to publish on the equality pages of the Vale of Glamorgan website.



# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

### 13. Authorisation

|                                   |                               |
|-----------------------------------|-------------------------------|
| <b>Approved by (name)</b>         | Matt Bowmer                   |
| <b>Job Title (senior manager)</b> | Head of Finance               |
| <b>Date of approval</b>           | 26 <sup>th</sup> January 2023 |
| <b>Date of review</b>             | 1 <sup>st</sup> April 2025    |