

APPENDIX 2: Template for recording an Equality Impact Assessment (EqIA)

EqIA guidance can be found at [https://sstaffsgovuk.sharepoint.com/sites/TheCore/SitePages/Equality-%26-Diversity\(1\).aspx](https://sstaffsgovuk.sharepoint.com/sites/TheCore/SitePages/Equality-%26-Diversity(1).aspx)

Service:	Person responsible for the assessment:	Date EqIA completed:
Community Services	Ryan Taylor	July 2023

PART A - Identification

1	Title or name of proposal	Introduction of a Special Expense to cover any future maintenance and one-off major repairs at closed churchyards the council is responsible for either now or in the future.
2	The commencement date of the proposal and approval e.g., CLT, Cabinet, Committee, Council	Individual Decision by the Cabinet Member for Community Services in October 2019. Revised July 2023.
3	What are the aims, objectives, and purpose of the proposal?	<p>Aims:</p> <p>To examine the current procedure for the maintenance of closed churchyards by South Staffordshire Council and to propose a method of financing these works in the future.</p> <p>Objectives:</p> <p>In 2019 Members agreed that a special expense could be charged to residents of a parish where a closed churchyard has transferred to South Staffordshire Council. This special expense will cover any future maintenance and one-off major repairs to that closed churchyard.</p> <p>2023 - Considering the current inflation and cost of living pressures the residents of South Staffordshire are facing a revised approach to financing works within a close churchyard is undertaken.</p> <p>Purpose:</p> <p>A Special Expense under Section 35 of the Local Government Act is applied based on the 2019 decision. However, to reflect the current inflation</p>

		and cost of living pressures the residents of South Staffordshire are facing this figure will be capped at 2 % of a resident's annual council tax bill in a financial year. If the amount recouped within a financial year does not cover the cost of repairs within a Parish Council area any cost above the cap will be funded by South Staffordshire Council.
4	Status of the proposal	New proposal/ <input checked="" type="checkbox"/> Existing proposal <input type="checkbox"/> Date Last Reviewed:
5	Are there any other functions, policies or services which might be linked with this one for the purposes of this exercise?	Council plan. 'Vibrant communities – provide a quality environment that we can all be proud of'.
6	Who is it intended to affect or benefit (the target population):	Residents of South Staffordshire who live in a Parish with a closed churchyard either now or in the future requiring maintenance or one-off major repairs that South Staffordshire Council is required to finance.

PART B - Evidence, Research and Stakeholder Engagement

7	List relevant examples of data (qualitative and quantitative) or any consultation information available that will enable the impact assessment to be undertaken	<p>Census of Population 2021 provides some relevant demographic information which allows some assessment of potential impact to be made.</p> <p>Also, during November 2022, Cabinet approved to utilise the decision made in 2019 to implement a Special Expense on council tax for residents of Kinver Parish. The special expense is to cover the costs of repairs to the closed churchyard wall at St Peters Church in Kinver.</p> <p>South Staffordshire Council wrote to all residents of Kinver detailing the proposal along with indicative costs of what each property could expect to pay.</p>
8	Evidence from the data from Question 7 of any feedback or complaints against the service/policy/procedure on grounds of potential or perceived discrimination	<p>Census of Population related points are detailed on the differential impact table below.</p> <p>In response to this council's letter, a number of residents enquired as to why they should pay for the maintenance of a church of England</p>

		churchyard – particularly if they weren't religious themselves.
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PART C – Assessment and Differential Impacts

Within this table, state whether the policy or function will have a positive or negative impact across the protected characteristics and provide any comments, reason, and evidence to support this.

What is the effect of the change on each characteristic – tick one				Reason		Action* Required
	Positive impact	Negative impact *	Neutral	Explanation of impact analysis	Is this likely to be unlawful?	Yes / No
Age			X			No
Disability			X			
Gender reassignment			X	No available data		
Marriage & Civil Partnership			X	No available data		
Pregnancy and Maternity			X	No available data		
Race			X			
Religion or Belief		X		The Census of Population 2021 data shows that 59.2% of the South Staffordshire population identify as "Christian" This doesn't mean that they are of the CoE denomination, nor does it suggest that they are practicing. 32.5% of the population identify as having "no religion".	No - the legal position regarding liability of parish residents to pay means it is likely that the decision won't change	

				However, it is possible that those of no religion or not part of the faith group associated with a church might feel differentially impacted.		
Sex			X			
Sexual Orientation				No data		
Other				There may be an impact on groups that receive council/benefits support (particularly as the charge will be applied as a % of council tax), and some further clarity on how this will work in practice would be beneficial and how existing council tax support mechanisms would interact with and potential mitigate impact on those groups already qualifying for council tax support.		

9	Does your proposal link with other proposals to have a cumulative negative affect on particular equality groups?	Yes/	If yes, give details
		No	

PART D – Outcomes, Action, and Public Reporting

What Justifiable Action Does the Evidence, Engagement and Consultation Suggest You Take?

	Description	Yes / No
A	No Major Change Required When no potential for discrimination or adverse impact is identified and all opportunities to promote equality have been taken.	
B	Adjustments needed to remove barriers or to better promote equality. Are you satisfied that the proposed adjustments would remove the barriers identified?	
C	Continue despite possible adverse impact. For important relevant proposals, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.	Yes
D	Stop and rethink your proposal. Actual or potential unlawful discrimination is identified; the proposal will need reviewing immediately.	

PART E – Monitor Evaluate and Review

Action and Monitoring Plan - where the assessment in Part C & D indicates a potential negative impact, how will this be reduced or mitigated to reduce impact moving forwards?

Conclusions Reached About Potential Impact		
Possible Impact	Group(s) Affected	Evidence
1 Groups not associated with the church paying towards the upkeep.	1 People of no faith, different faiths, and denominations	1 Whilst there is potential for dissatisfaction with the approach, including a specific “no faith” based objection -, the council’s decision is based on UK law and specifically Section 35 of the Local Government Finance Act 1992.

<p>2 There may be an impact on groups that receive council/benefits</p>	<p>2 Groups already qualifying for council tax support.</p>	<p>2 For those residents receiving existing council tax support this would also be applied in relation to the special expense, and would interact with and mitigate impact on those groups already qualifying for council tax support.</p> <p>The cost of repairs to the closed churchyard wall do not fall within South Staffordshire Councils budget allocation, the council does not legally own the asset and in 2019 the council approved the introduction of a special expense under section 35 of the Local Government Finance Act to recover any one-off major repairs or future maintenance costs to any closed churchyards the council is responsible for now or in the future. Unless external funding is obtained to cover the cost of repairs.</p> <p>The current economic climate justifies a more nuanced approach. To reflect the current inflation and cost of living pressures the residents of South Staffordshire are facing the special expense could be subject to a cap. The figure could be capped at 2% of a resident's total annual council tax bill. This would give a degree of equanimity across the council tax base. If a set figure cap were imposed, this would have a disproportionate negative impact on people occupying lower band properties.</p>
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		<p>The decision made is for the cost of repairs to be apportioned to the parish area where maintenance is required to a closed churchyard the council is responsible for either now or in the future. The ability to apply special expenses under section 35 states it can only be applied in the parish and not across the district. It is important to emphasise that any closed churchyard is not in the ownership of the council, however we are required to take responsibility for repairs and maintenance, whereas generally council wide expenses relate to assets or services which could be provided district wide.</p>
Impact Identified	Action	Responsibility
<p>Revised Decision proposed to Members to reflect the current inflation and cost of living pressures the residents of South Staffordshire are facing.</p>	<p>A Special Expense will still be utilised, but this figure will be capped at 2 % of a resident's annual council tax bill.</p> <p>If the amount recouped does not cover the cost of repairs within a Parish Council area any cost above the cap will be funded by South Staffordshire Council.</p> <p>Any outstanding costs of repairs not covered by the Special Expense will be capitalising subject to the nature of the work undertaken. A revenue sink fund of £25,000 per annum would also be created</p>	<p>Cabinet Member</p>

	which will be used to offset future costs and reduce the borrowing costs.	
Timescale	Expected Outcomes	Review Date

PART F – To be completed by Equality Service Group

Date Reviewed	Name of Representatives involved in Review (min of 2-3)	
13-14/07/23	Kevin Hubery, Catherine Gutteridge and Rachel Melvin	
General Comments Additional detail provided on evidence of impact on protected characteristics. Commented on potential impact on those in receipt of Council Tax benefits – note that some consideration was given to the cost-of-living situation in revising the model of charging being levied by the proposal. Noting that the available census data only allows for potential impacts to be inferred without additional information. No faith objections it is important to acknowledge this type of objection – Although the legal position is clear that it is location which determines the liability, and the faith / no faith is not grounds for the charge not being levied on individuals.		
Recommendations		
Publish Results <input type="checkbox"/> <input type="checkbox"/>	Specific Recommendations to Consider:	

Carry out further impact assessment, if yes
state the review date and ensure this is
diarised for action

Confirm that the recommendations have been actioned or explain why, if any cannot be actioned.

Review post revised decision

Part G – Corporate Director/Assistant Director Approval

- I am satisfied with the results of this EqIA.
- I have seen the Councils Equality Schemes or Equality Action Plan and am satisfied with the contribution it can make.

Approved Jackie Smith

Signature:



Date: July 2023