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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – Summary of Responses

Removal of the Sanction of Imprisonment for the Non-payment of Council Tax

November 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This document provides a summary of the responses received by the Welsh Government to the consultation document *Removal of the Sanction of Imprisonment for the Non-Payment of Council Tax*, in which the Welsh Government sought views on the proposal to remove the ability of local authorities to seek committal to prison for non-payment of council tax.

Audience

Welsh local authorities, interest groups, debt advice agencies, enforcement agencies, individuals who pay council tax or have experienced council tax debt.

Further Information

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Additional Copies

This document can be accessed from the Welsh Government website at:

<https://beta.gov.wales/removal-sanction-imprisonment-non-payment-council-tax>

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Introduction

In *Taking Wales Forward* and *Prosperity for All*, the Welsh Government committed to working with local government to review council tax to make it fairer. The Welsh Government believes that the sanction of imprisonment is an outdated and disproportionate response to a civil debt issue, and there is significant additional cost to the public purse in imprisoning individuals. Such action, we believe, does not have a positive impact on the debt owed to the local authority and it can have far-reaching consequences for the individuals concerned and their families. The sanction exists as a mechanism to enforce the payment of council tax from people who have the means to pay their council tax bill but refuse or neglect to do so. The sanction is not intended for use with households who do not have the means to pay, nor is it intended to be used as a punishment for non-payment.

The consultation *Removal of the Sanction of Imprisonment for the Non-payment of Council Tax* was published on 11 June 2018 on the Welsh Government's website. The consultation lasted for 12 weeks and closed on 3 September 2018.

Proposals

The consultation focused specifically on the question of whether the ability of local authorities to seek committal to prison for non-payment of council tax should be removed or not. It encouraged respondents to provide comments in support of their views.

Engagement

As well as being published on the Welsh Government website and social media, the consultation was emailed directly to stakeholders with an interest in the issues raised. In total, 188 substantive responses were received. Respondents were able to submit their views and comments on paper or online, in either Welsh or English. A summary of the responses to each question is provided below. A list of respondents to the consultation is provided at Annex A.

All respondents were invited to request anonymity. 84 respondents used this facility and are not identified at any point in this document.

Thank you to all who participated in the consultation.

Overview of Responses

Summary of Responses

This document is intended to be a summary of the responses received. It does not aim to capture every point raised by respondents, but to highlight the key themes.

Question 1: Do you agree that the sanction of imprisonment for non-payment of council tax should be removed?

YES / NO

Please provide supporting comments

1. Of the 188 respondents to the consultation, 185 replied to this question. Of these 185, 156 (84%) agreed the sanction of imprisonment should be removed. However, 22 felt the removal should be supported by the introduction of alternate methods of recovery.
2. The most widely suggested alternative from individual respondents, as well as some organisations, was a form of community service. Those who suggested this felt it would be a more fitting way to address a refusal to pay and, while still punitive, would offer potential to give back to the community.
3. Of those who agreed, 40 reasoned that the threat of imprisonment disproportionately affected those who earned less and so were more likely to encounter problems with debt in the first place.
4. 27 respondents felt imprisonment was an inappropriate punishment for a civil debt and committal to prison should be reserved for those who commit violent crimes or otherwise put the community at risk.
5. 14 local authorities replied. Of these, 11 agreed in principle with the removal of the sanction but most were also opposed to the idea of removal without implementing other measures to prevent an increase in deliberate refusals to pay council tax.
6. Of those respondents who disagreed with the proposal, 74% felt the removal of the sanction would encourage others not to pay council tax as there would be no effective deterrent.
7. Two respondents felt it was unfair for those paying council tax to subsidise those who wilfully refuse to pay with no consequence.

8. Three respondents also felt the alternate methods available to recover money were not effective enough in addressing long term arrears or wilful refusal.

Question 2: Do you have any other comments regarding this consultation?

9. Three respondents felt local authorities should offer more support to those in debt.
10. Two respondents felt there was an unfair use of enforcement agents and the next step should be to review their use by local authorities.
11. One respondent suggested the Council Tax Reduction Scheme should be backdated for those who could prove eligibility as some households only apply for a council tax reduction after they are already in financial difficulties.
12. Three respondents felt the benefits system and method of applying for benefits contributed to the problem and felt the system should be reviewed.

Next Steps

13. The Welsh Government will consider the responses in deciding whether to legislate to remove the sanction of imprisonment as a mechanism for enforcing the payment of council tax.

Annex A

List of respondents who chose not to be anonymised

Name of respondent or organisation
Neal Francis
Allan Norris
Pat Penketh
Hannah
Clover Winton-Polak
Neil Taylor
Philippa
Sandra Holliday
Ruth Rafferty
John Rowlands
Diane Paul
Bridgend County Borough Council
Citizens Advice Flintshire
Tony Wakeham
Llyr Wilson-Price
Alan Hoskins
Kathleen Davies
Wrexham Citizens Advice
Richard Beswick
Steve Williams
Citizens Advice Merthyr Tydfil
D Finch
Veronika Brannovic
Marie James
Scott Price
R. Davies
Lesa Marshall

Diana Bellis
Citizens Advice
Ynysybwl & Coed-y-Cwm Community Council
Celia Richardson
Howard Balmer
Ceredigion Citizens Advice
Dilys Burrell
Angela D Richards
James Thomas
Kay Bailey
Kevin Thomas
Peter Frederick Gilbey
Torfaen County Borough Council
Lindsay Brewis Rogers
Maurice Paddock
Alan Hoskins
SNAP Cymru
Joan Norman
Michael Brain
Michael Miles
Helen Heald
Juliet Morris
Deborah Davies
June Thompson
Peter Richards
Newport Citizens Advice
Adrian Price
Al Cartwright
Alannah Lewis
Pennysmart CIC
Dr J Kay Richmond

Cllr Ian Johnson
Patricia Lewis
Neath Port Talbot County Borough Council
Cyngor Tref Amlwch
Tenovus Cancer Care
Isle of Anglesey County Council
WRAC (Welfare Rights Advisers Cymru)
Carmarthenshire Citizens Advice
Citizens Advice Torfaen
Cyngor Gwynedd
The Institute of Money Advisers
Citizens Advice Pembrokeshire
Newport City Council
Civil Enforcement Association
Wrexham County Borough Council
Vale of Glamorgan Council
Flintshire County Council
Citizens Advice Swansea Neath Port Talbot
Money Advice Trust
Welsh Revenues & Benefits Manager Group
Swansea Council
Blaenau Gwent County Borough Council
Institute of Revenues Rating and Valuation
PayPlan
Citizens Advice Cymru
AdviceUK
Rhondda Cynon Taf County Borough Council
Denbighshire County Council
Conwy County Borough Council