



Department for  
Communities and  
Local Government

# Council Tax and Business Rates

Powers of Entry



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## Scope of the consultation

<b>Topic of this consultation:</b>	Powers of Entry
<b>Scope of this consultation:</b>	The purpose of the consultation is to seek views on the Government's proposals to amend the Valuation Office Agency powers of entry.
<b>Geographical scope:</b>	The consultation relates to England only
<b>Impact Assessment:</b>	The proposed policy changes are not within the scope of the Reducing Regulation Committee and so do not need an Impact Assessment for this purpose.

## Basic Information

<b>To:</b>	The consultation is aimed at the general public
<b>Body/bodies responsible for the consultation:</b>	Local Government Finance Team in the Department for Communities and Local Government
<b>Duration:</b>	4 weeks
<b>Enquiries:</b>	For enquiries, please e-mail:  council.tax@communities.gsi.gov.uk
<b>How to respond:</b>	To respond to this consultation, please e-mail:  council.tax@communities.gsi.gov.uk  When responding, please ensure you have the words "Powers of Entry" in the email subject line.  Alternatively you can write to: Local Government Finance Department of Communities and Local Government SE Quarter Fry Building 2 Marsham Street LONDON SW1P 4DF  Responses to this consultation must be received by 20 February 2015.  When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please give a summary of the people and organisations it represents and, where relevant, who else you have consulted in reaching your conclusions.
<b>Compatibility with the Consultation Principles:</b>	Yes

## Background

<b>Getting to this stage:</b>	As part of the Home Office Powers of entry review the Department of Communities and Local Government has reviewed its stock of regulations to identify and examine each individual regulation with a power of entry.
<b>Previous engagement:</b>	None

## **Additional copies**

This consultation paper is available on the Department for Communities and Local Government website at [www.gov.uk/dclg](http://www.gov.uk/dclg)

## **Confidentiality and data protection**

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, in itself, be regarded as binding on the department.

DCLG will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

## **Help with queries**

Questions about the policy issues raised in the document can be sent to the address given in Basic Information above.

A copy of the consultation criteria from the Code of Practice on Consultation is at <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>. Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please email: [consultationcoordinator@communities.gsi.gov.uk](mailto:consultationcoordinator@communities.gsi.gov.uk)

or write to:

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## Introduction

1. The Government is committed to protecting individuals and businesses from unnecessary intrusion into their homes and business premises by public bodies.
2. The Protection of Freedoms Act 2012 places a duty on Government Departments to review their legislation which provides for powers of entry. This Statutory Powers of Entry Review demonstrates the Government's commitment to ensuring that private and family life is respected at all times, ensuring that the privacy of citizens' homes and businesses is protected.
3. The Department for Communities and Local Government has reviewed its stock of regulations to identify and examine each individual regulation with a power of entry attached to see if that power:
  - is still required or should be repealed;
  - should have further safeguards added to it; or
  - can be consolidated with other similar powers, to reduce the overall number.
4. The purpose of the Powers of Entry Review has been to ensure greater consistency in the exercise of powers of entry and greater clarity for those affected by them while upholding effective enforcement.
5. The intention of Government is that public authorities should have fewer powers to enter people's homes and that the privacy and rights of homeowners and businesses should be protected and strengthened wherever possible. It is essential that powers of entry, as with any enforcement power, achieve the right balance between the need to enforce the law and ensure public protection and to provide sufficient safeguards and rights to the individual.

## Background

6. The Valuation Office Agency is a Government agency of HM Revenue and Customs responsible for assessing domestic property and assigning council tax bands and for assessing non-domestic properties and assigning a rateable value.
7. Following the powers of entry review the Department has identified two powers operated by the Valuation Office Agency which it proposes to amend. These are
  - section 26 of the Local Government Finance Act 1992; and
  - paragraph 7 of Schedule 9 to the Local Government Finance Act 1988
8. Both these powers of entry are operated by the Valuation Office Agency's Officers and Valuation Officers as part of their duty to assess domestic and non-domestic properties for banding purposes and rateable values respectively.
9. Section 26 requires a listing officer, wishing to internally inspect a property for banding purposes, to provide three days notice in writing to the owner/occupier of the property. If the owner/occupier obstructs or refuses entry to the Listing Officer

then they shall be liable to a fine at level 2 on the standard scale (currently £500). The power has been in place since 1993. However, to date, no person has been fined.

10. Paragraph 7 of Schedule 9 to the Local Government Finance Act 1988 requires a Valuation Officer, who needs to survey and value a property for business rates purposes, to provide 24 hours' notice in writing. If any person obstructs or refuses entry to the Valuation Officer then they shall be liable to a fine at level 1 on the standard scale (currently £200). The power has been in place since 1988. However, to date, no person has been fined.

## **Government proposal**

11. The Government believes that the privacy and rights of homeowners and businesses should be protected and strengthened wherever possible. This includes protection from unnecessary and intrusive visits into a taxpayer's home or business. However, the Valuation Office Agency has a duty to maintain accurate local valuation lists which may necessitate, on a case by case basis, an internal inspection. The Government therefore needs to consider the correct balance between the rights of individuals and businesses with the need for maintaining accurate lists which underpins the local taxation systems.

12. The Government therefore proposes to:

- Where the owner does not allow entry by consent, introduce a requirement for the Valuation Office Agency's Listing Officers and Valuation Officers to seek the authority of the tribunal, to enter. If entry is still not given then the taxpayer may be subject to a fine.
- Align the fines levels for council tax and business rates to level 1 of the standard scale.
- Align the written notice period sent by the Listing Officers and Valuation Officers in advance of a visit given to council taxpayers and business ratepayers, to three days.

## **Tribunals**

13. Tribunals are specialist judicial bodies which decide disputes in particular areas of law. Tribunal judges are legally qualified. Tribunal members are specialist non-legal members of the panel and include doctors, chartered surveyors, ex-service personnel or accountants. Tribunals often sit as a panel comprising a tribunal judge and non-legal members however in some jurisdictions cases may be heard by a tribunal judge or member sitting alone.

14. These changes will give added protection for the taxpayer while ensuring the ability of the Valuation Office Agency to carry out its duties.

## **Impact assessment**

15. The proposed policy changes are not within the scope of the Reducing Regulation Committee and so do not need an Impact Assessment for this purpose.

## **Equalities Statement**

16. The proposals outlined in this consultation will, subject to Parliamentary agreement, amend how the Listing Officers and Valuation Officers of the Valuation Office Agency carries out their statutory duty to assess property for banding and business rates purposes.
17. The Department has considered its Public Sector Equality Duty under section 149 of the Equality Act 2010 and will continue to do so as this policy develops. To date, we have not identified that the proposed policy will have any disproportionate or negative impact on any of the protected groups under the Equality Act 2010.

## **Family Test**

18. The introduction of a Family Test was announced by the Prime Minister in August 2014. The objective of the Test is to introduce an explicit family perspective to the policy making process, and ensure that potential impacts on family relationships and functioning are made explicit and recognised in the process of developing new policy.
19. We have considered the policy in light of the family test and do not believe it impacts at the level of the family per se. The policy is an additional procedure to the operational duties of the Valuation Office Agency and its execution is not determined by the characteristics of the household. This will have a positive effect, by avoiding unnecessary intrusions into family homes by state officials.

## **Privacy Impact Assessment**

20. These proposals enhance the privacy of individuals by making it more difficult for public bodies to gain entry to a taxpayer's home.

## **Consultation questions**

1. Do you agree that Listing Officers and Valuation Officers should be made to seek, if consent is not given by the occupier for them to enter the property, the authority of the tribunal before exercising their power of entry?
2. Do you agree that the fine level should be set at level 1?
3. Do you agree that the notice period for non-domestic should be three days?
4. Do you think the proposals set out in this consultation paper sufficiently protect the privacy and rights of homeowners and businesses?