

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

Council Meeting – 26 November 2015

DETERMINATION OF COUNCIL TAX DISCOUNTS RELATING TO SECOND HOMES AND EMPTY PROPERTIES FOR 2016/2017

1. Section 75 of the Local Government Act 2003 gives billing authorities the power to determine the discounts for second homes and long-term empty dwellings. Section 11 of the Local Government Finance Act 2012 gives billing authorities powers to determine discounts for further classes of empty dwellings. Section 12 of the Local Government Finance Act 2012 gives billing authorities powers to set a higher amount of council tax for long term empty dwellings. The Council has to approve its determination afresh for each Class of dwelling for each financial year.
2. The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 prescribe the following classes of dwelling:
 - 2.1. **Class A** – a chargeable dwelling:
 - (a) which is not the sole or main residence of an individual
 - (b) which is furnished; and
 - (c) the occupation of which is prohibited by law for a continuous period of at least 28 days in the relevant year.

Class A dwellings are commonly known as **Second Homes with an Occupancy Restriction**.

The current reduction for Class A dwellings for 2015/2016 is 5% with an exemption for the period of the occupancy restriction.

- 2.2. **Class B** – a chargeable dwelling
 - (a) which is not the sole or main residence of an individual;
 - (b) which is furnished; and
 - (c) the occupation of which is not prohibited by law for a continuous period of at least 28 days in the relevant year.

Class B dwellings are commonly known as **Second Homes**.

The current reduction for Class B dwellings for 2015/2016 is 5%.

- 2.3. **Class C** – a chargeable dwelling which is:
 - (a) which is unoccupied; and
 - (b) which is substantially unfurnished

Class C dwellings are commonly known as **Empty Properties**

The current reduction for a Class C dwelling for 2015/2016 is 100% for three months from the first day the property becomes unfurnished. Once the three months expire a reduction of 0% applies.

2.4. Class D – a chargeable dwelling

- (a) which has satisfied the requirements of (b) for less than 12 months
- (b) which is vacant; and
 - i. requires or is undergoing major repair work to render it habitable
 - ii. is undergoing structural alteration
 - iii. has undergone major repair work to render it habitable if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date
- (c) for the purpose of (b) 'major repair work' includes structural repair work
NB once the 12 month time limit has expired properties in Class D fall to be treated as properties in Class C

Class D dwellings are commonly known as **Uninhabitable Properties**.

The current reduction for a Class D dwelling for 2015/2016 is 50% for the 12 month maximum period. Once the 12 months expire a reduction of 0% applies.

2.5. Class A and Class B properties do not include any dwelling which consists of a pitch occupied by a caravan or a mooring occupied by a boat. Neither do they include any dwelling where a qualifying person in relation to that dwelling is a qualifying person in relation to another dwelling which for him/her is job-related.

2.6. Long Term Empty Property Levy

2.7. The Local Government Finance Act 2012 allows billing authorities to increase the amount of council tax payable in respect of a long term empty dwelling by a specified percentage of not more than 50%.

2.8. The Act defines a Long Term Empty Dwelling as 'a dwelling that is unoccupied and substantially unfurnished for a continuous period of at least two years'. Any period of occupation of less than six weeks is discounted when establishing the continuous two year period.

2.9. The Act also allows Central Government to prescribe classes of dwelling exempt from the Long Term Empty Property levy. The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 prescribe the following classes of dwelling to which the levy will not apply:

2.10. **Class E** – a chargeable dwelling which would be the sole or main residence of a person but is empty because that person is resident in Ministry of Defence accommodation by reason of their employment.

- 2.11. **Class F** – a chargeable dwelling which is an annexe of a main property but is being used as a part of that property.
- 2.12. The additional levy for long term empty properties for 2015/2016 is 50%. Dwellings falling into Class E and Class F are exempt from the Long Term Empty Property Levy.**
- 2.13. The levels of discount for 2015/2016 are shown above and no changes are proposed to the discounts for Empty Properties and Second Homes for 2016/2017 or to the Long Term Empty Property Levy for 2016/2017.
- 2.14. In accordance with the statutory council tax reductions any period of occupation of less than six weeks will be disregarded when calculating the maximum time a reduction can be awarded for, and when calculating the start date of any levy payment. The occupier will still be charged the occupied council tax rate for the time they live in the property, but the clock will not be reset when they leave if they have been in occupation for less than six weeks.
- 2.15. A Discretionary Hardship fund of £10,000 has been provided for in the Financial Plan. The recommendation is to continue to delegate authority to the Portfolio Holder for Resources in consultation with the Ward Member and the Chairman of the Resources and Performance Panel to consider any applications to the Discretionary Hardship Fund.
- 2.16. The regulations stipulate these determinations must be published in at least one local newspaper within 21 days of Council agreement.

3. Policy Implications

- 3.1. The decision is a continuation of Council policy from 2015/2016 which was determined in the light of the level of discount determined by a number of Norfolk Councils.

4. Financial Implications

- 4.1. The Council has previously determined the level of discounts as proposed in this report. There will be no change to the Council Tax Base due to the confirmation of the policy but if the composition of the Tax Base changes then there may be implications. For example, there may be an increase in long term empty properties or second homes thereby changing taxbase calculations.

5. Recommendation:

Council resolves that, under Section 11A of the Local Government Finance Act 1992, as enacted by Section 75 of the Local Government Act 2003, Section 11B of the Local Government Finance Act 1992, as enacted by Section 11 and Section 12 of the Local Government Finance Act 2012 and in accordance with the provisions of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 the Council determines:

- 1. That the council tax discount for second homes defined as being within Class A of the Regulations is set at 5% for 2016/2017;**
- 2. That the council tax discount for second homes as defined by Class B of the Regulations is set at 5% for 2016/2017;**
- 3. That the council tax discount for empty dwellings defined as being within Class C of the Regulations is set at the following for 2016/2017:**
 - a. 100% for three months starting on the day the property becomes unfurnished**
 - b. 0% once the three month period has expired;**
- 4. That the council tax discount for uninhabitable dwellings defined as being within Class D of the Regulations is set at the following for 2016/2017:**
 - a. 50% for 12 months starting on the day the property becomes uninhabitable**
 - b. 0% once the 12 month period has expired;**
- 5. That the levy rate for Long Term Empty Properties as defined in the Regulations is set at 50% for 2016/2017;**
- 6. That any period of occupation of less than six weeks shall be disregarded when calculating the maximum period of a reduction or the start date of the levy; and**
- 7. That delegated authority be given to the Portfolio Holder for Resources in consultation with the Ward Member and the Chairman of the Resources and Performance Panel to consider individual applications to the Discretionary Hardship Fund**
- 8. In accordance with Section 11A(6) of the Local Government Finance Act 1992, as enacted by Section 75 of the Local Government Act 2003 and the Local Government Finance Act 2012, these determinations shall be published in at least one newspaper circulating in West Norfolk before the end of the period of 21 days beginning with the date of the determinations.**