



North East
Derbyshire
District Council

Appendix 1

**(Council Tax
Empty Homes Premium Policy)**

(January 2024)

Equalities Statement

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services, it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality, and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone** - [01246 231111](tel:01246231111)
- **Email** - connectne@ne-derbyshire.gov.uk
- **Text** - [07800 00 24 25](tel:07800002425)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with Sign Solutions, you just need Wi-Fi or mobile data to make the video call or call into the offices at Wingerworth.
- Call with [Relay UK](#) – it is a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real time conversation with us by text.
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

CONTROL SHEET FOR [policy title here]

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Council Tax Empty Homes Premium Policy
Current status – i.e., first draft, version 2 or final version	First Draft
Policy author (post title only)	Housing Policy and Intelligence Officer
Location of policy (whilst in development)	S drive
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	TBC
Partnership involvement (if applicable)	
Final policy approval route i.e., Cabinet/ Council	Cabinet
Date policy approved	
Date policy due for review (maximum three years)	2027
Date policy forwarded to Performance & Communications teams (to include on Intranet, and website if applicable to the public)	

Contents

1. Introduction	5
2. Scope	5
3. Principles	6
4. Statement	6
4.1 Background.....	6
4.2 Council Tax Empty Homes Premium From 1 April 2024.....	6
4.3 Exceptions to the Council Tax Empty Homes Premium.....	7
4.4 Period of Exception	9
4.5 Changes of Circumstances	9
4.6 Claiming a Local Exception to the Council Tax Empty Homes Premium	9
4.7 Notification	10
4.8 The Right to Seek a Review of the Council's Decision	10
4.9 Fraudulent Applications	10
5. Responsibility for Implementation	10

DRAFT

1. Introduction

This document sets out North East Derbyshire District Council's policy on the implementation of the Council Tax Empty Homes Premium. It also considers factors and circumstances that the Council will take into account when deciding if an exception to the Premium is appropriate.

Empty properties add to the shortage of homes across the district and can be a waste of housing resources. During the housing crisis having high levels of empty homes only adds to the pressures the Council currently face.

The introduction of the Council Tax Empty Homes Premium will help to reduce the number of current empty homes in the district. In addition, it will act as a deterrent for homeowners to not leave properties empty.

If a property is left empty, there is a risk that it will have a serious impact on the community and the local environment. It can often attract anti-social behaviour (ASB) and can become a drain on local authorities and other public services. The longer a property lies empty, the more it will deteriorate. The Council Tax Empty Homes Premium will also help to mitigate these risks.

Empty homes work also forms part of the new Private Rented Sector Strategy. One of the strategy actions is to explore ways of working with and incentivising homeowners to rent out properties to families in housing need. It is envisioned that this Policy will help to bring empty properties back into use, including for rental purposes.

The Council Tax Empty Homes Premium forms only one part of the Council's plan to target the issue of empty homes. The Council now has a dedicated empty homes officer who has begun work on building a case load of empty homes across the district.

2. Scope

The Policy will provide guidance for Council Officers advising, assessing, and making decisions on the implementation of the Council Tax Empty Homes Premium.

Residents in the district of North East Derbyshire liable for the Council Tax premium will adhere to the policy.

An advocate/appointee or a recognised third party acting on a resident's behalf will also adhere to this policy.

The Policy will have due regard to the following national legislation and local policy:

- The Local Government Finance Act 1992
- GDPR
- Equalities Act 2010
- The Levelling-up and Regeneration Act 2023
- The Council Tax (Administration and Enforcement) Regulations 1992
- The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003

This Policy has been implemented as part of the Council's strategic approach to reduce empty homes and commitment to help alleviate the ongoing housing crises and is highlighted in the Council's.

- Private Rented Sector Strategy, and
- Empty Properties Strategy

3. Principles

The policy links to the Council's corporate vision as follows;

A great place to live well - A place to live that people value;

- Develop and continually improve the quality and range of housing, providing comfortable homes for residents that meet their needs.
- Directly, and with partners, improve where people live to ensure they are safe, clean, functional, and attractive.

4. Statement

4.1 Background

Section 11B of Local Government Finance Act 1992 gives Council Tax billing authorities the powers to apply a discretionary Council Tax premium to empty properties.

The Council Tax Empty Homes premium forms part of a plan to target the issue of empty homes. From 1 April 2013, billing authorities could charge a premium on a class of property that has been unoccupied and unfurnished for two years or more. At that time the law stated that the premium may be up to 50% of the council tax on the property.

In accordance with the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, from 1 April 2019 the premium was amended and may be up to 100% of the council tax on properties unoccupied and unfurnished for between two and five years, 200% on properties unoccupied and unfurnished for between five and ten years, and 300% on properties unoccupied and unfurnished for more than ten years.

The new Levelling-up and Regeneration Act 2023 received Royal Assent on 26 October 2023 which reduced the long-term empty property qualifying period from 2 years to 1, this is effective from 1 April 2024.

4.2 Council Tax Empty Homes Premium From 1 April 2024

A property that is classed as an uninhabited property that is in need of, or undergoing, major repairs or structural alterations can receive a 100% Council Tax discount for a maximum of 12 months, including up to 3 months after the repairs are completed. For example, if the repairs are completed after 3 months, then an additional 3-month discount applies, after this timeframe 100% Council Tax is applicable.

This does not include short term works such as the removal and replacement of a kitchen and/or bathroom.

Unoccupied and unfurnished homes receive a 100% discount for 3 months from the date the property became empty. After the 3 months have expired a full 100% Council Tax charge will be applicable.

To help tackle the shortage of housing supply in the district, from **1 April 2024** a Council Tax Empty Homes Premium will be implemented at **100%** to properties that that have been empty for 2 years and more. This is in addition to the standard Council Tax charge of 100% for properties that have been unoccupied and unfurnished for more than three makes, making a total charge of 200%

Although legislation states this can be implemented from as soon as 1 year, implementing a Council Tax Empty Homes Premium of 200% for empty homes of 2 years and more is considered to be a fair place to start in terms of giving homeowners adequate time to bring empty properties into use. In addition, this course of action will help officers to manage the increased resource demand associated with administering the charge.

The table below gives an overview, in simplistic terms, of the Council Tax amendments due to the implementation of the Council Tax Empty Homes Premium.

Applicable Council Tax and Empty Homes Premium		
Unfurnished & Unoccupied Properties		
Applicable Timeframes	Applicable Council Tax Before 1 April 2024	Applicable Council From 1 April 2024
3 months from the date property became empty	0	0
After the 3-month period	100%	100%
2 years and more	100%	200%
Uninhabitable Properties		
	Current	From 1 April 2024
Discount up to 12 months (maximum)	0	0
After the discount ends (from 12 months or from an earlier period)	100%	100%
2 years and more	100%	200%

4.3 Exceptions to the Council Tax Empty Homes Premium

Under the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, the government has prescribed two classes of dwellings which are exempt from the premium. These are:

- a dwelling which would otherwise be the sole or main residence of a member of
- the armed services, who is absent from the property as a result of such service.
- a dwelling, which forms part of a single property that is being treated by a resident of that property as part of the main dwelling.

The Council will also consider waiving the Council Tax Premium for owners who meet the qualifying criteria as specified in this policy.

The Council Tax premium is not intended to penalise owners of a property that is genuinely on the housing market for sale or rent. The reasons why properties are unoccupied and unfurnished, including whether they are available for sale or rent, will be taken into consideration.

Where the Council agrees to waive the Premium, this means that the owner of the property will remain liable for the standard Council Tax charge of 100% for the applicable property.

The Council will treat all applications on their individual merits and may grant exceptions to liability for the Council Tax Empty Homes Premium in the following situations:

- a) Those owners who are genuinely attempting to sell or let their property.
- b) Those owners who are experiencing legal or technical issues which is preventing the sale or letting of the property.
- c) Cases where the dwelling has remained empty beyond a two-year period due to exceptional and/or unforeseen circumstances and/or any other circumstances, proven to be beyond the control of the owner/liable person.

In deciding whether to award an exception to payment of the Council Tax Premium, the Council will consider the following criteria and further documented proof may be requested:

- a) For those owners who are genuinely attempting to sell or let their property which has been vacant for at least two years.
 - Has professional advice and assistance been obtained?
 - Has a professional agent with specialist knowledge of the locality been engaged?
 - Have any offers to purchase or rent the property been received? If yes – why were those offers refused?
 - Is the sale price or rental in line with recent sale or rental prices for similar properties in the locality? If no, does this property have special features that reasonably warrant a higher value or rent?
 - Has the property been put up for sale by public auction?
 - On average, how long are properties in their area been available for sale or rent before completion/occupation.
- b) For those owners who are experiencing legal or technical issues which is preventing the sale or letting of the property.
 - Is there a legal difficulty or issue which is preventing the sale or letting of the property?
 - A Solicitor's or Legal Conveyancer's letter should be produced in evidence detailing the reasons preventing sale or letting.
 - Is a sale or letting being delayed by the actions of a public body?

c) Cases where the dwelling has remained empty beyond a two-year period due to exceptional and /or unforeseen circumstances and / or any other circumstances, proven to be beyond the control of the owner/liable person.

- Are the circumstances exceptional or unforeseen?
- Decision to be based on evidence and considered on the merits of each individual case.

4.4 Period of Exception

In all cases, the Council will decide the length of time for which an exception will be awarded based on the evidence supplied and the facts known.

The start date of an exception will normally be the date the application is received by the Council, providing the Council is satisfied the reasons for the exception existed at that time, and the exception will continue until the end of the financial year, subject to those circumstances continuing.

The Council will review the exception and request confirmation that the circumstances leading to the exception remain applicable. The Council reserves the right to make routine inspections of the property at any point during the period of the exception.

It is expected that the property will be occupied by the end of the period of exception. Where this is the case, the Council Tax Empty Homes premium will no longer apply.

Where that is not the case, and the Property remains empty, the exception will be removed, and the Council Tax Empty Homes Premium will be charged retrospectively.

The Council will not award exceptions to the Premium where evidence shows that the Owner: -

- a) Has not taken all reasonable steps to return the property to occupation.
- b) Has caused any delay in works being started within the six-month period from the date of their taking ownership.
- c) Is responsible for the delay in completing works even if the works were started within the six-month period after a change in ownership.

4.5 Changes of Circumstances

The Council may need to revise the decision to grant an exception to the Council Tax Empty Homes Premium if it becomes aware that the circumstances of an applicant have materially changed.

Individuals must immediately advise the Council of any change in circumstances affecting the decision within 21 days of the change.

Failure to do so may result in the exception being revoked in full.

4.6 Claiming a Local Exception to the Council Tax Empty Homes Premium

A claim must be made to the Council's Revenues and Benefit department by the owner of the vacant property or their representative. Relevant supporting evidence must be made available.

The Council may visit any applicant to confirm the details provided are accurate, which may necessitate being given access to the premises.

Payment of Council Tax, including the Premium, may not be withheld whilst awaiting the outcome of an application or the review of a previous decision.

4.7 Notification

The Council will inform the applicant, in writing, of the outcome of their application within 28 days of receipt, or as soon as possible thereafter. Where the application is unsuccessful, the Council will set out the reasons why this decision was made and explain the right of review.

4.8 The Right to Seek a Review of the Council's Decision

If an applicant does not accept the Council's decision to refuse the exemption an appeal must be submitted in writing to the Revenues and Benefits Manager clearly explaining the reasons for the appeal. All appeals must be submitted within 1 calendar month of the decision being made.

A decision on the review will be made within 20 working days of the request. The decision will be notified to the applicant in writing, setting out the reasons for the decision.

If an applicant does not accept the decision to refuse the reduction an appeal must be submitted in writing to the Revenues and Benefits Manager clearly explaining the reasons for the appeal. All appeals must be submitted within one calendar month of the decision being made.

If the exemption is still refused and the applicant thinks the council has made the wrong decision the applicant has a right to appeal to the Valuation Tribunal Service which is an independent judicial body. Further information can be found at www.valuationtribunal.gov.uk

4.9 Fraudulent Applications

If an exemption has been made because of a false or fraudulent application the Council reserves its right to withdraw the exemption. The Council will consider prosecuting any applicant who makes a false statement or provides fraudulent evidence in support of an application.

5. Responsibility for Implementation

Revenues and Benefits Manager – Revenues and Benefits department

Revenues and Benefits Officers – Revenues and Benefits department