

Public Document Pack

Executive Member Decisions

Friday, 17th March, 2023
10.00 am

AGENDA

1. **Revised Private Hire and Hackney Carriage Policy**
EMD Revised Private Hire and Hackney Carriage Policy 2 - 4

2. **Council Tax Empty Property Policy 2023/24**
EMD Council Tax Empty Property Policy 202324 5 - 12
Appendix A Council Tax Empty Property Policy 202324

Date Published: Friday, 17th March, 2023
Denise Park, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Environment & Operations
LEAD OFFICERS:	Strategic Director of Environment & Operations
DATE:	3 March 2023

PORTFOLIO/S AFFECTED: Environment & Operations

WARD/S AFFECTED: All

SUBJECT: Revised Private Hire and Hackney Carriage Policy testing frequency

1. EXECUTIVE SUMMARY

This report proposes to revise the Council's current policy on testing frequencies for licenced vehicles.

2. RECOMMENDATIONS

That the Executive Member approves the following changes to the existing testing frequency for licensed vehicles:

- 1) Vehicle licences will normally be issued for twelve months for vehicles aged less than five years and for six months for vehicles aged five years or over.
- 2) Where a vehicle aged five years or over passes the Council's vehicle test on first presentation it will be eligible for an eight month licence, instead of the standard six month licence.

3. BACKGROUND

The Council's Private Hire and Hackney Carriage Licensing policy was comprehensively reviewed during 2022 and a revised draft policy is due to be presented to Council Forum in March 2023 for adoption.

The testing of vehicles however is an Executive function. As part of the broader consultation exercise undertaken with the trade and other stakeholders on the revised policy, a proposal to amend the vehicle testing frequencies was discussed.

This proposal seeks to incentivise the trade to invest in newer vehicles by granting a twelve month licence for all vehicles aged up to five years, instead of the current three years.

It also proposes to grant an eight month vehicle licence, rather than a six month licence to those applicants with vehicles aged five years or over, whose vehicle passes the Council's 'taxi test' on first presentation.

4. KEY ISSUES & RISKS

None identified

5. POLICY IMPLICATIONS

Once approved this decision will be reflected in the wording in section 4 of the draft Private Hire & Hackney Carriage Licensing Policy.

6. FINANCIAL IMPLICATIONS

Based on current fleet data, the extension of the twelve month licences would capture c. 40 vehicles and see a loss of revenue in licensing fees and testing fees of c. £6,500.

The additional two months on vehicle licences will defer the income from vehicle renewals for two months.

7. LEGAL IMPLICATIONS

Once adopted, members and officers of the Licensing Authority must have regard to the revised testing frequencies when determining private hire and hackney carriage vehicle applications.

8. RESOURCE IMPLICATIONS

There are no resource implications arising directly from this revision.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

There was a comprehensive 8 week consultation with the trade and other stakeholders on this and other proposed changes to the Council's Policy.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
-----------------	----------

CONTACT OFFICER:	Niky Barrett
DATE:	3 February 2023
BACKGROUND PAPER:	

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Finance and Governance
LEAD OFFICERS:	Strategic Director of Finance & Resources
DATE:	17 March 2023

PORTFOLIO/S AFFECTED:	Departments
------------------------------	-------------

WARD/S AFFECTED:	(All Wards);
-------------------------	--------------

SUBJECT: Council Tax Empty Property Policy 2023/24

1. EXECUTIVE SUMMARY

To assist with the budget challenges the Council faces a full review of the Council Tax empty property policy was undertaken. After a thorough consideration of the options it was agreed that the following changes to the policy would be proposed for implementation on 1st April 2023.

- For empty properties the 100% discount would be reduced to 30 days from the current 2 months, and;
- For empty properties undergoing or in need of major repair the discount would be reduced to 25% for 12 months, from the current 50%.

The reduction in the period of time an empty and unfurnished property will be entitled to a 100% discount and the reduction in the amount of discount awarded to properties undergoing or in need of the major repair is intended to provide a further incentive for owners to let properties or complete any building works required. It is anticipated that this incentive will provide an increased supply of properties to the market and contribute additional revenue via increased Council Tax and the new homes bonus payments the Council receives.

2. RECOMMENDATIONS

That the Executive Member:
Approves the policy changes to the Council Tax empty property charges.

3. BACKGROUND

Since 2016 there have been a number of changes made to the discount that is applicable on empty properties in the borough. On the 1st April 2016 the Council reduced the period of time a 100% discount would apply to empty properties from 6 months to 3 months. The discount was also further reduced to 2 months from the 1st April 2021.

The discount for properties undergoing or in need of major repair was also reduced from 1st April 2016, from a 100% discount for a 12 month period to 50%.

The gradual approach over a number of years to reducing the discount applicable to empty properties has ensured that existing Council Tax payers have only been affected incrementally, thereby allowing time to adapt to the increase in the charge, whilst additional income has been generated for the council's budget challenges.

The new proposal provides for a further reduction in the discount awarded to empty properties which will in turn provide a significant amount additional Council Tax income.

4. KEY ISSUES & RISKS

4.1 Statutory exemptions

Whilst the proposed changes to the empty property discounts will affect a significant number of properties during a financial year, there are still a number of statutory exemptions that still apply to some empty and unoccupied properties. A number of the exemptions apply to vulnerable groups who will therefore be protected from the reduction in the discount and the subsequent increase in Council Tax charge. These include:

- Where the liable person has gone to live in a care/nursing home and left the property empty
- Where the person is living elsewhere to receive care
- Where the liable person has died
- Where the liable person is in prison

4.2 Customer engagement

All owners that are affected by the decrease in empty property discounts will be notified via letter or email in mid-March prior to issue of the new bill.

In order to notify all potential owners of the change in the policy, amendments will be made to the Council Tax leaflet and Council website.

4.3 Risks

Any change to empty property discounts that increase the amount Council Tax charged may result in attempted avoidance by some individuals. To combat this the Council Tax team will continue to proactively challenge any suspected avoidance. This will include the option to internally inspect properties to verify claims, and the continued regularly inspection all empty properties.

5. POLICY IMPLICATIONS

The full policy guidelines are outlined in Appendix A.

6. FINANCIAL IMPLICATIONS

The policy changes outlined in this report will generate an increase in the amount of Council Tax raised from empty properties.

The proposed reduction in the length of time an empty and unfurnished property will receive the 100% discount will realise an estimated additional £189.3k in collectable Council Tax. The reduction in discount for properties undergoing or requiring major repair discount will raise an estimated additional £83.6k.

7. LEGAL IMPLICATIONS

The legal provision for a Council to use discretion on the amount of discount applicable to empty properties is contained within the Local Government (as amended) and its associated regulations.

8. RESOURCE IMPLICATIONS

Any additional work required from the changes listed in the policy document will be undertaken within existing resources.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

None.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
-----------------	----------

CONTACT OFFICER:	Andy Ormerod
-------------------------	---------------------

DATE:	
--------------	--

BACKGROUND PAPER:	
--------------------------	--



Council Tax Empty Property Policy 2023 - 2024

Contents

1. Introduction and scope	Page 3
2. Purpose and principles of the policy	Page 3
3. Charges	Page 3 - 4
4. Exceptions to the empty property premium	Page 4
5. Appeals	Page 4 - 5

1. Introduction and scope

- 1.1 The Local Government Finance Act 1992 and associated regulations sets out the mechanism for levying Council Tax on domestic properties.
- 1.2 The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations were introduced in 2012 to allow Councils some discretion in setting the level of Council Tax charged in respect of unoccupied properties and second homes.
- 1.3 In addition, the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 allows Councils to levy a higher amount of Council Tax for long-term empty dwellings that that are unoccupied and unfurnished.

2. Purpose and Principles of the Policy

2.1 Overview

The purpose of this policy is to set out the charges to be levied in respect of empty (unoccupied and unfurnished) properties and second homes in relation to the Council's Discretionary powers.

- 2.2 This policy also sets out the guidelines to be applied when deciding whether an exception to applying the empty property premium may be considered.

3. Charges

- 3.1 The Council has resolved to charge Council Tax for empty (unoccupied and unfurnished) properties, second homes and properties in need of major repair to render habitable as follows:

With effect from 1st April 2023

Properties empty (unoccupied and unfurnished) for up to 30 days.	100% discount
Properties empty (unoccupied and unfurnished) after 30 days for up to 2 years.	0% discount (full charge)
Properties empty (unoccupied and unfurnished) for to 2-5 years.	200% charge (includes 100% empty premium charge)
Properties empty (unoccupied and unfurnished) for 5-10 years.	300% charge (includes 200% empty premium charge)
Properties empty (unoccupied and unfurnished) for over 10 years.	400% charge (includes 300% empty premium charge)
Second Homes	0% discount (full charge)
Properties empty (unoccupied and unfurnished) undergoing or requiring major repair	25% discount for up to 12 months

3.2 Any period of occupation of six weeks or less will be disregarded when considering how long a property has been empty.

3.3 To determine the discount or premium to be charged on a property, the Council may seek to internally inspect the property.

4. Exceptions to the empty property premium

4.1 The council will consider waiving the Council Tax Premium of 200% and 300% and reverting to a 100% amount for applicants who meet the qualifying criteria as specified in these guidelines. The Council will treat all applications on their individual merits, and will seek through the operation of these guidelines to grant exceptions where appropriate.

4.2 Exceptional criteria

In deciding whether to award an exception in respect of the Council Tax Premium, the Council will take into account the following criteria:

I. For those owners who are experiencing a particular legal or technical issues which is preventing the sale or letting of the property;

II. Those owners who are in negotiation with the Council with a genuine view to letting the property under the Council's policy of getting properties back into use;

III. Cases where the dwelling has remained empty beyond a five year period due to exceptional and or unforeseen circumstances, or circumstances proven to be beyond the control of the owner/liable party;

IV. Cases where imposition of the Council tax Premium would result in financial hardship; and,

V. Cases where a recent purchaser of a dwelling (i.e. within the last 12 months) intends to bring the property back into use and occupy it, and is able to demonstrate that the financial burden will significantly lengthen the time taken to complete the works

4.3 Period of exception

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

The start date of the exception will normally be the date the application is received by the Council. The exception will continue for a period of twelve months subject to the circumstances continuing.

The Council will review awards on an annual basis and request confirmation that the circumstances remain the same prior to applying the exception for a further 12 months.

5. Appeals

Under Section 16 of the Local Government Finance Act 1992, there is a right of appeal if a customer applying for a discretionary reduction under Section 13A (1) (c) is not satisfied with the Council's decision. Any appeal against a decision made under the 'Empty Property policy' must be made in writing.

Full details of the reason for the appeal and any additional evidence must be included in the submission. Upon receiving the appeal:

- The Council will acknowledge the appeal within 10 working days.
- The Director of Finance will consider the appeal.
- The applicant will be informed of the final decision as soon as practicable thereafter.

If the original decision is upheld and the customer remains dissatisfied, the customer may appeal directly to the Valuation Tribunal.