

Council Tax Premium Protocol for Determining Local Exceptions Westmorland and Furness Council

1. Purpose

This document sets out the factors that Westmorland and Furness Council (The Council) will take into account when deciding if an exception to payment of the Council Tax Premium can be awarded. This protocol applies from 1 April 2024.

The Council Tax Premium is:

- a 100% increase on the Council Tax set, making the total charge 200% on properties which have been unoccupied and unfurnished for a period of at least one year,
- a 200% increase on the Council Tax set, making the total charge 300% on properties which have been unoccupied and unfurnished for a period of at least five years,
- a 300% increase on the Council Tax set, making the total charge 400% on properties which have been unoccupied and unfurnished for a period of at least ten years.

The Council will consider removing the Council Tax Premium 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 to liability for the Council Tax Premium:

- For those owners who are genuinely attempting to sell or let their property which has been vacant for at least one year. In such cases, the premium can be removed for a maximum period of up to 12 months.
- Where a new owner is subject to the premium from the day they purchase the property or within six months of the purchase date and they are renovating the property to move in themselves or to rent out the property as a home. In such cases, the premium can be removed for a maximum period of 12 months.
- For those owners experiencing legal or technical difficulties which are preventing the sale or letting of a property. In such cases, the premium can be removed for a maximum period of 12 months.

If the property is to be a second home or holiday let the premium will not be removed as this does not meet the Council's aim of increasing the supply of homes in the area.

2. Claiming a Local Exception to the Council Tax Premium

A claim must be made on an application form provided by the Council and must be signed by the owner of the vacant property or their representative. The claimant must include any relevant supporting evidence.

The Council may request any (reasonable) evidence in support of an application but the applicant will be asked to provide the evidence within one month of such a request although this will be extended in appropriate circumstances.

If the claimant is unable to, or does not provide the required evidence, the Council will still consider the application and will, in any event, take into account any other available evidence including that held at the time on Council Tax records.

The Council reserves the right to verify any information or evidence provided by the applicant.

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.

3. Period of Exception

In all cases, the Council will decide the length of time for which an exception will be awarded on the basis of the evidence supplied and the facts known but an award will be made for a maximum period of 12 months subject to those circumstances continuing.

The Council will comply with any Regulations issued by the Secretary of State in relation to any application and have regard to any related national protocol guidance.

4. Awarding an Exception to liability for the Council Tax Premium

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

4.1 For those owners who are genuinely attempting to sell or let their property which has been vacant for at least one year:

Has professional advice and assistance been obtained?

It is expected that when a property has been vacant for one year a professional agent with specialist knowledge of the locality will have been engaged.

Have any offers to purchase or rent the property been received?

If Yes – why were those offers refused?

Written confirmation of the reasons for refusal will be required from a professional agent

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 warrants a higher value or rent?

Has the property been put up for sale by public auction?

4.2 For those owners who have purchased a property that is subject to the premium (or becomes subject to the premium within 6 months of purchase) and who are renovating it to move into as their main residence or to rent it out:

Is the property to be a second home or holiday let when the work is completed?

Who will be occupying the property when the renovation work is completed?

4.3 For those owners who are experiencing particular 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? Full details must be provided.

5 Changes of Circumstances

The Council may need to revise the decision to grant an exception to the 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.

6 Notification

The Council will inform the applicant in writing (this includes by email) 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.

7 The right to seek a review

As the exceptions to the Premium in this protocol are determined locally any decisions are not subject to a statutory appeals mechanism. The Council will therefore operate its own procedures for dealing with appeals against a refusal to award an exception to the Premium.

An applicant (or their appointee or agent) who disagrees with a decision not to award an exception may dispute the decision. A request for a review must be made in writing within one calendar month of the written decision being issued.

The Revenues and Benefits Manager will review all the evidence held and may ask for further clarification to be provided. A decision will be made within 28 days of the request for a review. The decision will be notified to the claimant in writing (this includes by email), setting out the reasons for the decision.