

## Report to CABINET

# Local Taxation Discretionary Policies 2026/27

**Portfolio Holder:** Councillor Abdul Jabbar MBE, Deputy Leader and Cabinet Member for Finance, Corporate Services and Sustainability

**Officer Contact:** Fiona Greenway, Executive Director of Resources

**Report Author:** Mark Edmondson, Assistant Director Revenues and Benefits

**23 March 2026**

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### Reason for Decision

The purpose of this report is to seek approval for three discretionary policies relating to Council Tax and Business Rates.

### Executive Summary

This report provides the full detail of proposed updates to the discretionary policies used to support Local Taxation administration i.e., Council Tax, Business Rates, Council Tax administration.

It is proposed that the policies are updated to reflect current post holder job titles and includes a requirement for an annual review of the policy to be undertaken, and where no substantive changes are proposed (or changes are minor and non-financial), authorisation is delegated to the Executive Director of Resources or the Assistant Director, Revenues and Benefits

The policies and other proposed changes are

- **The Discretionary Council Tax Discount Policy**
  - This policy sets out the Council's approach to the awarding of Council Tax discretionary discounts.

- The policy provides guidance in two areas. Awards of Exceptional Hardship Payments (EHPs) which are available to support residents experiencing exceptional financial hardship in paying their Council Tax. And the award of a Council Tax discount for care leavers.
  - There are no other recommended amendments to the policy.
  - The proposed Discretionary Council Tax Discount Policy is presented at Appendix 1.
- **The Discretionary Rate Relief Policy**
    - Central Government have introduced reliefs for the 2026/27 financial year. They have been incorporated into the proposed Discretionary Rate Relief Policy which is presented at Appendix 2.
- **The Empty Property and Second Homes Premium Policy**
    - The proposed Empty Property and Second Homes Premium Policy is presented at Appendix 3.

## **Recommendation**

It is recommended that;

- 1) Approval is given to the proposed amendments to the existing Local Taxation Discretionary Policies for 2026/27.
- 2) Approval is given to delegate the annual review of these policies to the Head of Revenues and authorisation will be delegated to the Executive Director of Resources or the Assistant Director Revenues and Benefits where there is no financial impact or material change to the policy.
- 3) The Local Taxation Discretionary Policies presented as appendices 1-3 are adopted for 2026/27

## Local Taxation and Benefits Discretionary Policies

### 1 Background

- 1.1 This report reviews three discretionary Local Taxation policies and proposes amendments to the policies where appropriate. Each policy will be set out in turn throughout the report.

#### Policy 1 - Discretionary Council Tax Discounts Policy

- 1.2 Local Authorities can reduce the amount of Council Tax payable by granting locally defined discounts under provisions contained in Section 13A of the Local Government Finance Act 1992.
- 1.3 The Local Government Act 2012 inserted a new section 13A in the Local Government Finance Act 1992, and this created two discounts.
- Section 13A (1)(a) and (b) requires the Council to operate a Local Council Tax Reduction Scheme. The implications under 13A (1)(a) and (b) are considered and agreed on an annual basis when deciding the Local Council Tax Reduction scheme.
  - Section 13A (1)(c) allows for a discretionary reduction which can be used in relation to any individual on a case-by-case basis or by determining a class of case for which the charge should be reduced. The intention behind this legislation is to allow billing authorities the discretion to create local discounts or exemptions to cater for local circumstances, for example flooding. The discount must be funded from the Council's own Revenue Budget (General Fund) and can amount to anything up to 100% of the Council Tax charged.
- 1.4 The Council currently makes use of Section 13A (1)(c) of the Local Government Finance Act 1992 to provide for a discount of up to 100% for care leavers under the Council Tax Discount for Care Leavers policy. This was approved by Cabinet on 24 April 2017 (discount up to the age of 21) and the discount was extended up to the age of 25 in a report approved by Cabinet on 25 March 2019.
- 1.5 Section 13A (1)(c) can also be used to support residents on a case-by-case basis, typically when they are experiencing exceptional financial hardship and Cabinet approved the introduction of an Exceptional Hardship Payments (EHP) scheme from 2019/20 to support residents to pay their Council Tax when experiencing financial crisis.

#### Policy 2 - Discretionary Rate Relief Policy

- 1.7 The Local Government Finance Act 1988 (LGFA 1988) and the Localism Act 2011 require the Council to maintain a Discretionary Rate Relief Scheme to award Business Rates Relief (also known as Non-Domestic Rates Relief) of up to 100% to certain organisations who operate within specified criteria. These criteria cover:

- Charitable bodies already in receipt of Mandatory Rate Relief of 80% – the Council has further discretion to ‘top up’ this relief to 100% of the rates due.
- Registered community amateur sports clubs (CASCs) already in receipt of Mandatory Relief of 80% – the Council has further discretion to ‘top up’ this relief to 100% of the rates due.
- Non-profit making organisations – the Council has discretion to grant Discretionary Rate Relief of between 0% -100% of the Business Rates due.

1.8 The Government has, in recent years, introduced several temporary Business Rate Relief schemes. Any awards made under these schemes are awarded under Section 47 of the LGFA 1988 i.e., under the provision enabling Councils to make discretionary payments. However, the Council is fully reimbursed by Central Government by way of grants awarded under Section 31 of the Local Government Finance Act 2003. These include:

- The Retail, Hospitality and Leisure Business Rates Relief scheme will end on 31 March 2026.
- A new Pubs and Live Music Venue Relief for 2026/27.
- Newspaper relief which applies a £1,500 Business Rates discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and per property, and up to state aid limits. This relief is applied for the financial years 2017/18 to 2026/27.
- Heat Network Relief which applies to separately rated hereditaments that are wholly or mainly used for the purposes of a heat network and who expect over the next 12 months the heat to be generated from a low carbon source.

1.9 The Council also has the power to reduce or remit the Business Rates charged in certain circumstances where the business is enduring temporary financial difficulties. This is known as Hardship Relief (HR) and may be awarded where the Council is satisfied that:

- The ratepayer would sustain financial hardship if the Council did not do so; and,
- It is reasonable for the Council to grant relief with regard to the interests of its Council Taxpayers.

1.10 The Council also receives requests from ratepayers asking that the rateable value of premises subject to Business Rates is split between the occupied and unoccupied portions. This means that the Council would only apply and charge Business Rates on the occupied portion of the property. The Council has discretion to accept or refuse a request that the rateable value is split between the occupied and unoccupied portions under Section 44a of the Local Government Finance Act 1988. If the request is accepted, then the Valuation Office Agency is asked to supply a certificate indicating the relevant values for the occupied and unoccupied portions and this certificate is binding upon the Council.

### Policy 3 - The Empty Property and Second Homes Premium Policy

1.11 The Local Government Finance Act 2012 allowed Local Authorities the discretion to apply Council Tax Empty premiums for properties unoccupied and unfurnished (long-

term empty) for over 2 years, and to determine its own discounts for unoccupied and unfurnished properties.

- 1.12 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 allowed the Council to increase the Empty Property premium up to 100% for properties considered long term empty for over 2 years, a 200% premium for properties considered long term empty properties for over 5 years from April 2020 and a further 300% premium for long term empty properties for over 10 years from April 2021.
- 1.13 The Levelling Up and Regeneration Act 2023, provides further discretion allowing the Council to introduce the 100% Empty Property premium for properties considered long term empty for 12 months, and a 100% premium for Second Homes.
- 1.14 The policy outlines the circumstances in which the Council would consider removal of the premium.

## 2 **Current Position**

### Policy 1 - Discretionary Council Tax Discounts Policy

- 2.1 The Council currently provides a 100% Council Tax Discount for Care Leavers aged up to the age of 25.
- 2.2 The Council operates an Exceptional Hardship Payments (EHP) scheme to support residents who are experiencing exceptional financial hardship in paying their Council Tax.
- 2.3 The proposed policy for 2026/27 can be found at Appendix 1.

### Policy 2 - Discretionary Rate Relief Policy

- 2.4 The Council's existing Discretionary Rate Relief Policy outlines the areas of local discretion and the Council's approach to the various discretionary awards. This approach considers the impact:
  - of granting Discretionary Rate Relief on the Council's wider financial position and Council Taxpayers.
  - on the organisations and businesses that currently receive or may apply for relief in the future.
  - for Oldham residents if relief is awarded and the regeneration benefits for the borough.
- 2.5 When deciding whether to award any Discretionary Rate Relief, the principal consideration is that in making the award there should be a resultant positive impact for residents and Council Taxpayers of Oldham. This consideration also includes long term benefits to both the community and the Council Taxpayer, such as increasing employment or improving amenities available to the local community.
- 2.6 The Government have introduced new legislation that allows local authorities to determine how far to consider backdated requests of Discretionary Rate Relief. The Council limits backdating of awards to the start of the preceding financial year (from

the application date) unless the applicant can provide reasonable evidence as to why they were unable to apply in a timely manner.

2.7 The Government confirmed a number of additional Business Rates discounts and reliefs for the 2026/27 financial year that would be funded by a grant awarded under powers of Section 31 of the Local Government Act 2003. These are:

- A new Pubs and Live Music Venues Relief for 2026/27.
- Supporting Small Business Relief Scheme for ratepayers who are losing some or all of their small business rate relief as a result of a large rateable value increases following the 2026 revaluation. The scheme is available for the 2026/27, 2027/28 and 2028/29 financial years.
- Newspaper relief. A £1,500 Business Rates discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and per property, and up to state aid limits. This relief is applied for the financial years 2017/18 to 2026/27.

2.8 The proposed policy for 2026/27 can be found at Appendix 2.

#### Policy 3 – Empty Property and Second Homes Premium Policy

2.9 The Council applies an empty property premium for property unoccupied and unfurnished for over 12 months. This means empty property premiums are applied as set out below.

- 100% premium on properties unoccupied and unfurnished for at least 1 year.
- 200% premium on properties unoccupied and unfurnished for at least 5 years.
- 300% premium on properties unoccupied and unfurnished for at least 10 years.
- To help provide guidance to affected property owners and to Council Officers administering the premium.

2.10 The Council applies a second homes premium of 100%.

2.11 This policy is presented at Appendix 3.

### **3 Options/Alternatives**

3.1 The following options are available:

3.2 **Option 1 – Approve the amended Local Taxation Discretionary Policies.**

#### Policy 1 – Discretionary Council tax Discount Policy

The Council would continue to award a 100% Council Tax Discount for care leavers up to the age of 25 and consider requests from residents for Exceptional Hardship Payments. The annual review of the policy will be delegated to Head of Revenues and authorisation will be delegated to the Executive Director of Resources or the Assistant Director Revenues and Benefits where there are no significant changes proposed.

### Policy 2- Discretionary Rate Relief Policy

The Council would continue to administer the temporary Business Rates discount and relief schemes introduced by Central Government. The annual review of the policy will be delegated to Head of Revenues and authorisation will be delegated to the Executive Director of Resources or the Assistant Director Revenues and Benefits where there are no significant changes proposed.

### Policy 3 - Empty Property and Second Homes Policy

The Council would continue to charge additional Council Tax for empty properties and second homes and officers would continue to use their discretion to authorise exceptions to this policy. The annual review of the policy will be delegated to Head of Revenues and authorisation will be delegated to the Executive Director of Resources or the Assistant Director Revenues and Benefits where there are no significant changes proposed.

## 3.3 **Option 2 – Approve Local Taxation and Benefits Discretionary Policies without the amendments regarding annual reviews.**

### Policy 1- Discretionary Council Tax Discount policy

The Council would continue to award a 100% Council Tax Discount for care leavers up to the age of 25 and consider requests from residents for Exceptional Hardship Payments.

### Policy 2 - Discretionary Rate Relief Policy

The Council would continue to administer the temporary Business Rates discount and relief schemes introduced by Central Government.

### Policy 3 - Empty Property and Second Home Premium Policy

The Council would continue to charge additional Council Tax for empty properties and second homes and officers would continue to use their discretion to authorise exceptions to this policy.

## 4 **Recommended Option**

- 4.1 Option 1 – The recommended option is to approve the updated Local Taxation Discretionary Policies for the 2026/27 financial year.

## 5 **Consultation**

- 5.1 During the review of each policy, feedback has been obtained from relevant services involved in the application process.

## 6 **Financial Implications**

- 6.1 The 100% Council Tax discount for care leavers continues to create a cost to the Collection Fund. No changes are proposed for 2026/27, and no material increase in caseload is expected.
- 6.2 New Government-funded Business Rates reliefs for 2026/27, including Pubs and Live Music Venues Relief and Supporting Small Business Relief, are fully reimbursed through Section 31 grants and therefore have no net impact on the Council
- 6.3 Delegating annual reviews of discretionary policies carries no direct revenue implications but supports timely updates and reduces the risk of outdated guidance affecting financial outcomes.
- 6.4 Overall, the policy changes result in a manageable financial position.

(Matthew Kearns – Finance Manager)

## 7 **Legal Services Comments**

- 7.1 Option 1, approval of the updated Local Taxation Discretionary Policies is supported. It is important that the relevant policies offered are accurate and up to date and transparent.  
Having accurate policies reduces the risk of any challenges around decisions made under the policy and helps to avoid reputational risks. (Alex Bougatef – Director of Legal Services)

## 8. **Co-operative Agenda**

- 8.1 The operation of Local Taxation and Benefits discretionary policies is consistent with the Council's Co-operative ethos.

## 9 **Human Resources Comments**

- 9.1 Not applicable

## 10 **Risk Assessments**

- 10.1 The proposed policy updates are not expected to materially increase financial risk. The Local Taxation Discretionary Policies are key documents setting out the updated guidance, changes and discretion areas which have been introduced since the last review. The financial impact of discretionary awards continues to require careful monitoring, and all decisions must remain within the Councils approved budget framework. The commitment to annual review provides an appropriate mechanism for ongoing financial oversight. Whilst there will be minimal impact on the collection fund, it is important that the Council continues to maximise collection rates. The inclusion of relief for public houses and live music venues will not affect the budget position of the Council as the Government will reimburse awards under this policy. (Heather Moore, Assistant Director of Governance).

## 11 **IT Implications**

- 11.1 Not applicable.

## 12 **Property Implications**

12.1 Not applicable

## 13 **Procurement Implications**

13.1 None.  
Angela Porter – Senior Category Manager - Commercial & Environment

## 14 **Environmental and Health & Safety Implications**

14.1 Not applicable

## 15 **Equality, community cohesion and crime implications**

15.1 Not applicable

## 16 **Implications for Children and Young People**

16.1 The application of the Council Tax discount for care leavers is the only specific impact on children and young people.

## 17 **Equality Impact Assessment Completed?**

17.1 In taking financial decisions the Council must demonstrate that it has given “due regard” to the need to eliminate discrimination, promote equality of opportunity and promote good relations between different groups.

17.2 Demonstrating that “due regard” has been given involves:

- assessing the potential equality impacts of proposed decisions at an appropriate stage in the decision-making process - so that it informs the development of policy and is considered before a decision is taken;
- ensuring that decision makers are aware of the equality duties and any potential equality issues when making decisions.

NB – having due regard does not mean the Council cannot make decisions which have the potential to impact disproportionately, it means that we must be clear where this is the case and must be able to demonstrate that we have consulted, understood and mitigated the impact.

17.3 To ensure that the process of impact assessment is robust, it needs to:

- Be specific to each individual proposal;
- Be clear about the purpose of the proposal;
- Consider available evidence;
- Include consultation and involvement with those affected by the decision, where appropriate;
- Consider proposals for mitigating any negative impact on particular groups;
- Set out arrangements for monitoring the actual impact of the proposal.

17.4 The Equality Act 2010 extends the public sector equality duties to cover eight protected characteristics, namely: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion and belief and sexual orientation.

17.5 There is no duty to undertake an equality impact assessment (EIA) but an EIA is recognised as a useful tool in performing and recording the duty to have due regard. Equality Impact Assessment documents have been prepared for each policy and are included at Appendices 6 to 8.

## 18 **Key Decision**

18.1 Yes

## 19 **Key Decision Reference**

19.1 FCR-05-26

## 20 **Background Papers**

20.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref:       The background papers to this report are the Council Tax Discount for Care Leavers policy approved by Cabinet on 24th April 2017 (discount up to the age of 21) and The Local Taxation and Benefits Discretionary Policies approved by Cabinet on 28 March 2023. Both papers are publicly available at [www.Oldham.gov.uk](http://www.Oldham.gov.uk)

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## 21 **Appendices**

21.1 Appendix 1 – Discretionary Council Tax Discount Policy

21.2 Appendix 2 – Discretionary Rate Relief Policy

21.5 Appendix 3 – Empty Property Premium Policy

21.6 Appendix 4 – Equality Impact Assessment – Discretionary Council Tax Discount Policy

21.7 Appendix 5 – Equality Impact Assessment – Discretionary Rate Relief

21.10 Appendix 6 – Equality Impact Assessment – Empty Property Premium Policy

**APPENDIX 1**

# Discretionary Council Tax Discount Policy

**Guidelines for the award of Discretionary  
Discounts for Council Tax**

**23<sup>rd</sup> March 2026**

**Review 23<sup>rd</sup> March 2027**

# 1 Introduction and Scope

- 1.1 This policy sets out the Council's approach to the awarding of Council Tax discretionary discounts and demonstrates that the Council is fair, consistent in its approach and sufficiently flexible to consider individual circumstances.
- 1.2 The policy has been developed to provide guidance in two areas. Section 2 sets out the guidance to support awards of Exceptional Hardship Payments (EHPs) which are available to support residents experiencing exceptional financial hardship in paying their Council Tax. Section 3 sets out guidance to support the award of discounts to care leavers.
- 1.3 Under The Local Government Finance Act 1992 (Section 13A (1) (c)) (as amended) and the Local Government Act 2003 (Section 76), Local Authorities can use discretion to reduce a part or all of the Council Tax liability where they are satisfied that the Council Taxpayer would suffer hardship if it did not do so.
- 1.4 Section 13A(1)(c) allows for a discretionary reduction which can be used in relation to any individual on a case-by-case basis, or by determining a specific class of case for which the charge should be reduced.
- 1.5 Although the decision to reduce an individual's Council Tax liability is discretionary, the actual award (or refusal of) can be challenged by way of an appeal to a Valuation Tribunal.
- 1.6 Periodically the Government may introduce a specific scheme in response to an event such as a natural disaster (e.g. flooding). Where such schemes are introduced, funding is normally fully met by Government. Any such schemes that are introduced with the intention to be awarded under Section 13A (1) (c) of The Local Government Finance Act 1992 (as amended), will be administered in accordance with any instructions and guidance set out by Government.
- 1.7 This policy will be reviewed on an annual basis, or as required, in response to changes in legislation or the priorities of the Council. The Cabinet Member for Finance and Corporate Resources, in conjunction with the Director of Finance is authorised to vary the criteria, funding and application processes set out in this policy to ensure it continues to remain fit for purpose and within budget.

## 2 Exceptional Hardship Payments (EHPs)

### 2.1 Introduction and Scope

- 2.1.1 The Council is aware of its statutory duties under Section 13A(1)(c) of the Local Government Finance Act 1992 (as amended). This regulation allows billing authorities the discretion to reduce Council Tax in individual cases.
- 2.1.2 The Council has therefore made provision to assist residents who are facing exceptional financial hardship. Payment made under this provision will be known as Exceptional Hardship Payments (EHPs).

- 2.1.3 EHPs are not the same as payments made under the Council's Council Tax Reduction Scheme (CTR). Residents on low incomes should first explore whether there is an entitlement to CTR before making an application for EHP.
- 2.1.4 The Council will ensure each application received for EHP, will be treated on its own merits and all applicants will receive equal and fair treatment regarding accessibility to the fund and the decisions made.
- 2.1.5 EHPs are only intended as short-term assistance and should not be considered as a way of reducing Council Tax liability indefinitely.
- 2.1.6 The Council will give particular (but not exclusive) consideration to applications where the applicant is experiencing specific, exceptional or unforeseen situations which then impact on their ability to meet their Council Tax liability.
- 2.1.7 In considering an award the Council must be satisfied that:
- It is reasonable to expect other Council Taxpayers to meet the cost of reducing the tax.
  - It would be unfair to ask the applicant to meet their Council Tax liability based solely on their own individual circumstances and not on circumstances that affect all or a significant proportion of the residents of Oldham.

## 2.2 **Criteria for an application**

- 2.2.1 The Council recognises the importance of protecting its most vulnerable residents. This policy has been created to ensure that an appropriate level of protection and support is available to those claimants most in need.
- 2.2.2 Hardship can be a result of many different and exceptional circumstances which could include, but are not limited to: -
- Multiple and complex issues facing the claimant and his/her household.
  - The death of a partner or dependant
  - Sudden increases in other expenses due to a family member's illness or incapacity
  - Sudden reduction in income due to loss of employment.

The Council will consider all relevant circumstances and resources. For example, it may not be appropriate to attempt to alleviate hardship through the award of financial assistance where advice and assistance in accessing other available support may be of greater benefit.

The Council will consider the full circumstances of the applicant before deciding whether to award an EHP. The Council will be looking for something out of the ordinary that makes it very difficult for the claimant to pay their Council Tax.

- 2.2.3 When assessing a claim for EHP, The Council must be satisfied that:

- The applicant is unable to meet either all or part of their Council Tax liability. .

- All reasonable steps have been taken to meet the full Council Tax liability prior to submitting the EHP application.
- The applicant's current circumstances are unlikely to improve during the period for which the EHP may be awarded, which would make payment of their Council Tax unlikely.
- There is evidence of exceptional hardship or exceptional personal circumstances that justify a reduction in Council Tax liability.
- The applicant has no assets that could be realised and used to pay Council Tax.
- Entitlement to all other reliefs, discounts, exemptions, discretionary payments and other available support have been considered.
- Non-payment of Council Tax is not due to the taxpayer's own wilful refusal or culpable neglect.

## 2.3 What an EHP does not cover.

### 2.3.1 EHPs cannot be awarded:

- To help towards payment of rent
- Where the applicants Council Tax liability is nil as a result of any other discount or exemption
- For any reason other than to reduce Council Tax liability.

## 2.4 Making an Application

### 2.4.1 The applicant, or a party authorised by the applicant such as an appointee or advocate, will be encouraged to complete and submit an EHP application form along with any evidence requested within the application form.

(Applications will not be considered if they are made by landlords or managing agents of properties where the claimant is liable for Council Tax).

- The application must detail the hardship or personal circumstances upon which the request is based.
- Applicants are required to include evidence of their financial circumstances to enable the Council to make an informed assessment of their ability to pay. Financial evidence can include, but is not limited to, household income and expenditure details, utility bills, household bills and all debt.
- Further evidence may be requested that is relevant to the application (e.g., specific details about income and expenditure details and medical evidence) where appropriate.
- Applicants will be expected to provide further information in support of their claim within one month of submitting their application or the application will be rejected.
- The Council will not reimburse any costs an applicant may incur in making an application or in providing requested evidence.

## 2.5 Making an Award

### 2.5.1 Applications will be reviewed initially by the Council's Head of Revenues and a recommendation made to the Council's Assistant Director, Revenues and Benefits for a decision.

- 2.5.2 EHPs are intended as short-term assistance and the claimant will be expected to have made clear attempts to improve their financial circumstances during any award.
- 2.5.3 Claimants may make subsequent applications once their initial award has expired or if their circumstances have changed or worsened since an original application was refused.
- 2.5.4 Awards will normally be paid only once. The reduction in liability will be applied to the relevant Council Tax account and a revised bill will be issued. No cash alternative to this approach is available.
- 2.5.5 An award will usually be a percentage of the net Council Tax liability (the amount payable following the award of any benefit, discount, exemption or relief) and be for a specified period. The award will not exceed 100% of Council Tax liability.
- 2.5.6 The claimant must inform the Council about any changes in their circumstances that might affect their claim for EHP within 21 days of that change.
- 2.5.7 Decisions will normally be made within one month of the application provided all supporting information has been received and will be notified to the applicant as soon as practicable thereafter. The award notification will set out:
- The amount of EHP awarded
  - The period of the award
  - When the award will be paid
  - The requirement to report changes in circumstances
  - What the claimant can do if they do not agree with the award decision, and
  - Details of where the claimant can obtain independent debt advice
- 2.5.8 If the application is not successful, the notification will include:
- The reasons for refusal and the appeal rights.
  - Details of where the claimant can obtain independent debt advice
- 2.5.10 If it is subsequently identified that an award was made as a result of false or fraudulent information, the Council will withdraw the award and recover the resulting sum due. The Council has a zero tolerance regarding fraud and reserves the right to report any suspected fraudulent claims to the Councils Counter Fraud team.
- 2.5.11 Under Section 16 of the Local Government Finance Act 1992, there is a right of appeal if a Council Taxpayer applying for a discretionary reduction under Section 13A(1)(c) is not satisfied with the Council's decision. The guidance detailing how to appeal is set out in Section 4.

### **3 Council Tax Discount for Care Leavers**

- 3.1.1 Oldham Council wants to support care leavers in their transition to independent living by offering a 100% Council Tax discount up to the age of 25.

3.1.2 A care leaver is defined as a person who has been in the care of a local authority (looked after) for at least 13 weeks since the age of 14 and who was in care on their 16th birthday.

## 3.2 **Qualifying Criteria**

3.2.1 Confirmation will be sought from Oldham Council's Children's Social Care or other public body or professional organisation that care leaver status applies. Most discount cases will be referred directly by the Council's Children's Services team. However, care leavers can also make a direct application for a discount, and this will be made available on the Council's website [www.oldham.gov.uk](http://www.oldham.gov.uk)

3.2.2 The care leaver must live in the Borough at the address the award relates to and be the person responsible for payment of Council Tax to qualify for the discount.

3.2.3 The discount will not be means tested.

## 3.3 **Discount Scheme**

3.3.1 The care leavers discount was introduced in April 2017, as such care leavers who become responsible for Council Tax after this date will be granted the discount from the date of occupation.

3.3.2 The level of discount applied will be 100% of Council Tax liability after any entitlement to any national reliefs, exemptions or other discounts including entitlement to Council Tax Reduction have been calculated and awarded.

3.3.3 If, subsequent to an award, the care leaver's liability for Council Tax reduces during the period of the award, for example if the care leaver becomes entitled to a single person discount, the care leaver's discount will be amended to ensure the award does not exceed the care leaver's Council Tax liability.

3.3.4 Where awarded, the discount will remain in force until the care leaver reaches the age of 25 years or ceases to become responsible for Council Tax whichever date occurs first.

3.3.5 When a discount has been given, a Council Tax bill will be issued showing the detail. If a discount request is refused, a letter will be issued outlining the reasons for the refusal.

3.3.6 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. The guidance detailing how to appeal is set out in Section 4.

## **4 Appealing a Decision**

- 4.1 If an applicant disagrees with a decision, there is a right to request that the application is reviewed by the Head of Revenues or the Assistant Director, Revenues and Benefits.
- 4.2 Any requests for a review of the decision must be made within one calendar month of the original decision letter being issued.
- 4.3 All applications for a review of the decision must be made in writing or via email and must outline the reasons why the applicant is disputing the decision.
- 4.4 The applicant will be notified in writing of the outcome of the review and the reasons for the decision.
- 4.5 If the applicant disagrees with the outcome of the internal review undertaken by the Head of Revenues or the Assistant Director, Revenues and Benefits they can appeal to the Valuation Tribunal. Appeals must be made directly to the Valuation Tribunal.
- 4.6 The Valuation Tribunal can only consider whether the decision made by the Council was made reasonably by applying judicial review principles. The Valuation Tribunal cannot award discretionary reductions but may ask the Council to review its policy or decision again.

## **5 Policy Review**

- 5.1 The Council will review the Discretionary Council Tax Discount Policy on an annual basis, but the Council reserves the right to review and revise the policy at any time as a result of information gained through operating the policy or Government initiatives.
- 5.2 Where there are no changes proposed, or only minor changes that do not have any financial implications or doesn't materially change the policy, authorisation of the annual review is delegated to the Executive Director of Finance or the Assistant Director Revenues and Benefits.

**APPENDIX 2**

# Discretionary Business Rate Relief Policy

**Guidelines for the Award of Discretionary  
Business Rates Relief**

**23<sup>rd</sup> March 2026**

**Review 23<sup>rd</sup> March 2027**

## **1. INTRODUCTION AND SCOPE**

- 1.1 Discretionary Rate Relief (DRR) is granted in accordance with Section 43 and Section 44a of the Local Government Finance Act 1988 (LGFA 1988) and Section 47 and 49 of the LGFA 1988 as amended by the Localism Act 2011.
- 1.2 Clause 69 of the Localism Act 2011 amended Section 47 of the LGFA 1988 to allow billing authorities the discretion to fund their own local discounts. Since April 2012, the Council has been able to grant Business Rates discounts entirely as it sees fit within the limits of the primary legislation and European rules on state aid. These powers can be used to encourage new business and investment, as well as to support local shops or community services.
- 1.3 The introduction of the Business Rates Retention scheme in 2013 meant that Local Authorities now have a financial stake in the income generated from Business Rates in their area. Since April 2017, the Council has participated in the 100% Business Rates Retention pilot scheme.
- 1.4 This means that Mandatory and Discretionary Relief is financed 99% by the Council and 1% by the Greater Manchester Combined Authority. The Government has pledged that Greater Manchester authorities will suffer no financial detriment as a result of participating in the 100% pilot scheme. This extends to the awarding of mandatory and discretionary rate reliefs.
- 1.5 In view of the direct cost of awarding Business Rates relief, the Council has determined that its DRR policy is reviewed annually to ensure that awards of DRR are appropriate and maximise benefits to Oldham residents.
- 1.6 This policy document outlines the areas of local discretion and the Council's approach to the various awards. This approach has regard to the impact:
  - Of granting DRR (including Section 44a Relief and Hardship Relief) on the Council's wider financial position and Council Taxpayers;
  - On the organisations and businesses that currently receive or may apply for relief in the future;
  - For Oldham residents and any regeneration benefits to the borough.
- 1.7 The principal consideration when making an award is that any relief granted is in the best interests of the residents and taxpayers of Oldham and produces a local benefit. It will also be reflective of and complementary to the co-operative ethos of the Council.
- 1.9 The Government has introduced several rate relief schemes in recent years, some of which are available for specified years only. The criteria and funding for these schemes are detailed within Government guidance issued to Local Authorities. The Government funded schemes in relation to 2026/27 can be found in section 11.

## **2 CHARITABLE RELIEF (CHARITIES)**

2.1 Mandatory Rate Relief of 80% is granted to charities in the following circumstances where the:

- Ratepayer of a property is a charity or the trustees of a charity; and
- The property is wholly or mainly used for charitable purposes (including charity shops, where the goods sold are mainly donated and the proceeds are used for the purpose of the charity).

2.2 The Council does not have any discretion regarding the award of Mandatory Rate Relief; however, the Council must be satisfied that the statutory criteria has been met. For this purpose, the Council will use guidance provided in both the LGFA 1988, and by reference to other enactments and case law.

2.3 The Council will refer to the Charity Register for evidence of charitable status however absence from the register does not mean an organisation has not been established for charitable purposes as certain organisations are exempt from registration under the Charities Act 1993.

2.4 In cases where a charity is in receipt of mandatory rate relief of 80%, the Council has discretion to grant up to 20% additional rate relief known as a DRR top up.

2.5 The Council will consider applications for a DRR top up from charities based on their own merits, on a case-by-case basis. However, the principal consideration is that the relief is in the best interests of the residents and taxpayers of Oldham and produces a local benefit as the Council must contribute to the cost of each award. As such, top up will be awarded generally to the following type of registered charities:

- Scouts, guides, cadets and other clubs/associations for young people;
- Community schemes encompassing organisations providing support for those over the age of retirement, community transport, those based on volunteering and residents' associations;
- Organisations providing support in the form of advice, training for employment, counselling;
- Organisations that provide services that address the consequences of ill health and disability;
- Charitable sporting clubs (also see CASCs);
- Locally based leisure and cultural organisations;
- Armed forces veteran's associations;
- Locally based charities;
- Charity shops (operated by either locally based or national charities);
- Local childcare providers registered as charities

### **3 REGISTERED COMMUNITY AMATEUR SPORTS CLUBS (CASC) RELIEF**

3.1 Mandatory rate relief of 80% is granted to registered community amateur sports clubs (CASCs). To qualify as a CASC, a sports club must fulfil all the following criteria. It must be:

- Open to the whole community;
- Run as an amateur club;
- Non-profit making and
- Aiming to provide facilities for, and encourage people to take part in, eligible sport.

3.2 In cases where a CASC is in receipt of Mandatory Rate Relief of 80%, the Council has discretion to grant up to 20% additional rate relief as a DRR top up.

3.3 The principal consideration is that any relief is in the best interests of the residents and taxpayers of Oldham. However, in determining the application the following matters will be taken into consideration:

- How the CASC supports and links into the Council's corporate vision and priorities;
- A club should have an open access policy. If a club effectively discriminates by only accepting members who have reached a particular standard, rather than seeking to promote the attainment of excellence by enhancing access and the development of sporting aptitude, then it does not fulfil the requirements;
- Although clubs should be open to all without discrimination, single sex clubs may be permitted where such restrictions are not discriminatory in intent but a genuine result of physical restraints (such as changing room facilities) or the requirements of the sport. In such cases, the organisation will be required to provide proof of such limiting factors.

3.4 If the organisation applying for a DRR requires membership or an entry fee, the Council will consider whether:

- Membership is open to everyone, regardless of race, ethnic origin, sex, marital or parental status, sexual orientation, creed, disability, age, religious affiliation or political belief,
- The subscription or fee is set at a level which is not prohibitively high and considered to be affordable by most sections of the community
- Fee reductions are offered for certain groups such as, for example, under 18s or over 60s
- Membership is encouraged from groups who face social barriers, such as, for example, young people not in employment, education or training; people above working age; or people with disabilities
- Facilities are made available to people other than members.

3.4 It should be noted that sports clubs which run a bar are unlikely to be awarded relief if their main purpose is the sale of food or drink. However, if the sale of food or drink by the organisation aids the overall operation and development of the organisation in achieving its objectives, this would be permissible if the principal objectives of the organisation meet the eligibility criteria detailed at 3.1. If the bar makes a profit, this profit must be reinvested to support the organisation in achieving its principal objectives. Financial information will be required to evidence any profit and its use.

## **4 NON-PROFIT MAKING ORGANISATIONS INCLUDING COMMUNITY INTEREST COMPANIES (CIC)**

4.1 The Council has the power to grant discretionary rate relief of up to 100% to non-profit making organisations. The main objectives of the organisation must be related to:

- Relief of poverty
- Advancement of religion
- Advancement of education
- Social Welfare
- Science
- Literature
- Fine arts
- Recreation
- Or be otherwise beneficial to the community

An organisation must be able to demonstrate how it:

- Meets local needs and benefits local people; and
- Provides a valuable service to the community; and
- Is open to all sections of the community and operates in such a way that it does not discriminate against any section of the community; and
- It is not conducted or established for the primary purpose of accruing profit.

4.2 The Council will consider applications for a DRR top up from non-profit making organisations based on their own merits, on a case-by-case basis. However, the principal consideration is that the relief is in the best interests of the residents and Council Taxpayers of Oldham and produces a local benefit as the Council must contribute to the cost of each award. As such, top up will generally be awarded to the following type of non-profit making organisations:

- Scouts, guides, cadets and other clubs/associations for young people;
- Community schemes encompassing organisations providing support for those over the age of retirement, community transport, those based on volunteering and residents' associations;
- Organisations providing support in the form of advice, training for employment or counselling;
- Organisations that provide services that address the consequences of ill health and disability;
- Locally based leisure and cultural organisations;
- Armed forces veteran's associations.

4.3 If the organisation applying for DRR requires membership or an entry fee, the Council will consider whether:

- Membership is open to everyone, regardless of race, ethnic origin, sex, marital or parental status, sexual orientation, disability, age, religious affiliation or political belief,
- The subscription or fee is set at a level which is not prohibitively high and considered to be affordable by most sections of the community;
- Fee reductions are offered for certain groups such as under 18s or over 60s;

- Membership is encouraged from groups who face social barriers, , for example, young people not in employment, education or training; people above working age; or people with disabilities;
- Facilities are made available to people other than members.

4.4 Where the applicant organisation requires membership, at least 50% of the members should reside within the boundaries of the Borough of Oldham (evidence of this will be required).

## 5 LOCAL CHILD CARE PROVIDERS

5.1 The Council will consider applications for DRR from local childcare providers based on their own merits on a case-by-case basis. The principal consideration is that any relief is in the best interests of the residents and taxpayers of Oldham and produces a local benefit as the Council must bear a percentage of the cost of any relief granted. Criteria in relation to an award are:

- A local childcare provider is in receipt of Mandatory Rate Relief of 80% as a registered charity, in these cases the Council has the discretion to grant up to 20% additional rate relief.
- In cases where a local childcare provider is not in receipt of Mandatory Rate Relief the Council has the discretion to consider granting an award up to 100% of rate relief.
- If a local childcare provider applies for relief, they must not charge fees that would be considered unaffordable by most Oldham residents. The provider must also not restrict attenders with admittance policies that are deemed unfair.
- If a nursery charges unreasonable fees or if they make significant profits that are not reinvested into the business that they are unlikely to be awarded DRR.
- In reviewing an application from a childcare provider, there will be consultation with the Early Intervention and Families team to determine if providing relief would meet the aim of supporting local childcare provision.

## 6 RURAL RATE RELIEF

6.1 Organisations or businesses which operate within a designated rural settlement (with a population of 3,000 or less) may be eligible for Rural Rate Relief. Eligible organisations/businesses must be located in one of the settlements identified in the Council's rural settlement list, which is reviewed periodically:

- Current areas designated as rural settlements are:

Delph	Denshaw	Diggle	Dobcross
Grasscroft	Grotton	Scouthead	Woodhouses

6.2 Rural Rate Relief is open to any type of business within a classified rural settlement that satisfies the following criteria:

- The only qualifying village shop or post office with a rateable value of up to £8,500
- The only qualifying public house or petrol station with a rateable value of up to £12,500
- Within the boundaries of a qualifying rural settlement.

## **7 LOCALISM RELIEF**

- 7.1 The Council is now able to grant Business Rates discounts entirely as it sees fit within the limits of the primary legislation and the UK Subsidy Control regime. The Council will place particular focus on using these powers to support the regeneration objectives of the Council, encouraging new business and investment in the Borough.
- 7.2 In reviewing an application from a business requesting DRR under these powers, there will be consultation with the Council's Business and Investment Team to determine if providing relief would support the economic objectives of the borough.
- 7.3 Applicants will also be signposted to the Council's Business and Investment team for support and for advice on other options available to the business prior to an award being considered.

## **8 HARDSHIP RELIEF**

- 8.1 The Council has the power to reduce or remit the Business Rates charged in certain circumstances where the business is enduring temporary financial difficulties beyond their control. This is known as Hardship Relief.
- 8.2 The Council may grant Hardship Relief if it is satisfied that:
- The ratepayer would sustain financial hardship if the Council did not do so; and
  - It is reasonable for the Council to grant relief, with regard to the interests of its residents and Council Taxpayers.
- 8.3 Loss of profitability due to increased competition would not generally be considered as Financial Hardship.
- 8.4 Hardship Relief is a temporary measure which should not be used to artificially sustain a failing business. Hardship Relief will be awarded where the applicant organisation is facing temporary financial difficulties and where the community would be significantly disadvantaged if the business were to close due to these temporary financial constraints.

## **9 SECTION 44A RELIEF (PARTLY OCCUPIED PROPERTIES)**

- 9.1 The Council has discretion to consider requests from ratepayers asking that the rateable value of premises that is charged Business Rates is split between the occupied and temporarily unoccupied portions and that the Council then only charges rates of the occupied portion. This is permitted under Section 44a of the LGFA 1988.
- 9.2 The Council has the discretion to accept or refuse such a request. If the request is accepted, then the Valuation Office Agency (part of Her Majesty's Revenues and Customs (HMRC) is asked to supply a Certificate indicating the relevant values for the occupied and unoccupied portions and this Certificate is binding on the Council.
- 9.3 The definition of 'temporary period' is not prescribed with the law and therefore Oldham Council has the discretion to decide the period of relief that should be awarded.

- 9.4 The law provides discretionary power, but the decision whether to exercise that power must be taken before the Valuation Officer's Certificate is requested, as the apportioned values are those upon which the charge must be levied once supplied. Discretionary power does not alter the general rule that occupation of part of a premise constitutes occupation of the whole of the premises.
- 9.5 The effect of the apportioned values applies to the **operative period**, which is defined as the period beginning with the day on which the premises became partly unoccupied and ending with the first day on which one or more of the following events occur.
- The occupation of any of the unoccupied part of the premises;
  - The ending of the financial year in which the apportionment was required;
  - The requiring of a further apportionment;
  - The complete occupation of the premises; or
  - The complete vacation of the premises.
- 9.6 The Authority is required to terminate this relief in the event of a change in the proportions of the premises occupied and unoccupied or at the end of a financial year, and then may, if appropriate consider requesting the Valuation Office to issue a further Certificate.
- 9.7 The amount of Rate Relief that is awarded is determined by statute and is calculated by reference to the Rateable Value attributed to the unoccupied area by the Valuation Office Agency.
- 9.8 Applications will only be considered in respect of unoccupied parts of a property that can be clearly defined and are reasonably segregated from the occupied part of the property.
- 9.10 The use of Section 44a is intended to apply to those premises where there are practical difficulties in either occupying the premises or vacating the premises. Therefore, it is not intended that all premises which temporarily become partly unoccupied should have their liability reduced.
- 9.11 No award shall be made where it appears to the Council that the reason that part of the property is unoccupied is wholly or mainly for the purpose of applying for Rate Relief.
- 9.12 Rate Relief under this section will not be awarded in respect of partly occupied property where the partial occupation of the property may arise due to the ordinary day to day nature of the business (for example the operation of a warehouse) or where a ratepayer is incrementally moving out of the premises and leaving the borough.
- 9.13 The period of Relief will not exceed either 3 or 6 months depending on the type of property the claim has been made for, in line with the current legislation for part-occupied properties.
- 9.14 In determining the application, favourable consideration will be given (but not limited to) where:
- There is a partial occupation of a warehouse, factory or commercial premises to

facilitate relocation of the company into the borough or to extend the current portfolio and associated occupation levels in the borough; or

- Where fire, flood or other disaster prevents full use of the premises.

9.15 Favourable consideration would not normally be given:

- For a period that has now passed;
- For consecutive periods;
- To support a business moving its operation outside of the borough;
- Where the owner sublets part of the premises on a commercial basis;
- Where the part occupation is likely to continue for more than 3 months (6 months if industrial premises);
- Where there appears to be no effort to let, sell or occupy the empty part; or
- Where part occupation is seasonal or cyclical in nature.
- Where part occupation is due to refurbishment of the premises.

(N.B. This is not an exhaustive list.)

9.16 At all times consideration will be made for the regulations contained within Section 44a of the Local Government Finance Act 1988 and any relevant case law.

## **10 MAKING AN APPLICATION**

10.1 Applicants will be encouraged to submit applications for DRR online at [www.oldham.gov.uk](http://www.oldham.gov.uk)

10.2 All Applications for Discretionary Rate Relief top up must be supported by, and include:

- The organisation's main purposes and objectives, as set out in, for example, a written constitution, a memorandum of association, or set of membership rules.
- A full set of audited accounts relating to the two years preceding the date of application. Where audited accounts are not available, projected figures should be provided instead. (It is recommended that applicant organisations submit audited accounts dating back further than two years if such information is available.)
- Details of how the organisation meets the criteria outlined in these guidelines.

### Localism Relief

10.3 Where applications seek rate relief in respect of new business set up etc., information provided should also include business plans and other information that demonstrate the regeneration or economic benefit to Oldham.

### Section 44A Relief

10.4 The following information will be required to support written requests for Section 44a relief:

- A plan of the property showing the dimensions of the occupied and unoccupied area of suitable quality to enable the Valuation Office Agency to apportion the rateable value of the property between the occupied and unoccupied areas.

Applications will not be considered until such time as the plan is provided;

- The period to which the application relates;
- Contact details in order to inspect the site where necessary.

- 10.5 If an application is received without the necessary supporting information, the application will be considered ineligible.
- 10.6 The Council will inform applicants in writing of any decision. This notification will also confirm the period for which relief has been awarded and a revised bill will be issued.
- 10.7 Unsuccessful applicants will be notified and provided instructions on how they can appeal the decision.
- 10.8 The granting of relief will be reviewed annually and those in receipt of Discretionary Rate Relief will be asked to supply or confirm relevant information for the purpose of the review. If this information is not provided, no reminders will be issued, and the relief will be removed.
- 10.9 The Council can depart from its general policy if it sees fit to do so, taking into account the facts of each case and the interests of residents and Council Taxpayers.

## **11 Temporary Government funded Relief schemes**

- 11.1 The Government has introduced several rate relief schemes in recent years, some of which are available for specified years only. The application process and eligibility criteria are individual to each relief scheme. The Council follows Government guidance in administering and awarding these reliefs.
- 11.2 The schemes available for 2026/27, and the applicable government guidance can be found using the links below.

Pubs and Live Music Venues Relief 2026 <https://www.gov.uk/business-rates-relief/pubs-and-live-music-venues-relief>

Supporting Small Businesses Relief 2026  
<https://www.gov.uk/government/publications/business-rates-relief-2026-supporting-small-business-relief-local-authority-guidance>

Business Rates Heat Network Relief <https://www.gov.uk/business-rates-relief/heat-networks-relief>

## **12 ASSESSMENT OF THE AWARD**

- 2.1 12.1 The Council delegates the decision-making power for DRR awards to the Head of Revenues and the Assistant Director for Revenues and Benefits (or equivalent post holders).
- 2.2 Any officer or Member involved in the decision-making process for DRR must declare if they have an interest in or association with any organisation which is applying for relief.
- 2.3 In making decisions about applications the Council may:

- Grant relief up to a maximum of 100% of the rates due
  - Grant relief for a sum less than 100% of the rates due or
  - Refuse any application for additional relief.
- 2.4 When considering an application for Section 44A relief, a visit may be made to the premises to confirm the accuracy of the submitted plan. Independent evidence may also be requested, and this may be in the form of surveyors' reports, dated photographs, solicitors' letters and estate or letting agents' records (list not exhaustive).
- 2.5 The granting of relief will be reviewed annually and those in receipt of Discretionary Rate Relief will be asked to supply or confirm relevant information for the purpose of the review.
- 12.7 All awards of Discretionary Rate Relief will typically be awarded as a temporary measure for a limited period e.g., one financial year.
- 12.8 The maximum period for which the Council will consider backdating Discretionary Rate relief is the start of the preceding financial year. The Council will only consider backdating relief prior to the start of the preceding financial year if the applicant can reasonably demonstrate why they were unable to apply in a timely manner.
- 12.9 As a guide, for a charity, CASC or Non-Profit organisation to be eligible for DRR top up, the organisation must not have enough financial resources available in unrestricted funds to continue to operate for more than 12 months, nor should it have sufficient financial resources in unrestricted reserves to continue to operate for more than 12 months, unless a business plan exists detailing how these additional reserves are to be used to benefit the local community.
- 12.10 In exceptional cases, DRR will be granted to organisations which have enough financial resources in unrestricted funds to continue to operate for more than 12 months. This may include charities or community organisations which require large amounts of available resources to sustain the service they deliver to the community. In such cases, the organisation must be able to prove that it offers a service which the Borough's residents depend on, and which they would be unlikely to find elsewhere in the Borough.

### **13 APPEALS AGAINST DECISIONS**

- 13.1 Any organisation requiring a review of a decision may submit a request by email to [DiscretionaryRateRelief@oldham.gov.uk](mailto:DiscretionaryRateRelief@oldham.gov.uk)
- 13.2 Oldham Council can review a Discretionary Rate Relief, Hardship Relief or Section 44a decision in the event of a dispute or in light of any new information. Final decisions on appeals will be made by the Section 151 Officer (Director of Finance) and the Cabinet Member for Finance and Corporate Resources.
- 13.3 If the Ratepayer is further dissatisfied the only remaining route to challenge the decision would be judicial review in line with Section 138 of the Local Government Act 1988. Such a review would only consider whether the decision-making process

had been followed correctly; it may not necessarily change a decision.

## **14 STATE SUBSIDY**

14.1 From 1st January 2021, the United Kingdom left the EU Single Market and Customs Union and is no longer subject to the De Minimis Regulations. The Government has introduced its own rules regarding state subsidies. Discretionary rate relief is considered a subsidy under the rules, but the matters that must be considered all relate to the effect of the subsidy on international trade. In making an award the Council must consider the award of relief:

- affects international trade;
- is prohibited under World Trade Organisation (WTO) rules;
- are in line with those agreed by the UK-EU Cooperation and Trade Agreement
- are unlikely to trigger a dispute under WTO trade rules

14.2 It is expected that in most cases an award of discretionary relief would not breach State Subsidy rules. However, for cases where the Council believes a breach may be possible the recipient of the relief will be asked to complete and return a state subsidy declaration. If this is not completed and returned the application will be refused.

## **15 POLICY REVIEW**

15.1 The Council will review the Discretionary Rate Relief policy on an annual basis, but the Council reserves the right to review and revise the policy at any time as a result of information gained through operating the policy or in response to Government initiatives.

15.2 Where there are no changes proposed, or the changes proposed have no financial implication or doesn't materially change the policy, authorisation of the annual review is delegated to the Executive Director of Resources or the Assistant Director Revenues and Benefits.

# Empty Property and Second Homes Premium Policy

**Guidelines for the consideration of exceptions to  
the Empty Property and Second Homes Premium**

**23<sup>rd</sup> March 2026**

**Review 23<sup>rd</sup> March 2027**

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## **1 INTRODUCTION AND SCOPE**

- 1.1 This policy sets out the Council's approach to requests from property owners to be exempted for payment of premiums regarding their long-term empty property. This guidance demonstrates that the Council is fair, consistent in its approach.
- 1.2 The Local Government Finance Act 2012 allowed Local Authorities the discretion to apply Council Tax Empty premiums for properties unoccupied and unfurnished (long-term empty) for over 2 years, and to determine its own discounts for unoccupied and unfurnished properties.
- 1.3 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 allowed the Council to increase the Empty Property premium up to 100% for properties considered long term empty for over 2 years, a 200% premium for properties considered long term empty properties for over 5 years from April 2020 and a further 300% premium for long term empty properties for over 10 years from April 2021.
- 1.4 The Levelling Up and Regeneration Act 2023, provides further discretion allowing the Council to introduce the 100% Empty Property premium for properties considered long term empty for 12 months, and to introduce a 100% premium for second homes.
- 1.5 The Council has determined to levy Council Tax Premiums as set out below:
  - From April 2019 - A maximum 100% Empty Property premium for Properties considered long term empty over 2 years.
  - From April 2023 - A maximum 200% Empty Property premium for Properties considered long term empty over 5 years.
  - From April 2023: - A maximum 300% Empty Property premium for Properties considered long term empty over 10 years.
  - From April 2024 – A maximum 100% Empty Property premium for Properties considered long term empty over 1 year.
  - From April 2025 – A 100% Second Home premium.

## **2 PRINCIPLES OF THE EMPTY PROPERTY AND SECOND HOMES PREMIUM POLICY**

- 2.1 The premium will not apply in the cases specified by Government in The Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024.
- 2.2 The Council may decide to exempt other properties from the premiums in exceptional circumstances. The Council will treat all applications on their

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individual merits, and which the imposition would result in hardship, and a reasonable person would regard it as unfair.

### **3 MAKING AN APPLICATION**

- 3.1 Any application for the removal of an Empty Property and Second Home Premium must be made on an application form provided by the Council and signed by the owner of the long-term empty property or second home.
- 3.2 A Council Officer may make an appointment to visit any applicant who for whatever reason is unable to complete the application form or to confirm the details provided which may necessitate being given access to the premises.
- 3.3 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 may be extended in appropriate circumstances.
- 3.4 The Council reserves the right to verify any information or evidence provided by the Applicant, with third parties where appropriate.
- 3.5 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. PERIOD OF EXCEPTION**

- 3.1 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.
- 3.2 The start date of an exception is normally the date the application is received by the Council, providing it is satisfied the reasons for the exception existed at that time and the exception will continue to the end of the financial year in which the application is made. If circumstances remain the same the applicant will need to submit a new claim for the new financial year.
- 3.3 The Council reserves the right to make routine inspections of the property at any point during the period of the exception.
- 3.4 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 policy guidance.

### **5 AWARDING AN EXCEPTION TO LIABILITY FOR THE COUNCIL TAX PREMIUM**

- 5.1 In deciding whether to award an exception to payment of the Council Tax Premium, the Council will consider the following criteria:
  - 5.1.1 The guidance provided by Government.

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5.1.2 Any exceptional and /or unforeseen circumstances and / or occasionally any other circumstances, proven to be beyond the control of the owner/liable person.

5.1.3 Cases where imposition of the Council Tax Premium would result in hardship and a reasonable person would regard the imposition as unfair.

## **5 CHANGES OF CIRCUMSTANCES**

6.1 The Council may need to revise the decision to grant an exception to the Premium if it becomes aware that the applicant's circumstances have materially changed. Individuals must 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.

## **7 NOTIFICATION**

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

## **8 THE RIGHT TO SEEK A REVIEW**

8.1 As the exceptions to the Premium in this policy 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.

8.2 Decisions will be determined by the Revenues Manager or Revenues Team Leader(s).

8.3 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.

8.4 Appeals will be considered by the Head of Revenues or The Assistant Director, Revenues and Benefits. A review of all the evidence held be 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, setting out the reasons for the decision.

8.5 There is no further right of appeal following this review, and a refusal will not be considered as a complaint under the Councils Complaints policy.

## **9 POLICY REVIEW**

9.1 The Council will review the Empty Property Premium Policy on an annual basis, but the Council reserves the right to review and revise the policy at any time as

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a result of information gained through operating the policy or in response to Government initiatives.

- 9.2 Where there are no changes proposed, or the changes proposed have no financial implication and doesn't materially change the policy, authorisation of the annual review is delegated to the Executive Director of Finance or the Assistant Director Revenues and Benefits.