



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

QUESTIONS AT ANY TIME TO CABINET PORTFOLIO HOLDERS

Response by the Portfolio Holder:

The discretion to apply a premium is afforded to Local authorities to consider what amount they wish to set a premium for the three prescribed classes of dwelling defined in the LGFA 1992*. Those three classes prescribed in law are:

Classes A and B are properties which are **furnished** (second homes/periodically occupied homes, holiday homes) which full council considered 50% premium from 2017, but 75% premium from 1st April 2023

Class C is prescribed as every dwelling that is

- a) **Unoccupied**
- b) **Substantially unfurnished**

Full council has considered and approved to continue with a 50% premium on going

In property circumstances such as this, officers would consider if an exemption for council tax can apply first, dependant on the circumstances for each individual case. If the relevant criteria for exemption is not met, the premium is applied on the basis that the property is unoccupied and unfurnished and has been for 12 months or more. Most exemptions are time linked and so the majority of exemption classes we consider are uninhabitable (maximum 12 months) and left unoccupied and unfurnished (maximum 6 months). There is no discretion within law available to extend these prescribed periods.

*However, Section 13a LGFA 1992 permits billing authorities to resolve the amount a person is liable to pay by way of council tax to such an extent it thinks fit. This includes the power to reduce an amount to nil, and maybe exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided for by the determination. Under normal circumstances, the cost of any such reduction is borne by the local authority.

PCC policy (link below) has identified three classes of property where a reduction can be applied and they are

- a) Fire Damaged
- b) Property Flooded
- c) Unsafe property such as gas or oil leak, storm damage, subsidence.

[Council Tax: Locally Defined Discounts \(Section 13A\) Framework - Powys County Council](#)

Under this policy we also consider individual cases where the payment of the Council Tax causes hardship. These cases are individually considered by the portfolio holder for finance.

To conclude, most exemptions are based on the facts and evidence provided to consider if the exemption criteria is met. There is no time discretion in law and so in all of these cases, after a 12 month period of it being unoccupied and substantially furnished, a premium will apply.