

# **Orkney Islands Council.**

## **Council Tax Discounts**

### **Information leaflet.**



## **1. Introduction**

Liability for Council Tax normally assumes that there are two or more residents in a dwelling, aged 18 years or over.

If you are the only person aged 18 years or over living in your property you may be entitled to a 25% discount.

Certain people are not counted when looking at the number of adults living in a dwelling. For example, if there are two adults living in the dwelling and one of them has a disregarded status, a 25% discount may apply.

If no-one resides in the dwelling you may be entitled to a discount of between 10% and 50%.

This leaflet explains who might be entitled to receive a discount and how to apply.

## **2. Single person discount**

If you are the only person aged 18 years or over living in the dwelling you may be entitled to a 25% discount.

## **3. Discounts, where no one resides in the dwelling**

If a dwelling is not someone's main home, perhaps because it is an empty property or second home, the dwelling may be eligible for a discount or exemption – although this may be time limited.

### **3.1. Second homes**

For Council Tax purposes, a Second Home is defined as a property that is 'no one's sole or main residence but is furnished and evidence is produced to establish that it is lived in for at least 25 days during any 12 month period'.

From 1 April 2023, the 10% discount that was limited to a period of 12 months from the date the property was last occupied as someone's sole or main residence was removed.

From 1 April 2024, a 100% surcharge will become payable.

However, from 1 April 2019, the discount of 50% remains available, where a person's sole or main residence in Orkney is separated from their place of work by a body of water, the transport provision over which does not permit daily commuting between their sole or main residence and their place of work, and they occupy a second home in Orkney to enable them to maintain that employment.

## **3.2. Empty properties**

For Council Tax purposes, an empty property is defined as 'a property that is no one's sole or main residence and is not a second home'. In general, a discount of 10% may apply from the date the property was last occupied as someone's sole or main residence. From 1 October 2019, any discount will be limited to a period of 12 months from the date the property was last occupied as someone's sole or main residence and a Council Tax surcharge of 100% will become payable.

In some instances, an empty property may be eligible for a 50% discount as long as the qualifying circumstances can be satisfied, including.

- Purpose built holiday homes which are not the sole or main residence of any person, are used for holiday purposes and are not allowed to be used for human habitation throughout the whole year or are unfit to be used for habitation throughout the whole year.
- Job-related dwellings. This relates to a dwelling which is not the sole or main residence of any person and is owned or rented by someone whose sole or main residence is another job-related dwelling, or vice versa.
- Empty Dwellings that are unoccupied and unfurnished. A 50% discount may apply for up to 6 months after any initial 6 month exemption that may have applied.
- Dwellings undergoing or requiring major repair work to render them habitable, or which are undergoing structural alteration – a 50% discount may apply for a period of up to 6 months after the dwelling has been purchased.

## **3.3 Additional information on empty properties and second homes**

Additional information on second homes and empty properties, including further advice on discounts, exemptions and how to bring an empty property back into use can be found on the Council's website at <http://www.orkney.gov.uk/Service-Directory/C/council-tax-empty-properties-and-second-homes.htm>

## **4. Discounts, where persons are disregarded**

Certain people are not counted when looking at the number of adults residing in a dwelling. For example, if there are 2 adults in a dwelling, and one of them is in one of the special groups set out below, the bill will be worked out as if only one adult lives in the property and the Council Tax bill will be reduced by 25%.

To find out if a discount may apply to your home, you should count the number of adults who live there as their main home, but who are not in one of the special groups. If you are left with two or more people, there will be no discount. If there is one person, your bill may be reduced by 25%.

### **4.1. Categories of persons who are disregarded**

The following people will not be counted in deciding the Council Tax payable in respect of a dwelling if they meet certain conditions.

- A person who has attained 18 years of age for whom Child Benefit is payable.
- A dwelling occupied solely by full-time students. To qualify as a student, you must either.

- Study for at least 24 weeks for 21 hours per week in each academic year.
- Be a foreign language assistant working in a school or other educational establishment and be registered with the British Council.
- Be under 21 years of age and be studying for a non-advanced course for at least 12 hours a week for 3 months. Non-advanced courses include A levels, Highers, and Level 3 Scottish Vocational Qualifications.
- A dwelling occupied solely by care leavers aged under 26 years. This applies to care leavers who are under 26 years of age, who were on their 16th birthday or at any subsequent time looked after by a local authority. The discount cannot be applied before April 2018.
- A person who is a student nurse.
- A person who is employed as an Apprentice and earns less than £195.00 gross per week.
- A person who is a Youth Trainee and aged under 25 years of age.
- A person receiving long-term care in a residential care home or hospital.
- A person who is providing care or support to another person in the same dwelling. There are two categories of care worker that qualify for discount, a paid care worker or an unpaid care worker.
- A dwelling occupied solely by a person(s) who is severely mentally impaired. The person must have a severe impairment of intelligence and social functioning, which appears to be permanent, and must also receive certain benefits.
- A person who is in Detention. The person must be detained in a prison, a hospital or any other place by virtue of an order of a court, detained under the Immigration Act 1971, detained under the Mental Health Act 1983 or the Mental Health (Scotland) Act 1984, or detained or in custody by the Army.
- A person who is a member of a religious community. The principal occupation of which consists of prayer, contemplation, education, the relief of suffering or any combination of these. The person must also have no income or capital of their own (disregarding any income by way of a pension in respect of former employment) and is dependent on the community to provide for their material needs.
- A person who is a school leaver. The person must be aged under 20 years of age, and on 30th April of the year in question, undertaking a qualifying course of education and has since ceased to be such a student.
- Residents of certain dwellings. A person shall be disregarded for the purposes of a discount on a particular day, if on the day, they have their sole or main residence in a dwelling which,
  - is for the time being, providing residential accommodation, whether as a hostel or night shelter or otherwise, and the accommodation is predominantly provided in units that are not self-contained, for persons of no fixed abode and no settled way of life, and under licences to occupy which do not constitute tenancies.

The Council may require additional information to determine if someone is entitled to receive the discount. If this applies, the Council may ask you to complete a supplementary application form.

#### **4.2. Am I still liable for Council Tax if I am not counted for the bill?**

If you are a liable person and a discount is awarded because of your status, or you are not counted because you do not live in the property, you will still be responsible for paying the reduced amount.

There is an exception to this general rule in the case of people who are severely mentally impaired, students or care leavers, who would otherwise be jointly liable. In most cases these persons will cease to be liable.

### **5. What to do if you think you are entitled to receive a discount?**

If you think you may be entitled to receive a discount on the payment of your Council Tax you should complete the Council Tax discount form provided by the Council and give as much information as possible to support your case. You can also contact the Council for more advice and information.

You may be asked for further information and it is in your interests to provide this quickly. Entitlement to discount is assessed on a daily basis and may change if your circumstances change.

You have a statutory obligation to notify the Council if a discount which has been applied to your bill should be withdrawn or reduced. If you do not inform the council within 21 days you may face a penalty of £50.

### **6. What if I disagree with the council's decision on my entitlement to a discount?**

Once the Council has made a calculation of your Council Tax, you should write to the Council giving the reasons why you think you should get a discount.

You must write to request a review of an exemption decision within 2 months of the date of the Council's decision. The Council has 2 months to make a decision. If the Council upholds its original decision or fails to issue a review decision within 2-months from the date of your review request, you can appeal to the First-tier Tribunal (Local Taxation Chamber.)

You must continue to pay your original bill while your appeal is outstanding.

### **7. How information about you will be used**

If you apply to the Council for a discount you will be asked to provide information to determine if you are entitled to any relief and to process your application. The Local Government Finance Act 1992 is the legal basis for the Council processing your personal information – to determine Council Tax discount.

The information may be shared as follows.

- Within the local authority, with other local authorities and Audit Scotland to detect and prevent fraud.
- Within the local authority to help improve the services provided by the Council, such as information on properties that become empty or become occupied.
- With The Assessor to maintain the Council Tax Valuation List and to evidence empty properties.
- With the Electoral Registration Officer to determine eligibility to vote.

Any medical information that you provide to support your application is treated as special category personal data and will only be disclosed to third parties as necessary for the operation and administration of Council Tax.

For more information about how we process information, how long we retain the information, or the right to complain please contact us or visit <http://www.orkney.gov.uk/Online-Services/privacy.htm>. If you are unable to access the Council's website you can request a paper copy from the Council.

Users of smartphones can also scan the code below to access the information.



## 8. Finding out more

This leaflet deals with the main features of the Council Tax Discount scheme. It does not cover every detail and should not be regarded as a comprehensive statement of the law.

If you need further information you should contact the Council Tax Section, Orkney Islands Council, Council Offices, Kirkwall, KW15 1NY.

Telephone: 01856873535 Extension 2133.

Telephone: 01856886322 (direct dial).

Email: [revenues@orkney.gov.uk](mailto:revenues@orkney.gov.uk)

Orkney Islands Council website: <http://www.orkney.gov.uk/>

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