

# COUNCIL TAX

## EMPTY PROPERTY POLICY

### Table of contents

1.INTRODUCTION .....	2
2.WHY WE NEEDED THIS POLICY .....	2
3.AIMS OF THE POLICY .....	2
4.DEFINITIONS .....	2
5.EMPTY PROPERTY ADMINISTRATION.....	2
6.EMPTY PROPERTY DISCOUNTS .....	3
7.BACKDATING .....	5
8.RECONSIDERATIONS AND APPEALS .....	5

Version	Comments	Date	Owner
1.	Documented the previously agreed long term empty policy approved at Council in February 2016	Dec 2024	C Pettie
2.	Update with proposed changes effective from 1 April 2025. Merged short term & long term empty policy together and amended policy name to Empty Property Policy	Dec 2024	C Pettie
3.	Policy approved by members	16 Jan 2025	R Stewart
4.	Policy for Budget Meeting 19 February 2026	19 Feb 2026	R Stewart

## **1. INTRODUCTION**

- 1.1 This policy sets out the criteria for Council Tax charges on properties that are unoccupied as agreed by Scottish Borders Council.
- 1.2 In all cases, staff will act in accordance with this policy and treat citizens fairly.

## **2. WHY WE NEED THIS POLICY**

- 2.1 The legislation gives Local Authorities discretion to vary the Council Tax charged for different cases where it considers it appropriate to do so. This could include charging different rates according to the area the property is in or the length of time the property has been unoccupied. This is intended to recognise that different pressures and factors will affect different areas.
- 2.2 It is essential for the Council to demonstrate that it carries out administration of empty properties effectively and fairly, therefore this policy has been produced to record decisions agreed at Council.

## **3. AIMS OF THE POLICY**

- 3.1 The main aim of this policy is to set out how Scottish Borders Council will administer charges on empty properties and:
  - 3.1.1 Ensure that all staff involved in administering charges on empty properties operate in a fair and consistent process;
  - 3.1.2 Demonstrate the Council's commitment to the delivery of quality service to our customers;
  - 3.1.3 Minimise losses to the Council from incorrectly administering empty property charges.

## **4. DEFINITIONS**

- 4.1 A short term empty dwelling is a dwelling which is no-ones sole or main residence, has been empty for a period of less than 12 months and is not a second home.
- 4.2 A long term empty dwelling is a dwelling which is no-ones sole or main residence and has been empty for a period of 12 months or longer and is not a second home.

## **5. EMPTY PROPERTY ADMINISTRATION**

- 5.1 Customer Advice & Support Service staff are responsible for the administration of Council Tax liability on empty properties in accordance with legislative guidance and internal policy.
- 5.2 Empty properties will be assessed in respect of all applications/information supplied that meets the criteria in paragraph 6.

- 5.3 Whilst we investigate short term empty status, Council Tax shall be charged at 100%. Where the information or application for a short term empty property status has not been received, the property will be assumed to be unoccupied and charged accordingly.
- 5.4 Where a property is short term empty and meets the statutory requirements, an exemption can be awarded.
- 5.5 When a property is deemed long term empty, Council Tax shall be charged a premium unless an application for an exemption, discount or discretion is approved.
- 5.6 From 1 April 2016 the agreed premium lies at the standard 100% increase.
- 5.7 From 1 April 2026 the Local Authority has additional powers to further vary the level of the premium. Any change to the standard premium must be agreed by Scottish Borders Council, aligned with the budget setting process. This new premium level will remain in force for future years until such time as a further amended variation is agreed.
- 5.8 When determining the date a property was last occupied, any period of occupation of less than 3 months is disregarded.

## **6. EMPTY PROPERTY DISCOUNTS**

- 6.1 Council Tax payers can claim [legislative](#) exemptions under the Council Tax (Exempt dwellings) (Scotland) Order 1997 from the date the property becomes empty.
- 6.2 Where a property is classed as unoccupied and unfurnished, an exemption can be awarded for the maximum 6 months from the date the property first became unoccupied. This exemption can be followed by a 10% short term empty discount for the following 6 months.  
  
This discount was previously 50% until 31 March 2025. Any account with an existing entitlement to 50% discount on 1 April 2025 will reduce to 10% from this date.
- 6.3 Council Tax shall be charged at 90% for the first 12 months of the property being assumed short term empty and where a statutory exemption does not apply.
- 6.4 No discretion is considered for the short term empty period.
- 6.5 Following the short term empty period, if a property continues to be unoccupied, it will become classed as a long term empty property.
- 6.6 The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013 and The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2026 enhanced discretionary powers to allow Local Authorities to vary the level of discount awarded or premium charged.
- 6.7 The levels of premium charged are noted in the table below.

<b>Effective Date</b>	<b>Premium</b>	<b>Resulting Charge</b>
1 April 2016	100%	200%
1 April 2026	200%	300%

6.8 Council Tax payers can claim [legislative](#) restrictions from the long term empty charges being applied as noted in the table below.

<b>Reason</b>	<b>Period</b>
Properties for Sale	Maximum of 12 months between month 12 and 24 of inoccupancy
Properties for Let	Maximum of 12 months between month 12 and 24 of inoccupancy

6.9 The Director of Resilient Communities has the discretion to delay the increased premium effective from 1 April 2025 and charge 100% Council Tax for a period of up to 24 months. (Prior to 1 April 2025, a 10% discount was also awarded). The categories for discretion are detailed in the table below.

<b>Category</b>	<b>Criteria</b>	<b>Maximum period</b>
Re-Occupy/ Renovations/Sale or Rent	The owner has agreed with the Council to take positive steps to bring the property back into use by reoccupation, selling or renovating the property without the need for planning permission and/or building warrant. This could include non-structural improvements, improving energy rating and upgrading of facilities. This would include engagement with the Empty Homes Officer	12 months
Renovations	Where renovations are still underway which required planning permission and/or building warrant. This would include engagement with the Empty Homes Officer	24 months
Legal	There is a legal issue preventing the sale or occupation of the property.	24 months

6.10 Any account that had a long term empty discretionary discount of 10% will have this ended from 31 March 2025 and 100% Council Tax will be charged for the remaining duration of the discretionary period.

6.11 Any application for discretion received from 1 April 2025 will be considered under this policy.

## **7. BACKDATING**

7.1 An assessment of empty property status can be backdated to the date the criteria was met.

7.2 Applications for empty property discount/exemption/discretion can be backdated to the relevant point, provided the Council Tax payer satisfies the requirements. The reduced liability will be based on the policy that was in place at that time.

## **8. RECONSIDERATIONS AND APPEALS**

8.1 Once an assessment has been made, the Council Tax payer will be notified in writing of the decision. If the Council Tax payer disagrees with the decision, they may ask for a reconsideration in the first instance by writing to the Customer Advice and Support Service Manager.

8.2 Reconsiderations must be made in writing within 28 days of the decision being notified.

8.3 If that reconsideration is unsuccessful, the Council Tax payer may then make an appeal to the Local Taxation Chamber under Section 81(1) of the Local Government Finance Act 1992 ('the 1992 Act') in relation to the following decisions

- i) that a dwelling is not exempt; or
- ii) that a discount should not be granted; or
- iii) that you are liable to pay Council Tax in respect of the dwelling; or
- iv) the calculation of the amount of Council Tax payable is correct

When making an appeal the Council Tax payer must detail the decision they feel has not been made correctly in terms of the legislation and the reasons for this.

When discretionary powers are afforded to the Council it is important to note that an appeal will be considered as to whether the Council's Policy has been implemented correctly.

8.4 The appeal must be submitted to the Local Taxation Chamber within four months of the Council Tax payers notice to the Local Authority that they are aggrieved by the Local Authorities decision. If the appeal is lodged late an explanation for the delay must be provided.

8.5 There is no provision within the legislation which allows for payment to be withheld pending settlement of any outstanding appeal, dispute or enquiry and Council Tax remains due and payable whilst under dispute.