



Property Protection by Residential Guardians

Q1: Can a non-domestic building protected by Camelot become liable for "occupied" business rates?

The building would remain unoccupied with regard to rates because no business activities would be going on in the premises

A1: DTLR policy says no "occupied" business rates due so long as no business activities conducted

Q2: Can a non-domestic building protected by Camelot become liable for council tax?

Definition of domestic property / non-domestic property is defined by Local Government Finance Act 1988 s 3,4,66 and 1992 s3. A definition of a domestic property is that it is NOT shown on a rating list (central or local). If a non-domestic property becomes vacant it is still shown on the rating list (local) and therefore will not be liable for Council Tax.

A2: No risk of council tax due on a 100% business property that becomes vacant where our service is used

Q3: Can a composite-use building protected by Camelot become liable for council tax?

If a guardian lived in a self-contained unit in an otherwise non-domestic property then the unit (alone) could theoretically become liable to council tax. Self contained would mean shower/washroom, kitchen and bedroom/living facilities contained in one unit with one dedicated entrance/exit. Domestic facilities must be different from those installed for the non-domestic part of the building. In this case council tax would be payable on the unit alone and "the remaining part of the property would still count as empty non-domestic property". "If the guardians simply had beds and were using facilities already existing in the buildings it is most unlikely that they would be liable to council tax". Camelot uses business domestic facilities [where existing] and no self-contained units (guardians share domestic areas and license a room only).

A3: Minimal risk of council tax due on a composite-use property that becomes vacant where our service is used, and if applied would relate to an occupied, self-contained domestic unit only (with payment the responsibility of the guardian), never to the whole property

As I mentioned these are the same opinions as in the Netherlands and Belgium but of course it is still good to get it on paper.

My contact has pointed out that in theory the Valuation Office defines what constitutes a self-contained non-domestic unit (Q3) and for good orders sake I have asked the Valuation Office to confirm the DTLR definition in writing for us. Also, that as the individual local authority ultimately prints the bills for taxes they may have the right to argue occupation - in practice this has never happened in the entire history of the service (with the identical authority divisions in NL and BE) simply because we only put a few guardians in each building - and only on a temporary basis - so it can never be misconstrued as being anything other than occupation for protection purposes.

Summarised answers obtained from Ms Rebecca Pearse, DTLR, May 2002