

# Local Government Finance (Tenure Information) Bill

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# B I L L

TO

Amend the Local Government Finance Act 1992 to make provision for collecting information about tenure and the details of private landlords; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **1 Provision of tenure information when collecting council tax information**

- (1) The Local Government Finance Act 1992 (LGFA 1992) is amended as follows.
- (2) After Section 27 (Information about properties) of the LGFA 1992 insert—

### **“27A Information about tenure**

- (1) Whenever a billing authority requests or receives council tax information from the resident, owner or managing agent of any dwelling the authority must request the provision by that person of tenure information in respect of the dwelling unless—
  - (a) that person has already given that information to the authority,  
or
  - (b) the authority already holds that information.
- (2) A person who is subject to a request under sub-section (1) must provide the information to the billing authority in such manner as the authority may request as soon as is practicable and in any event within 21 days of the making of the request; but only insofar as the information is in his possession or under his control.
- (3) A request to a person to provide tenure information may be made by the billing authority by such means as the authority considers appropriate including a verbal request made by or on behalf the authority.
- (4) The billing authority must retain any tenure information which they hold in relation to any dwelling however it was obtained but the

authority may destroy or delete that information after the expiry of 12 months from the date when that information ceases to be current.

- (5) Unless the information is provided any request under sub-section (1) must be accompanied by a warning that failure to comply may result in the imposition of a financial penalty. 5

### **27B Information about tenure: further provisions**

- (1) A request for the provision of tenure information may be made and must be complied with even though the authority requests the provision of that information for other purposes, including but not limited to housing purposes. 10
- (2) A local authority may use tenure information supplied under this Act for any reasonable and lawful purpose within its duties and responsibilities.
- (3) A person may be requested by a billing authority to supply information under any provision included in regulations under paragraph 2, 3, 9 or 10(2) of Schedule 2 even though such a request is made for a purpose under subsection (2). 15
- (4) No duty of confidentiality, contractual obligation, nor any provision of the Data Protection Act 1998 shall prevent the supply of tenure information under Section 27A. 20

### **27C Definitions**

- (1) In Section 27A, 27B and in this section unless the context otherwise requires—
- (a) “Council tax information” means—
- (i) information about the person liable to pay Council Tax including any person who is intending to become liable or was formerly liable to pay council tax in respect of the dwelling; 25
- (ii) any request made to any resident, owner or managing agent of a dwelling pursuant to any regulation made under paragraphs 2, 3, 9 or 10(2) in Schedule 2; 30
- (iii) any notification received by the authority which is required by regulations made under paragraphs 4, 5, 9 or 10(2) in Schedule 2;
- (iv) any claim or application for any exemption or discount; 35
- (v) any claim or application under the billing authority’s Council Tax Reduction Scheme made under Section 13A.
- (b) “Tenure information” means current information regarding—
- (i) the category into which the dwelling falls; 40
- (ii) if the dwelling is privately rented (but not otherwise) the name and address of the owner of the dwelling, or if this is not known the name and address of the managing agent, if any, of the dwelling.
- (c) The category into which a dwelling falls is one of the following— 45
- (i) owner occupied;
- (ii) social housing;

- (iii) privately rented.
- (d) “Owner occupied” means a dwelling where (i) the person who is a resident in the dwelling is also the owner of the freehold of the dwelling or a leasehold interest in the dwelling which was originally granted for a term of at least 21 years or (ii) the dwelling is unoccupied but such an owner is the last person who was a resident of the dwelling or (iii) the dwelling is unoccupied and it is intended that the next resident of the dwelling will be such an owner. 5
- (e) “Social housing” means that the dwelling is owned or managed by a local authority (ALMO) or registered provider of social housing. 10
- (f) “Privately rented” means that the dwelling is a residential dwelling which falls into none of the following categories – 15
- (i) owner occupied or shared with the owner;
- (ii) occupied on a lease for a term in excess of 21 years or shared with a person occupying under such a lease; or
- (iii) the landlord is a registered social housing provider.
- (g) “Housing purposes” means the exercise of any functions of the local housing authority under any enactment or the obtaining of information which may assist the local housing authority in deciding whether to exercise any of its functions as local housing authority. 20
- (h) “Managing agent” in relation to a dwelling means any person authorised to arrange lettings of the dwelling. 25
- (i) “Owner” has the same meaning as in Section 6 [means the immediate landlord to whom rent or other consideration is payable or would be payable if the dwelling were to be let at a rent or for other consideration.
- (2) Where two or more persons are jointly liable for council tax in respect of any dwelling any reference to a resident or person liable for council tax in Section 27A or this Section is to any of them. 30
- (3) References in relation to a dwelling to a resident, owner or managing agent include a former resident, owner or managing agent, or a person who is an intended resident owner or managing agent or any person who in the opinion of the billing authority is, will be or was a resident, owner or managing agent. 35

## 2 Other amendments to the LGFA 1992

- (1) Schedule 3 (penalties) to the LGFA 1992 is amended as follows – 40
- (a) In paragraph 1(1) after the words “any provisions” insert the words “in Section 27A or”
- (b) In paragraph 1(2) after the words “any provisions” insert the words “in Section 27A or”.
- (2) Schedule 4 (enforcement) to LGFA 1992 is amended as follows – 45
- (a) In paragraph (1)(1) after the words “any provision” insert the words “in Section 27A or”.

**3 Further and Consequential Amendments**

Paragraph (a) in Section 237(1) of the Housing Act 2004 is amended by the insertion of the words “or for any other function which is exercisable by a housing authority” after the word “premises”.

**4 Extent, commencement and citation**

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- (1) This Act extends to England and Wales.
- (2) This Act comes into force on the day after the day on which it receives Royal Assent.
- (3) This Act may be cited as Local Government Finance (Tenure Information) Act 2016.

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## B I L L

To amend the Local Government Finance Act 1992 to make provision for collecting information about tenure and the details of private landlords; and for connected purposes.

*Presented by Dame Angela Watkinson,  
supported by  
Sir David Amess, Bob Blackman,  
Lyn Brown, Meg Hillier,  
Mr Stewart Jackson, Boris Johnson,  
Charlotte Leslie, Paul Maynard,  
Mark Menzies, Bob Stewart  
and Mr Mark Prisk.*

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