

**Nuneaton
&
Bedworth
United to Achieve**



**AGENDA
for
THE EXTRAORDINARY MEETING
OF THE COUNCIL**

to be held on

Wednesday 18th March 2026

Enquiries to: Member Services
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Date: 10th March 2026

Our Ref: KB

To: All Members of the Borough Council

AN EXTRAORDINARY MEETING OF THE COUNCIL will be held in the Council Chamber, Town Hall, Nuneaton, on **Wednesday 18th March, 2026, at 6.00 p.m.**

In accordance with Procedure Rule Part 4A, Paragraph 3.1(iii) of the Council's Constitution, the Monitoring Officer is calling an Extraordinary Meeting to consider a Section 5 report on Empty Homes and Second Homes.

All members of the Council are summoned to attend to determine the business of the meeting.

Yours faithfully

TOM SHARDLOW

Chief Executive

The Council is committed to providing a safe and respectful environment for our employees, customers and elected members. As such, please be advised that any form of abuse, aggression, or disrespectful behaviour towards our team will not be tolerated under any circumstances.

A G E N D A

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Please exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs. If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. APOLOGIES - to receive apologies for absence from the meeting.

3. DECLARATIONS OF INTEREST - To receive declarations of disclosable pecuniary interests and other interests in matters under consideration pursuant to Council procedure Rule 4A.2(iii).

a) Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made so that interests that are declared regularly by members can be viewed in a schedule on the Council website ([Councillor Declarations of Interests](#)) Any interest noted in the schedule on the website will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon

as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit and Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

b) General dispensations granted to all members under s.33 of the Localism Act 2011

As the agenda for consideration by Full Council includes budget related matters and setting council tax or a precept under the Local Government Finance Act 1992, a general dispensation applies to all elected members associated to the budget and Council tax related items on the agenda, as per the Council Schedule of Declarations of Interests 2025/2026 contained in the link above.

4. ANNOUNCEMENTS - to receive announcements from the Mayor, Leader, Members of the Cabinet, or the Chief Executive.
5. PUBLIC PARTICIPATION - (maximum 20 minutes).
to hear and answer questions by any resident of the Borough concerning the item on the agenda (maximum 20 minutes). A copy of the Procedure Rule 9 is attached (**Page 6**) and this is not subject to debate. A question or statement can be submitted using the link below which will send your submission to the Chief Executive and Member Services: [Ask a question at full council](#). NB – For an Extraordinary Council meeting the question/statement must be in connection with the business listed in the agenda.
6. EMPTY HOMES AND SECOND HOMES COUNCIL TAX PREMIUM – REPORT OF THE MONITORING OFFICER PURSUANT TO SECTION 5 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989 attached (**Page 8**)

NOTE: Points of Order and Personal Explanation can only be raised in accordance with Council Procedure Rules which are set out below:-

Point of order

A Member may raise a point of order at any time. The Mayor will hear them at the end of the speech of the Member speaking at the time the point is raised. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule of law and the way in which he/she considers it has been broken. The Mayor shall consider the Point of Order and, if necessary, take advice on the matter from the Monitoring Officer and, shall then rule on the Point of Order raised. There shall be no discussion or challenge to the advice given or the Mayors decision in the meeting. If a Member persistently seeks to raise a Point of Order but is unable to identify the procedure rule or legal principle infringed then, after having been warned by the Mayor, any further abuse of this procedure rule shall not be tolerated, and the Mayor shall move that the Member not be heard further pursuant to Procedure Rule 4.19.13. The ruling of the Mayor on the matter will be final.

Personal explanation

A Member may make a point of personal explanation at any time. The Mayor will hear them at the end of the speech of the Member speaking at the time the point is raised. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

4A.9 PUBLIC PARTICIPATION

4.9.1 General

At each Ordinary Meeting or Extra Ordinary Meeting of the Council, 20 minutes (which can be extended at the discretion of the Mayor) shall be set aside for questions or statements from the public gallery by any resident of the Borough in relation to matters in respect of which the Council has powers or duties, or which affect the Borough. In the case of an Extra Ordinary Meeting the question or statement must relate to the business of that meeting.

4.9.2 Notice of Questions and Statements

No such question shall be asked, or statement made, unless it shall have been delivered in writing to the Head of Paid Service no later than 12 noon, two working days, before the meeting of the Council.

4.9.3 Scope of Questions and Statements

The Head of Paid Service may reject a question or statement if it:

- a) is not about a matter for which the Council has a responsibility or which doesn't affect the Borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months;
- d) requires or involves the disclosure of confidential or exempt information; or
- e) It is not a question nor a statement, as provided for in these Procedure Rules.

4.9.4 The Mayor will invite the relevant Cabinet Member or Committee Chair to give a reply. Such reply shall not exceed five minutes. In the case of a question, on the discretion of the Mayor, a supplementary question may be asked if arising directly from the reply, provided that the original allocation of five minutes is not exceeded. The Mayor may reject a supplementary question on any of the grounds detailed in paragraph 4.9.3 above

4.9.5 Time Limit and Number of Questions

No question or statement shall exceed three minutes. In the event of there being more than one question or statement, the Head of Paid Service will ensure that questions and statements are dealt with in the order received. At the expiry of the 20 minute period, or such period as may be agreed by the Mayor, or after the reply to the final question or statement, whichever shall first occur, the Council will proceed to the next business.

4.9.6 Record of Questions and Statements

The question or statement and the reply given shall be minuted.

4.9.7 Reference of Question to the Cabinet or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

4.9.8 Any question or statement which cannot be dealt with during Public Participation because of lack of time will be dealt with in writing, and recorded in accordance with paragraph 4.9.6.

AGENDA ITEM NO.6

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Full Council
Date of Meeting:	18 th March 2026
Subject:	Empty Homes and Second Homes Council Tax Premium – Report of the Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989
Portfolio:	Resources and Central Services
Responsible Officer:	Monitoring Officer
Corporate Plan – Theme:	Your Council
Corporate Plan – Aim:	Strive for transparency and accountability, in all that we do. Increase public scrutiny
Ward Relevance:	All
Public or Private:	Public with exception of appendix A and B by virtue of paragraph 5 of Schedule 12A of the Local Government Act 1972 (The Local Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).
Forward Plan:	No
Subject to Call-in:	No – Report issued to Full Council

1. Purpose of report

- 1.1. Pursuant to Section 5 of the Local Government and Housing Act 1989, this report is issued to Full Council for consideration and decision.

2. Recommendations

- 2.1. Full Council is recommended to:

- 2.1.1. Consider the Monitoring Officer's report;

- 2.1.2. Withdraw the Second Home Council Tax Premium;
- 2.1.3. Withdraw the additional levies associated to the Empty Property Premium introduced from 01/04/2025 with immediate effect and revert to the 2021 levy in section 4.7 of the report;
- 2.1.4. Refund any payments made by individuals under those charges;
- 2.1.5. Notify Preceptors, where relevant, for whom the Council collects these premiums as the billing authority; and
- 2.1.6. Recommence the process of introducing the Second Homes Council Tax Premium and Empty Property Premium in full accordance with statutory guidance, subject to a future Cabinet and Full Council report.

3. Background

- 3.1. On 3 December 2025, Warwick District Council (“WDC”) considered a Monitoring Officer report concerning the Second Homes Council Tax Premium. The report set out the Monitoring Officer’s view that WDC had not met its statutory obligations in determining the premium for second homes within the district. Although WDC had taken decisions in February 2023, February 2024 and February 2025 relating to the premium and overall Council Tax setting, none of these decisions explicitly determined the percentage premium to be applied. WDC accepted the Monitoring Officer’s advice and resolved to consult.
- 3.2. WDC resolved to accept the view of the Monitoring Officer and agreed to take remedial action. The remedial action agreed was as follows:
 - a) *Council delegates authority to the Head of Finance to withdraw the Second Homes Council Tax Premium Charge from properties and refund the overpayments taken from individuals in respect of the second homes Council Tax Premium since 1 April 2025;*
 - b) *having reviewed the risks in respect of setting the Second Homes Council Tax Premium, a consultation is undertaken and delegates authority to the Head of Finance to undertake consultation on the proposed Second Homes Council Tax premium of 100%); and*
 - c) *the Head of Finance brings a report to Cabinet and Council in February 2026 on the outcome of the consultation and proposals associated with that for their consideration before any further decisions are made.*

3.3. The key concerns highlighted by the WDC Monitoring Officer, and which prompted their Section 5 report, were:

- A) that the percentage premium was never explicitly determined by Full Council; and
- B) that although Cabinet had adopted a Policy, it had not demonstrated its consideration of the statutory factors required, nor had Council formally approved the percentage premium.

3.4. Media coverage of the WDC decision followed. Subsequently, on 5 December 2025 the Monitoring Officer of Nuneaton and Bedworth Borough Council (“NBBC”) received a letter (Appendix A) drawing parallels and requesting review of NBBC’s position.

4. Body of report and reason for recommendations

4.1. On 9 October 2024, Cabinet resolved to introduce various Council Tax premiums on long-term empty dwellings from April 2025 and on second homes from April 2026. The full Cabinet resolutions are below for ease of reference.

‘RESOLVED that

a) the proposed change to introduce an additional levy of 100% on properties empty for a period in excess of 12 months from April 2025 be approved.

b) the proposed change to introduce an additional levy of 200% on properties empty for a period in excess of 5 years from April 2025 be approved.

c) the proposed change to introduce an additional levy of 300% on properties empty for a period in excess of 10 years from April 2025 be approved.

d) the proposal to remove the 100% discount that is applied for the first 14 days that a property is empty and unfurnished from April 2025 be approved.

e) the introduction of the Second Homes Levy up to a maximum of 100% from April 2026 be approved.

f) a brief consultation process as outlined at paragraph 4 of the report be approved.’

4.2. Section 11C of the Local Government Finance Act 1992 allows billing authorities to apply a premium of up to 100% on second homes. Amendments through the Levelling Up and Regeneration Act 2023 also reduced the qualifying period for empty properties to one year.

- 4.3. To apply a second homes premium, The Council must make a determination at least one year prior to the financial year from which it will apply and must specify the percentage premium. Authorities must have regard to statutory guidance issued on 1 November 2024. The Guidance was issued after the decision made by Cabinet.
- 4.4. The Council has not yet charged a second homes premium (intended to commence 1 April 2026). However, Empty Homes Premiums have been collected since 1 April 2025 and would require refunding. This aligns with the approach WDC took and the advice received at Appendix B.
- 4.5. The reasons as to why the Monitoring Officer has issued this section 5 report are outlined below:
 - 4.5.1. The additional levies were approved only at Cabinet, not Full Council where the decision should have been referred to and made. Whilst the Cabinet Report to Full Council on December 11th 2024 (agenda item 9) included the decision made by Cabinet, the content of the report and report itself was not subject to a Full Council vote or decision;
 - 4.5.2. Following release of the Guidance which the Council must have regard to (dated 1 November 2024), the Council should have reconsidered its position to align with the guidance and reported that accordingly given the Guidance was issued after the decision made by Cabinet (9 October 2024);
 - 4.5.3. The report itself, in the view of the Monitoring Officer, did not contain sufficient detail in terms of the full implications associated with the decision and thus could have provided further analysis and options for consideration. For the avoidance of doubt, this isn't to say the analysis hadn't been done and/or implications considered, but the decision makers had no other option to consider or the full analysis available in the report; and
 - 4.5.4. The Council had published a Council Tax Empty Homes Premium Policy 2025-26 but there is no evidence that Cabinet or Full Council formally approved the document on 9 October 2024 or 11 December 2024.
- 4.6. External legal advice was sought and received on 18 January 2026 (Appendix B).
- 4.7. Full Council resolved February 15th 2021 at agenda item 11 a) (Council minute number CL39 a), the approval of appendix C (Agreed Savings 2021/2022) which included the increase of the Empty Property Premium for Council Tax to 200% after 2 years. In

practice and further to regulations at that time, this means a charge of 100% council tax plus an additional 100% premium.

5. Consultation with the public, members, officers and associated stakeholders

- 5.1. Prior to seeking external advice, the Monitoring Officer discussed the matter with the Head of Paid Service and Section 151 Officer, The Assistant Director – Finance, Head of Revenues and Benefits and the Solicitor to the Council. This report has been shared with this officer group prior to publication.

6. Financial Implications

- 6.1. The cost for the external legal advice has been met by existing budget within 2025/2026 financial year legal service.
- 6.2. The Second Homes Premium, valued at a maximum of £432,744 per annum, has not yet been charged and therefore requires no refunds.
- 6.3. The Empty Homes Premium, valued at £258,963 per annum would require refunding based on the legal advice. In addition, there is £214,684 (143 accounts) in premiums charged that require further review as they will still be subject to a premium when reverting back to the former scheme. These will not be refundable in full.
- 6.4. Refunds would assist the HRA as it is in scope of empty property charges as referred to in the Cabinet report dated 9th October 2024. The refund due to the HRA is £14,054 and this value is part of the £258,963 noted in 6.2, not in addition.
- 6.5. Although the impact in year is a maximum of £473,547, this affects the surplus generated on the Council Tax part of the Collection Fund and will not impact the precepts approved by Council.
- 6.6. The forecast reported in December 2025 assumed a surplus of £893,123 payable to preceptors in 2026/27. After revisiting the forecast based on data to February 2026 and the anticipated refunds of £473,647 in year (worst case scenario), the impact is estimated to be a reduction of £269,770 on the surplus forecast.
- 6.7. This will not impact the General Fund in 2026/27 and will be split between the preceptors on review of anticipated surplus for 2027/28. The Council will be subject to approximately 11% of any change in surplus prediction.
- 6.8. For the avoidance of doubt, the Council does not need to pay interest on refunds.

7. Legal Implications

- 7.1. In accordance with the Local Government and Housing Act 1989, the Monitoring Officer has consulted with the Head of Paid Service and the Section 151 Officer. Section 5 requires Full Council to convene an extraordinary meeting within 21 days of this report being issued. This report has been issued to Full Council due to the nature of the issue.
- 7.2. Confidential external legal advice has also shared with all Elected Members as a confidential appendix.
- 7.3. In accordance with the Local Government and Housing Act 1989, due to this report being considered, the implementation of the Second Home Council Tax Premium and the additional levies associated to the Empty Property Premium introduced from 01/04/2025, should be suspended in consequence of the report until the end of the first business day after the day on which consideration of the report. This means bills for these matters will not be issued at this time.

8. Equalities implications

- 8.1. The Report to Cabinet October 9th 2024, detailed there were no equality implications, therefore regardless of the decision taken by Full Council in relation to this report, it is not envisaged there will be any equality implications associated to this decision.

9. Health implications

- 9.1. There are no direct health impacts associated with this report.

10. Climate and environmental implications

- 10.1. There are no direct climate and/or environmental impacts associated with this report.

11. Section 17 Crime and Disorder Implications

- 11.1. There are no direct Section 17 crime and disorder impacts associated with this report.

12. Risk management implications

- 12.1. Appendix B sets out the legal position. Given Appendix A and the advice at Appendix B, the Council is at risk of legal challenge and is advised to approve the recommendations contained in this report.

13. Human resources implications

13.1. The following human resource implications have been identified if Full Council agrees with the views documented within this report and agrees to recommendations 2.1.3:

- i. Additional officer time will be required to implement the remedial action and update the system, including fielding customer calls and issuing refunds.

14. Options considered and reason for their rejection

14.1. In formulating this report and recommendations, the following other options were identified. Reasons for their rejection or why the option and recommendation proposed in section 2 of the report has been selected are outlined below.

Option Ref	Option Title	Reason for rejection or why the option and recommendation proposed in section 2 of the report has been selected
A	Do nothing	This is not an option due to Section 5 of the Local Government and Housing Act 1989.
B	Continue with the Empty Homes and Second Homes Council Tax Premium charge	The view of the Monitoring Officer after being in receipt of a letter further to the Warwick District Council decision, is that Nuneaton and Bedworth Borough Council has acted unlawfully. Advice was sought on the matter (attached at Appendix B) and the view of the Monitoring Officer is that the Council should withdraw and refund accordingly.

15. Conclusion

15.1. Full Council will need to ascertain and decide whether it wishes to agree with the view of the Monitoring Officer based on the position and advice.

15.2. Full Council should note the following mitigation is in place since this Section 5 report has been issued to mitigate risk of re-occurrence:

15.2.1. Since October 2024, the report template has been updated and thus includes more sections for completion, including implications covering a wider range of matters. Furthermore, the report template also includes an 'Options' section.

15.2.2. In addition and since this report, the report template will be updated further (page 1 specifically) to have a section related to Budget and/or Council Tax. In doing so, it highlights the potential

need for recommendations to Full Council to mitigate 4.5.1 re-occurring.

- 15.3. It be noted that the (re)introduction of additional levies and new levy would not be in place for commencement from April 2026 and would be delayed until future Financial Year's based on the guidance.

16. Appendices

- 16.1. Please note the following appendices, both of which are confidential by virtue of paragraph 5 of Schedule 12A of the Local Government Act 1972 (The Local Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings):

- i. Appendix A – Letter Addressed to the Monitoring Officer at NBBC
- ii. Appendix B – Advice – Second Homes and Empty Property Council Tax Charges

17. Background papers

- 17.1. Please note the following background papers:

- i. [Local Government and Housing Act 1989](#) – Section 5
- ii. Nuneaton and Bedworth Borough Council – Cabinet Meeting held 9th October 2024 – Agenda item 10 and meeting minute reference CB44 – Council Tax Premium Charges - [9 October 2024: Cabinet | Nuneaton and Bedworth Borough Council](#)
- iii. [Guidance on the implementation of the council tax premiums on long-term empty homes and second homes - GOV.UK](#)
- iv. [Local Government Finance Act 1992](#) – Section 11C
- v. [WDC Report – 3 December 2025 – Full Council – Section 5 Report](#)
- vi. [WARWICK DISTRICT COUNCIL](#) – 3 December 2025 – Full Council – Meeting Minutes
- vii. Nuneaton and Bedworth Borough Council – Council meeting – (for the purposes of 4.7 of the report - [15 February 2021: Council | Nuneaton and Bedworth Borough Council](#)
- viii. Nuneaton and Bedworth Borough Council – Council meeting – (for the purposes of 4.5.1 of the report - [11 December 2024: Council | Nuneaton and Bedworth Borough Council](#)

18. Report Writer Details:

Officer Job Title: Monitoring Officer

Officer Name: Matthew Wallbank