Guidelines for Council Tax Responsibilities

1. Defining Students for Council Tax Purposes

Students are generally defined by councils as individuals enrolled in full-time education. To qualify for student status and subsequent exemptions, the following criteria typically apply:

- The course lasts at least one calendar or academic year for a minimum of 24 weeks annually.
- The course involves at least 21 hours of study, tuition, or work experience per week during term time.

Non-Students:

- Part-time students, apprentices, and students enrolled in short courses typically do not qualify for student exemptions and may be liable for council tax.

Note to Management: Please let us know if you will ensure sales agents will only be looking for licensee's based on this criteria, if not, we will remove this. Please note that council tax will be applicable if licensee's don't meet these criteria and it may fall on Londonist.

2. Council Tax Responsibilities for Different Property Types

A. Purpose-Built Student Accommodation (PBSA)

Any of Londonist's properties that are not listed under B & C should be deemed under this category.

- PBSA buildings are exempt from council tax if they are occupied solely by students.
- Booking and tenancy agreements must ensure all occupants are students to maintain this exemption.
- If non-students occupy these buildings, the exemption is lost, and council tax will be applicable.

Note to Management: ensure that all PBSA buildings are licensed PBSA's and have council tax exemption by confirming with the Provider before signing.

B. Houses in Multiple Occupation (HMO)

Properties under this category: West Green Residence - Finsbury Residence Flat-8 only

- **Council Tax Liability**: For HMOs, the landlord (Londonist) is responsible for paying the council tax, not the tenants.

Note to Finance Team: For all flats in West Green and for Flat 8 at Finsbury Residence, the Council Tax should be paid on time. If bills haven't been received, the finance team should contact the council to ask for these bills as the landlord (Londonist) is responsible. (We are currently waiting for confirmation that Flat 8 at Finsbury Residence is Londonist's responsibility).

- **Unoccupied Periods**: If the HMO is unoccupied, the landlord (Londonist) remains liable for the council tax.

C. **Standard Properties (Non-HMO)**

Properties under this category: Finsbury Residence other than Flat-8

- **Council Tax Liability**: Tenants are responsible for council tax. Landlords must inform the council about tenant check-ins and check-outs.
- **Unoccupied Periods**: During vacant periods, the landlord (Londonist) is liable for council tax.

Links for Council Tax Reporting:

The below links should be used to inform the council of changes in tenants to the below residences.

Note to Management: Please inform us of which team will be responsible for this so we can inform them accordingly.

- **West Green Residence**: https://new.haringey.gov.uk/council-tax/tell-us-about-a-council-tax-change
- **Finsbury House**: https://hackney.gov.uk/report-a-council-tax-change

3. Council Tax Checks

Most PBSA buildings are exempt from council tax, provided they are occupied solely by students.

Private Residences:

- Tenants are usually liable for council tax unless the property is vacant, in which case the landlord (Londonist) is responsible.
- Sales agents (landlords) should notify councils of tenant check-ins and check-outs to allocate council tax correctly.

Guidelines for Right to Rent Checks

Right to Rent Checks

Overview

- Landlords are responsible for conducting right to rent checks for all HMO and standard properties.
- PBSA halls of residence are exempt from these checks.

Right to Rent Checks for UK Residents

- **Process**: Obtain the tenant's share code and verify their right to rent using the UK government's online system.
- **Required Documents**: Passport, proof of address, share codes, BRPs (once obtained), and student enrolment letters.

Right to Rent Checks for Overseas Residents

- **Process**: Different procedures may apply. Generally, conduct the checks before the tenant occupies the property.
- **Required Documents**: Passport, short validity vignette, proof of address, student acceptance letters, and enrolment letters.

Detailed Guidance on Right to Rent Checks

Sales agents must do one of the following:

1. **Manual Right to Rent Check**: [Obtain document, Check for genuineness + Expiry, Make a Copy and upload on CRM]
    - **Applicable for**: All Citizens.
    - **Required Documents**: British or Irish Passport, A passport or travel document which has a Home Office endorsement in it e.g Indefinite leave remain in the UK, exemption from immigration control, no time limit to your stay etc.
    - Additionally as good practice: Student Enrolment letters, and previous proof of address should be taken.
    - Please note that you can no longer just do a manual check using a BRP, and step 3 needs to be followed as well.
2. **IDVT (Identity Document Validation Technology)**:
    - **Applicable for**: British and Irish citizens.
    - **Required Documents**: Passport
    - Additionally as good practice: Student Enrolment letters, and previous Proof of address should be taken.
    - **Guidance**: Follow the Home Office guidelines.
3. **Online Right to Rent Check**:

    - **Applicable for**: Non-British and non-Irish citizens.
    - **Required Documents and Steps**: BRP, Passport and follow-up checks are required before the document is to expire, a copy is to be made here and uploaded on CRM.
    - Additionally as good practice: Student Enrolment letters, and previous Proof of address should be taken.
    - **Guidance**: Use the Home Office online service.

Documents to Look For whilst doing these checks:

List A (Groups 1 and 2): - No follow up check needed.

- **Group 1**: British passports, documents showing no time limit in the UK.
- **Group 2**: Any two documents from this group, such as a UK birth certificate and UK adoption certificate.

List B: - Follow up check needed.

- **Time-Limited Right**: BRPs, current travel documents, or passports showing a time-limited right to rent. Follow-up checks are required within the eligibility period.

Special Cases

- **Students with Short Term Visas**: For courses less than six months, verify the vignette sticker in their passport.
- **Delayed BRP Collection**: Use the 90-day clearance sticker in their passport until the BRP is collected and conduct an online right to rent check after.

Statutory Requirements

- **Timing**: Right to rent checks must be conducted before the tenant moves in and not more than 28 days before the tenancy start date for those with a time-limited right to rent.
- **Document Retention**: Landlords must keep copies of right to rent documents on file for at least one year after the tenancy ends and record the date of the check.