

EXECUTIVE COMMITTEE – 25 MARCH 2013

PART I - DELEGATED

13A. NATIONAL NON-DOMESTIC RATE – CONSIDERATION OF RELIEF FOR A FURTHER APPLICATION (DCRG)

1. Summary

1.1 To consider discretionary relief from payment of the National Non-Domestic Rate for 2012/13 and 2013/14 for an additional application since the initial report was prepared.

2. Details

2.1 This report asks the Committee to consider one further application for discretionary relief from the payment of National Non-Domestic Rate. Details of the applicant are contained in Appendix 1. This application should be read in conjunction with the full report for consideration of relief from National Non-Domestic Rates (Item 13 on the agenda).

Applications from Registered Charities, Community Amateur Sports Clubs and Organisations Exempt from Registration for discretionary top-up relief

2.2 Registered charities, community amateur sports clubs (CASCs) and organisations exempted from registration (those listed in Schedule 2 of the Charities Act 1993) are entitled to 80% mandatory rate relief – the organisation applying currently receive this. The government meets the cost of the 80% mandatory relief in full. A billing authority can additionally award discretionary relief in order to “top-up” the mandatory provision so that the charity or organisation receives up to 100% relief. If the council does this it meets 75% of the top-up. The third column of the appendix shows the amount of relief previously awarded for this application.

2.3 In 2002, the Office of the Deputy Prime Minister issued guidance to authorities on awarding relief. The guidance states that charitable organisations should be given individual consideration for discretionary relief taking account of certain factors.

- (i) their benefit, in specific terms, to the council taxpayers of this District over and above any benefits derived in the normal course of their activities;
- (ii) their contribution to helping the young people of the District to use their leisure time in a constructive manner;
- (iii) their contribution to the care and welfare of the sick, disabled and elderly in this District; and
- (iv) the extent to which their funds, other than fees and charges, are raised locally; this would indicate the level of voluntary support they receive from the local community and justify further support from the council taxpayers generally.

3. Options/Reasons for Recommendation

3.1 Each application for relief is accompanied by a statement from the applicants and a copy of their accounts. Due to the volume of paperwork, these have not been reproduced for the Committee.

3.2 The discretion to award relief must be exercised by individually considering each case. The Committee is requested to consider each application shown in the appendix and decide on the level of discretionary relief to be granted expressed as a percentage.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council's agreed policy and budgets. The awards are made under Section 47 of the Local Government Finance Act 1988.

5. **Financial Implications**

5.1 The cost of awarding discretionary relief for each separate category is shown below:

Relief Type	Cost to Council % of any discretionary relief awarded	Cost to Government % of any discretionary relief awarded
Registered charities – where 80% Mandatory Relief Granted	75%	25%

The total relief for consideration in this additional application amounts to £550.43.

5.2 The cost of relief awarded during the 2012/13 financial year comes from the 2013/14 revenue estimates.

6. **Legal Implications**

6.1 Wherever statute bestows discretion on a Local Authority, it must be exercised on the basis of individual consideration. Although it is acceptable to have general criteria against which to assess applications and to ensure uniformity and fairness, the Billing Authority should not have a blanket policy to allow or disallow applications for relief as this would be deemed ultra vires (beyond our powers).

6.2 The Local Government and Rating Act 1997 provides that local authorities may reach a decision to grant discretionary relief for a financial year for up to six months after the end of that financial year.

7. Equal Opportunities Implications

7.1 *Relevance Test*

Has a relevance test been completed for Equality Impact?	Yes
A relevance test has been completed but no Equality Impact Assessment has been carried out in connection with the proposals that are set out in this report.	
Did the relevance test conclude a full impact assessment was required?	No

11. Customer Services Centre Implications

11.1 There are none.

12. Communications and Website Implications

12.1 There are none.

13. Risk Management and Health & Safety Implications

13.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

13.2 The subject of this report is covered by the Revenues and Benefits Shared Services service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

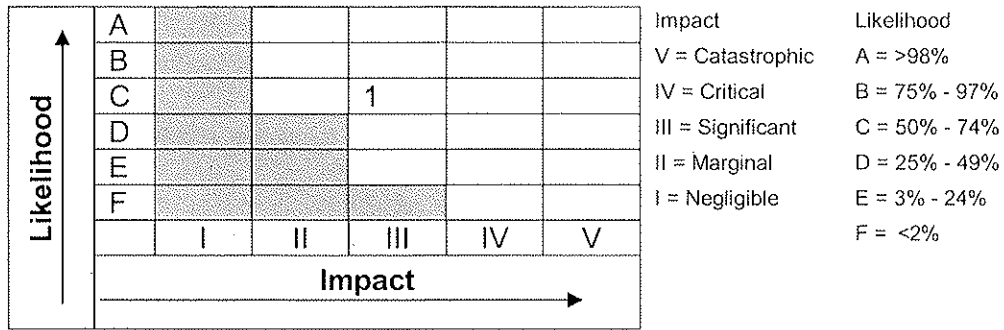
13.3 There are no risks if the recommendations are agreed.

13.4 The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

Description of Risk		Impact	Likelihood
1	The Council could face criticism because rejection of the recommendation does not fit in with some parts of the strategic plan – particularly Sustainable Communities 2.1.5 – To improve and facilitate access to leisure and recreational activities and Safer Communities 1.1.1.1 by keeping young people safe and out of trouble	III	C

13.5 Of the risks detailed above none is already managed within a service plan.

13.6 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.



13.7 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

14. **Recommendation**

14.1 That the Committee considers the application of this further application shown in Appendix 1 and decides on the level of discretionary relief to be granted expressed as a percentage.

14.2 That the Committee awards relief up to 31 March 2014.

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Data Quality

Data sources:
 Applications from ratepayers.
 Data checked by:
 David Gardner, Director of Corporate Resources and Governance.
 Data rating:

1	Poor	
2	Sufficient	
3	High	x

Background Papers

Applications from ratepayers

APPENDICES / ATTACHMENTS

1. List of cases to be considered for Discretionary Rate Relief
2. Relevance Test

APPENDIX 1

APP NO	MANDATORY %	DISCRETIONARY % PREVIOUSLY AWARDED	ACCOUNT NO	ACCOUNT NAME	AMOUNT PAYABLE 2012/13	AMOUNT PAYABLE 2013/14	AMOUNT OF MANDATORY RELIEF	AMOUNT OF DISCRETIONARY RELIEF	COST TO GENERAL FUND
Applications from registered charities, CASCs and organisations exempt from registration for discretionary "top-up" relief									
	80	20	100974434	ABBOTS LANGLEY BOWLING CLUB	£1,809.10	£1,860.45	£1,447.28	£733.91	£550.43
								£0.00	£550.43
					£0.00		£0.00	£0.00	£0.00
					£1,809.10		£1,447.28	£733.91	
								TOTAL COST	£550.43

Form A – Relevance Test

Function/Service Being Assessed: National Non Domestic Rate – Consideration of relief

1. Populations served/affected:

- Universal (service covering all residents)?
- Targeted (service aimed at a section of the community –please indicate which)

2. Is it relevant to the general duty? (see Q and A for definition of 'general duty')

Which of these three aspects does the function relate to (if any)?:

- 1 – Eliminating Discrimination
- 2 – Promoting Equality of Opportunity
- 3 – Promoting good relations

Is there any evidence or reason to believe that some groups could be differently affected?

- Yes
- No

Which equality categories are affected?

- Race
- Age
- Sexual Orientation
- Disability
- Gender
- Religion

3. What is the degree of relevance?

In your view, is the information you have on each category adequate to make a decision about relevance?

- Yes (specify which categories)
- No (specify which categories)

These applications for relief affect a very small number of people compared to those that pay business rates.

Are there any triggers for this review (for example is there any public concern that functions/services are being operated in a discriminatory manner?) If yes please indicate which:

- Yes
- No

4. Conclusion

On the basis of the relevance test would you say that there is evidence that a medium or high detrimental impact is likely? (See below for definition)

- Yes
- No – we are awarding discretionary relief, i.e. treatment is favourable.

Note: if a medium or high detrimental impact has been identified then a full impact assessment must be undertaken using Form B.