

Committee Name and Date of Committee Meeting

Cabinet – 18 February 2019

Report Title

New Application for Business Rates Discretionary Relief for Just Different

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

To consider the application for the award of a business rate discretionary relief for the organisation listed in Section 1. This is in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December 2016).

Recommendations

1. That 20% top up discretionary relief is awarded to Just Different, Venture House, Spencer Park, Greasbrough Street, Rotherham S60 1RF for the period 1st May 2018 to 31st March 2020.

List of Appendices Included

None

Background Papers

Discretionary Rate Relief Policy - Approved by Cabinet on 12th December 2016

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

New Application for Discretionary Rate Relief

1. Background

1.1 Section 47 of the Local Government Finance Act (LGFA) 1988 conveys power on local authorities to allow discretionary relief that would be additional to the mandatory relief. This is given when the property is used wholly or mainly for charitable purposes by a charity or other non-profit body whose main objects are charitable or benevolent, or concerned with education, social welfare, science, literature or the arts

1.2 The Council can grant discretionary relief to:-

- Registered Charitable Organisations, including Community Amateur Sports Clubs. The relief granted is up to 20% of the rate liability as these organisations are eligible for 80% mandatory rate relief.
- Other organisations or institutions that are not established or conducted for profit and whose aims are charitable or otherwise, philanthropic, religious, concerned with education, social welfare, science, literature or fine arts. Relief can be granted up to 100% of the business rates liability.
- Properties occupied by not for profit sports or social clubs, societies or other organisations for the purposes of recreation. Relief can be granted up to 100% of the business rates liability.
- Rate relief to ratepayers – Section 47 of the LGFA 1988 was amended by Section 69 of the Localism Act 2011. This amendment gives the Council the discretion to grant relief to any other body, organisation or ratepayer, having due regard to its Council Tax payers.

1.2.1 The Council has operated a system of awarding relief through the application of a policy that was approved by Cabinet on 12th December 2016.

1.2.2 Central Government and councils share every £1 of rates due as follows:

Central Government	50%
South Yorkshire Fire and Rescue Authority	1%
Rotherham MBC	49%

1.3 **Application: Just Different, Venture House, Greasbrough Street, Rotherham S60 1NA**

1.3.1 Just Different is a registered charity whose main objectives are to engage with disadvantaged people, people with disabilities and the long term unemployed.

The charity provides work placements and training opportunities to the long term unemployed via the Department of Works and Pensions and is a leader of the Disability Confident programme advising businesses about employing people with disabilities. They actively seek to engage with those who are marginalised by society.

The charity employs disabled people who deliver workshops and training on disability, difference and anti-bullying to schools and universities in the local area.

They expect to have worked with 3,360 pupils through their workshops by the end of January 2019.

The organisation is currently working with Disability Sheffield, Enable Sheffield and Voluntary Action Rotherham.

1.3.2 Just Different's application for the award of discretionary relief is considered to be in line with the Council's qualifying criteria as set out in its policy.

The organisation makes no charge for its services and offers education and work experience opportunities to the people of Rotherham.

1.3.3 The organisation is applying for discretionary relief with regard to their 2018/19 and 2019/20 rates liability from the date of their occupation of the premises (1st May 2018). The financial implication of awarding the relief is set out in section 6 of this report.

2. Key Issues

2.1 To consider the application requesting the award of discretionary relief to the organisation listed in Section 1.

3. Options considered and recommended proposal

3.1 Given the discretionary nature of the relief requested, the Council has the discretion to either award or not award a discretionary relief.

3.2 In helping Members make such a decision, the Council has put in place a specific Policy framework to consider individual applications. In accordance with that Policy, applications (including supporting documentation) for relief have been considered in line with the qualifying criteria and other considerations set out in that Policy.

3.3 In line with the Council's Business Rates Discretionary Relief Policy, having regard to the financial cost of the proposed relief, the charitable use of the premises and the contribution that this business makes to the local community, it is recommended that an award for discretionary relief be granted to the organisation listed in Section 1.

4. Consultation on proposal

4.1 The recommendations in the report are based on the application of an existing policy. There has been no specific consultation carried out in relation to any individual organisations referred to within this report

5. Timetable and Accountability for Implementing this Decision

5.1 The applicant will be advised by letter of the outcome of their application for relief within 10 working days of the Cabinet decision.

6. Financial and Procurement Advice and Implications

6.1 The applicant has provided financial information in support of their application.

6.2 The total potential cost of granting the relief for the financial years 2018/19 and 2019/20 is set out below in paragraph 6.3 alongside the specific cost to the Council.

6.3 Year	Total Amount of Relief	Cost to RMBC
Just Different		
2018/19	£624.42	£305.97
2019/20 (estimated)	£695.52	£340.80

7. Legal Advice and Implications

7.1 The statutory framework for discretionary relief is set out in the body of the report.

8. Human Resources Advice and Implications

8.1 No direct implications from this report

9. Implications for Children and Young People and Vulnerable Adults

9.1 No direct implications from this report

10. Equalities and Human Rights Advice and Implications

10.1 No direct implications from this report

11. Implications for Partners

11.1 No direct implications from this report

12. Risks and Mitigation

12.1 The Government has issued guidance notes to advise authorities what criteria should be used in considering applications for Discretionary Rate Relief. Authorities have been strongly advised to treat each individual case on its own merits and to not adopt a policy or rule which allows them to not consider each case without proper consideration. In cognisance of these guidance notes, the Council has formally adopted a Policy framework for considering individual discretionary business rates relief applications with the decision to award reserved for Cabinet.

13. Accountable Officer(s)

Graham Saxton, Assistant Director, Financial Services.

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Sharon Kemp	04/02/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/02/19
Assistant Director of Legal Services (Monitoring Officer)	Dermot Pearson	01/02/19
Assistant Director of Human Resources (if appropriate)	NOT APPLICABLE	
Head of Human Resources (if appropriate)	NOT APPLICABLE	

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