

Committee Name and Date of Committee Meeting

Cabinet – 20 June 2022

Report Title

New Application for Business Rates Discretionary Relief for Rotherham & District
Citizens Advice Bureau

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 Discretionary Business Rate Relief for Rotherham & District Citizens Advice Bureau. This is in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December 2016).

Recommendations

1. That Cabinet approve the application for Discretionary Business Rate Relief for Rotherham & District Citizens Advice Bureau in accordance with the details set out in Section 6 to this report for the 2021/22 and 2022/23 financial years.

List of Appendices Included

Appendix 1 Initial Equality Screening Document
Appendix 2 Carbon Impact Assessment

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 Business Rates Discretionary Relief for Rotherham & District Citizens Advice Bureau

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 as 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

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

**Rotherham & District Citizens Advice Bureau, 27 Howard Street,
Rotherham, S65 1JQ**

1.3.1 Rotherham & District Citizens Advice Bureau is a registered charity which provides free information and advice to the community in Rotherham ensuring that the Borough's citizens do not suffer through lack of knowledge of their rights and responsibilities. The charity actively works to raise issues of social injustice to enable improvement in social justice for all.

- 1.3.2 The organisation moved premises on 1 December 2021 because of the current town centre renovations and a requirement from RMBC to temporarily relocate pending the construction of new premises as part of the town centre plan.
- 1.3.3 The organisation benefited from an award of discretionary relief at their former premises which was awarded continuously from 2017 to the date of their relocation. The proposed relief would maintain this position.
- 1.3.4 The property for which the application is made is used for storage of records and to provide the space for the administration work supporting the delivery of the core advice service. The new premises are accessible to the public for immigration advice, with other advice work being undertaken predominantly through outreach and remote services.
- 1.3.5 The organisation already benefits from several grants including from RMBC to deliver their service and the continuation of this modest additional assistance is considered in line with the criteria within the Council's policy.
- 1.3.6 The organisation is applying for discretionary relief with regards to their 2021/22 and 2022/23 rates liability. The financial implication of awarding the relief is set out in Section 6 of the report.

2. Key Issues

- 2.1 To consider the application for Rotherham & District Citizens Advice Bureau requesting an award of discretionary rate relief.

3. Options considered and recommended proposal

- 3.1 Given the discretionary nature of the relief requested, the Council can determine either to award or not award 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 organisation makes to the local community, it is recommended that an award for discretionary relief be granted to Rotherham & District Citizens Advice Bureau.
- 3.4 The alternative option was to decline to award relief. This has been rejected as the application meets the Council's Policy.

4. Consultation on proposal

4.1 The recommendation in the report is 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 completed a full application for the proposed relief to ensure compliance with the Council's discretionary scheme criteria.

6.2 The total cost of granting the relief for the financial years 2021/22 and 2022/23 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
	Rotherham & District Citizens Advice Bureau		
	2021/22	£271.57	£133.07
	2022/23	£819.20	£401.41

As indicated in paragraph 1.2.2. 49% of the cost of the relief is met by the Council with 50% falling on Central Government and 1% on the South Yorkshire Fire and Rescue Service.

6.4 There are no direct procurement implications arising from the recommendations detailed in this report

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 The recommendation in the report is to grant discretionary relief which will positively impact the organisation ensuring continuity of advice provision which helps tackle inequality. This recommendation is based on the Council's Discretionary Business Rates Relief Scheme under which other businesses that meet the scheme criteria are able to make an application.

11. Implications for CO2 Emissions and Climate Change

- 11.1 It is anticipated that an award of relief would not change the organisations' current operational activities and therefore will not impact CO2 emissions.

12. Implications for Partners

- 12.1 As stated in 1.2.2, 1% of the cost of any relief granted is met by the South Yorkshire Fire and Rescue Authority. In this case this cost is minimal.

13. Risks and Mitigation

- 13.1 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.

14. Accountable Officers

Rob Mahon, Assistant Director, Financial Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	03/06/22
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	31/05/22
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	31/05/22

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