



**Decision to be taken on or after 13 January 2016**

**Key Decision: Yes/No**

**Ward: All**

## **Rate Relief Applications**

### **Report by the CenSus Head of Revenues and Benefits**

#### **1.0 Summary**

- 1.1 This report asks the Executive Member for Resources to consider and note one application for Hardship Relief against National Non-Domestic Rates (NNDR).

#### **2.0 Background**

- 2.1 Under Section 49 of the Local Government Finance Act 1988, the Council has the discretion to give up to 100% NNDR discretionary relief (Hardship Relief) on occupied properties and unoccupied properties if:

- The ratepayer would sustain hardship if the authority did not do so; and
- It is reasonable for the authority to do so, having regard to the interests of persons subject to its Council Tax.

- 2.2 Adur District Council awarded 100% to The Sussex Music Academy of Music Ltd., in five previous years for 2010/11, 2011/12, 2012/13, 2013/14 and 2014/15.

#### **3.0 Information relating to the Application**

- 3.1 The applicant has made a request in writing for Hardship Relief and their application is supported in documentation as set out at Annex 1.

- 3.2 A summary of the application received is set out at Annex 2.

- 3.3 The information set out in Annex 1 and Annex 2 is exempt from publication under Paragraph 3 of Schedule 12A of the local Government Act 1972 as it contains "information relating to the financial or business affairs of any particular person (including the authority holding that information)

#### **4.0 Costs**

- 4.1 All NNDR monies collected are paid into a central pool, which is redistributed to district councils on a per capita basis.

- 4.2 75% of the cost of any reduction or remittance of rates can be offset against an authorities payment into the national non-domestic rate pool; 25% must be born locally and met by the authority

- 4.3 Any hardship relief between 0% and 100%, is the billing authorities decision i.e. Adur District Council.
- 4.4 There is no budget provision for Hardship Relief. There is however a budget of £32,015 for the cost of discretionary rate reliefs given to charities, community association and sports clubs for this financial year. Currently £32,094.48 expenditure has been committed to date. £32,094.48 + a possible £8,040.00  
= £40,134.48.

It is likely therefore that the cost of granting the request detailed in this report would cause an over-spend from this budget. Such a decision would of course end the funds available to make further discretionary rewards. If awarded the cost to the council will be £2,010.00 for this application alone.

## **5.0 Legal**

- 5.1 As set out in paragraph 2.0 of the report.

## **6.0 Financial implications**

- 6.1 As set out in paragraph 3.0 of the report.

## **7.0 Recommendations**

- 7.1 The Executive Member for Resources is asked to consider the guidance set out in paragraph 2.1 and in the sample policies included in Annex A and determine the application for Hardship Relief set out in Annex B and schedule A

## **Local Government Act 1972**

### **Background Papers:**

None

### **Contact Officer:**

Corinne McNeall  
CenSus Revenues Manager  
PO Box 505  
Haywards Heath  
RH16 1AQ  
07872 420248  
Corinne.mcneall@centralsussex.gov.uk

## **Appendix**

### **1.0 Council Priority**

1.1 Matter considered and none identified.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified.

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

6.1 Matter considered and no issues identified.

### **7.0 Reputation**

7.1 Matter considered and no issues identified.

### **8.0 Consultations**

8.1 None undertaken.

### **9.0 Risk assessment**

9.1 Matter considered and no issues identified.

### **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified.

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

### **12.0 Partnership working**

12.1 Matter considered and no issues identified.

Please see attached supporting documentation.

**POLICY GUIDELINES RE HARDSHIP RELIEF FROM RATES**  
**UNDER SECTION 49 OF THE LOCAL GOVERNMENT FINANCE ACT 1988**

- i) Reduction or remission of rates on grounds of hardship will be the exception rather than the rule
- ii) Each case will be considered on its own merits.
- iii) Relief will only be given where a facility is regarded as unique or essential to the local community, where without such a relief would be lost and where no reasonably accessible alternative is available.
- iv) In determining hardship, all relevant factors affecting the ability of a business to meet its liability for rates will be taken into account.
- v) Any decision to grant relief must be in the interest of the council taxpayers of Adur District Council.

**GOOD PRACTICE**

The Housing and Central Services Committee considered a report at its meeting on 25<sup>th</sup> February 2003 which reviewed the criteria previously agreed by Members and which detailed the criteria the Department of the Environment (DoE) considered should be taken into account when considering individual cases for relief.