



Members of the Cabinet  
(Councillors A H Trollope-Bellew (Leader), M J Chilcott (Deputy  
Leader), M O A Dewdney, K M Mills, C Morgan, S J Pugsley,  
K H Turner and D J Westcott)

Our Ref DS/KK  
Your Ref

Contact Krystyna Kowalewska kkowalewska@westsomerset.gov.uk  
Extension 01984 635307  
Date 6 October 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING  
THIS DOCUMENT CAN BE MADE AVAILABLE IN LARGE PRINT, BRAILLE, TAPE FORMAT  
OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

**CABINET**

**Date: Wednesday 14 October 2015**  
**Time: 4.30 pm**  
**Venue: Council Chamber, Council Offices, Williton**

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy.

Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Committee Services on 01984 635307.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bruce Lang'.

**BRUCE LANG**  
Proper Officer



# CABINET

Meeting to be held on 14 October 2015 at 4.30 pm

Council Chamber, Williton

## AGENDA

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meeting of Cabinet held on 2 September 2015 to be approved and signed as a correct record – **SEE ATTACHED.**

3. **Declarations of Interest**

To receive and record declarations of interest in respect of any matters included on the agenda for consideration at this meeting.

4. **Public Participation**

The Leader to advise the Cabinet of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. **Forward Plan**

To approve the latest Forward Plan for the month of November 2015 – **SEE ATTACHED.**

6. **Cabinet Action Plan**

To update the Cabinet on the progress of resolutions and recommendations from previous meetings – **SEE ATTACHED.**

7. **Request for Allocation of Planning Obligations Funding**

To consider Report No. WSC 138/15, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to make proposals for the allocation of monies secured through planning obligations to individual schemes.

## 8. Discretionary Business Rate Relief Policy

To consider Report No. WSC 150/15, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED**.

The purpose of the report is to introduce a revised Discretionary Rate Relief Policy to come into effect from 1 April 2016.

## 9. Exclusion of the Press and Public

To consider excluding the press and public during consideration of Item 10 on the grounds that, if the press and public were present during that item, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended as follows:

Item 10 contains information that could release confidential information relating to the financial or business affairs of any particular person (including the authority holding that information). It is therefore proposed that after consideration of all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 10. Sale of Seward Way Land for Development

To consider Report No. WSC 151/15, to be presented by Councillor K Turner, Lead Member Housing, Health and Wellbeing – **TO FOLLOW**.

Cabinet is requested to approve recommendations of the Asset Project Group of preferred bidder, who assessed bids with advisors following the marketing of Council owned land at Seward Way, Minehead for either Employment or Residential use.

## **COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS**

### **The Council's Vision:**

**To enable people to live, work and prosper in West Somerset**

### **The Council's Corporate Priorities:**

- Local Democracy:  
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point  
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

### **The Council's Core Values:**

- Integrity
- Respect
- Fairness
- Trust

**CABINET**

**MINUTES OF THE MEETING HELD ON 2 SEPTEMBER 2015**

**AT 4.30 PM**

**IN THE COUNCIL CHAMBER, WILLITON**

**Present:**

Councillor A H Trollope-Bellew..... Leader

Councillor M J Chilcott  
Councillor C Morgan  
Councillor K Turner

Councillor M O A Dewdney  
Councillor S J Pugsley  
Councillor D J Westcott

**Members in Attendance:**

Councillor G S Dowding  
Councillor A P Hadley  
Councillor R P Lillis  
Councillor R Woods

Councillor S Y Goss  
Councillor B Heywood  
Councillor P H Murphy

**Officers in Attendance:**

Chief Executive (P James)  
Assistant Chief Executive (B Lang)  
Assistant Director Energy Infrastructure (A Goodchild)  
Assistant Director Resources (P Fitzgerald)  
Corporate Strategy and Performance Manager (P Harding)  
Planning Manager (B Kitching) – Item 7  
Media and Communications Officer (D Rundle)  
Meeting Administrator (K Kowalewska)

**CAB37     Apologies for Absence**

An apology for absence was received from Councillor K Mills.

**CAB38     Minutes of the Meeting held on 5 August 2015**

(Minutes of the Meeting of Cabinet held on 5 August 2015 - circulated with the Agenda.)

**RESOLVED** that the Minutes of the Meeting of Cabinet held on 5 August 2015 be confirmed as a correct record.

**CAB39     Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Councillor C Morgan	All	Stogursey	Spoke and voted
Councillor A Trollope-Bellew	All	Crowcombe	Spoke and voted
Councillor K Turner	All	Brompton Ralph	Spoke and voted
Councillor D Westcott	All	Watchet	Spoke and voted
Councillor S Goss	All	Stogursey	Spoke
Councillor P Murphy	All	Watchet	Spoke

**CAB40 Public Participation**

No members of the public spoke at the meeting on any items on the agenda.

**CAB41 Forward Plan**

(Copy of the Forward Plan for the month of October 2015 – circulated with the Agenda.)

The purpose of this item was to approve the Forward Plan.

It was noted that the Discretionary Rate Relief Policy which was to be presented to October Cabinet related to Business Rates, and that the Review of Earmarked Reserves was included in the Forward Plan for December.

**RESOLVED** that the Forward Plan for the month of October 2015 be approved.

**CAB42 Cabinet Action Plan**

(Copy of the Action Plan – circulated with the Agenda.)

**RESOLVED (1)** that CAB33 – Corporate Debt Policy be deleted as actioned.

**RESOLVED (2)** that CAB35 – Revenue and Capital Outturn 2014/15 be deleted as actioned.

**CAB43 Corporate Performance Report – Quarter 1**

(Report No. WSC 128/15 – circulated with the Agenda.)

The report provided Members with key performance management data up to the end of quarter 1 2015/16, to assist in monitoring the Council's performance. Publishing this information also supports the aim of greater public accountability

The report was presented by the Leader who provided an explanation as to the reasons why the performance of two measures, namely 'Disabled

Facilities Grants' and '% Minor Planning Applications processed within 8 weeks', were indicated as red and targets not achieved.

The Leader proposed the recommendation of the report, which was duly seconded by Councillor M Dewdney.

It was acknowledged the Council would endeavour to improve the Disabled Facilities Grant target in the next quarter as it was felt that there was a greater need for this type of grant in the district; and the other 60 measures were amber or green which indicated that the Council was in a positive position.

In response to questions, the Corporate Strategy and Performance Manager advised that the measures reported on represented the main areas of Council business, but if Members felt there was a service area that was not covered adequately in terms of performance they should advise him so he could discuss the matter with the relevant Portfolio Holder. He went on to explain why no figures had been reported on measures KPIs 46, 47, 48 and 49 (relating to homelessness) in this quarter, and agreed to circulate the figures when available prior to the next quarterly report.

The Assistant Director Resources explained that staff turnover and the year-end/start of year demand on the service were the reasons for the amber status of the quarterly performance for KPI 5 'Average processing times of new Housing Benefit claims'.

**RESOLVED** that the performance in Quarter 1 be noted.

**CAB44 Financial Monitoring Report – Quarter 1 2015/16**

(Report No. WSC 129/15, circulated with the Agenda.)

The purpose of the report was to provide Members with details of the Council's initial forecast financial outturn position for the 2015/16 financial year for both revenue and capital budgets, together with information relating to predicted end of year reserve balances.

The Lead Member for Resources and Central Support presented the item and outlined the main details contained within the report. She advised that the main variances to the budget for quarter 1 related to business rates retention funding, and reported that in-year savings had yet to be identified within the Council's departments and work to review budgets in order to identify savings would be undertaken. A major concern was the fact that the current general reserves balance was very close to the recommended minimum balance of £500,000 which meant there was no money in the reserves to deal with any requests for additional funding for unexpected emergency works which may arise during the year. It was also noted that a review of all earmarked reserves would be carried out to ensure they were still relevant and whether any could be released into the general fund reserves.

She concluded by drawing Members' attention to the comments made by the Section 151 Officer, stating the Council needed to prepare itself as it faced further difficult financial challenges ahead.

She proposed the recommendations which were seconded by Councillor S Pugsley.

A lengthy discussion ensued and various questions and concerns were raised as regards to identifying where further savings could be found and the significant number of outstanding business rates appeals.

The Assistant Director Resources provided further clarification on the in-year spending plan review to be undertaken as part of the budget setting process to help identify savings in the current financial year and informed that this would progress by the end of September 2015, with reports being presented to Members in October/November. He advised that no definitive guidance had been received from the Valuation Office as to the outcome of the outstanding business rates appeals.

The point was made that there was also a need to consider all options relating to how the Council could increase its income.

**RESOLVED (1)** that the current financial standing of the Council together with the estimated position at the end of the financial year be noted.

**RESOLVED (2)** that it be recommended to Full Council to approve the transfer of £200,000 to the Business Rates Smoothing Reserve.

**CAB45     HPC Planning Obligations Board – Allocations of CIM Funding**

(Report No. WSC 130/15, circulated with the Agenda.)

The purpose of the report was to present the recommendations of the Hinkley Point C Planning Obligations Board for the allocation of monies from the Community Impact Mitigation (CIM) Fund secured through the Section 106 legal agreement for the site preparation works at Hinkley Point.

The Lead Member for Resources and Central Support presented the item and outlined the three applications contained within the report. She went on to propose the recommendation which was duly seconded by Councillor M Dewdney.

On consideration of this item, it was envisaged that more projects would come forward once the Hinkley project was up and running as this was when further impacts would be felt in the communities across West Somerset. At the present time it was difficult to demonstrate and prospective applicants may perhaps benefit by waiting to apply/re-apply until such time as the impact was fully recognised to be able to demonstrate how it would be mitigated. Attention was drawn to the considerable amount of monies still remaining in the CIM Fund.

Officers were thanked for the huge amount of support provided to the applicants during this process.

**RESOLVED** that it be recommended to full Council to endorse the recommendations of the Hinkley C Planning Obligations Board, as follows:

- (1) To release £200,000 from the CIM Fund ring-fenced for projects in Sedgemoor (and in particular Bridgwater) to Sydenham and Bower Family Health and Wellbeing Group for the enhancement of Coronation Park in Bridgwater and that the significant amount of additional funding that will be levered into the area through the Coronation Park enhancement project is noted.
- (2) To release £18,295 from the CIM Fund ring-fenced for projects in Sedgemoor (and in particular Bridgwater) to Bridgwater Education Trust as a contribution to the expansion of their student/employee mentoring project.
- (3) That the second application for £15,000 of funding from Church House, Crowcombe is refused as the application did not demonstrate how the project would provide community benefits that address impacts of the Hinkley Point C development, or how it would effectively meet the CIM fund criteria.

The meeting closed at 5.55 pm

## RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

**Risk Scoring Matrix**

<b>Likelihood</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
<b>Impact</b>							

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

7  
Cabinet Forward Plan - November 2015

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/15/11/01 10/02/2015	4 November 2015 By Lead Member for Energy Infrastructure	Title: Hinkley Point Decision: to consider key issues relating to Hinkley Point	No exempt / confidential information anticipated	Andrew Goodchild, Assistant Director Energy Infrastructure 01984 635245
FP/15/11/02 02/09/2015	4 November 2015 By Lead Member Resources & Central Support	Title: Allocation of Hinkley Point C Community Impact Mitigation Funding Decision: to present the recommendations of the HPC Planning Obligations Board for the allocation of monies from the CIM Fund	No exempt / confidential information anticipated	Lisa Redston, CIM Fund Manager 01984 635218
FP/15/11/03 03/09/2015	4 November 2015 By Lead Member Housing, Health and Wellbeing	Title: Licensing Officer Post – West Somerset Council Decision: to achieve a sustainable resolution to the resources needed in the Licensing team by formalising the current temporary arrangements	No exempt / confidential information anticipated	Ian Carter, Licensing Manager 01823 358406
FP/15/11/04 04/06/2015	4 November 2015 By Lead Member Resources & Central Support	Title: <b>Review of Financial Regulations [FR2]</b> Decision: to recommend to Council to approve updated Financial Regulations	No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/15/11/05 25/09/2015	4 November 2015 By Lead Member Resources & Central Support	Title: Award of Hardship Relief Decision: to consider a referral by the Section 151 Officer of an application for hardship relief	Confidential - there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972	Steve Perkins, Senior Debt and Recovery Officer 01984 635247

Note (1) – Items in bold type are regular cyclical items.

Note (2) – All Consultation Implications are referred to in individual reports.

The Cabinet comprises the following: Councillors A H Trollope-Bellew, M Chilcott, M Dewdney, K M Mills, C Morgan S J Pugsley, K H Turner and D J Westcott.

The Scrutiny Committee comprises: Councillors P H Murphy, R Lillis, D Archer, G S Dowding, B Maitland-Walker, J Parbrook, R Clifford, R Woods and A Behan.



## CABINET ACTION PLAN

2 SEPTEMBER 2015	
<b>Minute Number</b>	CAB44 Financial Monitoring Report – Quarter 1 2015/16
<b>Action Required</b>	<b>RESOLVED (2)</b> that it be recommended to Full Council to approve the transfer of £200,000 to the Business Rates Smoothing Reserve.
<b>Action Taken</b>	At the Council meeting on 16 September 2015 it was <b>RESOLVED</b> that the transfer of £200,000 to the Business Rates Smoothing Reserve be approved.
<b>Minute Number</b>	CAB45 HPC Planning Obligations Board – Allocations of CIM Funding
<b>Action Required</b>	<p><b>RESOLVED</b> that it be recommended to full Council to endorse the recommendations of the Hinkley C Planning Obligations Board, as follows:</p> <p>(1) To release £200,000 from the CIM Fund ring-fenced for projects in Sedgemoor (and in particular Bridgwater) to Sydenham and Bower Family Health and Wellbeing Group for the enhancement of Coronation Park in Bridgwater and that the significant amount of additional funding that will be levered into the area through the Coronation Park enhancement project is noted.</p> <p>(2) To release £18,295 from the CIM Fund ring-fenced for projects in Sedgemoor (and in particular Bridgwater) to Bridgwater Education Trust as a contribution to the expansion of their student/employee mentoring project.</p> <p>(3) That the second application for £15,000 of funding from Church House, Crowcombe is refused as the application did not demonstrate how the project would provide community benefits that address impacts of the Hinkley Point C development, or how it would effectively meet the CIM fund criteria.</p>
<b>Action Taken</b>	<p>At the Council meeting on 16 September 2015 it was <b>RESOLVED (1)</b> that the decision of West Somerset Cabinet be noted, as follows:</p> <p>(i) To release £18,295 from the CIM Fund ring-fenced for projects in Sedgemoor (and in particular Bridgwater) to Bridgwater Education Trust as a contribution to the expansion of their student/employee mentoring project.</p> <p>(ii) To not approve the second application for funding from Church House, Crowcombe as the application did not demonstrate how the project would provide community benefits that address impacts of the Hinkley Point C development, or how it would effectively meet the CIM Fund criteria.</p> <p><b>RESOLVED (2)</b> that the recommendations of the Hinkley Point C Planning Obligations Board and West Somerset Council be endorsed, as follows:</p> <p>(i) To release £200,000 from the CIM Fund ring-fenced for projects in Sedgemoor (and in particular Bridgwater) to Sydenham and Bower Family Health and Wellbeing Group for the enhancement of Coronation Park in Bridgwater noting the significant amount of additional funding the project will attract into the area.</p>



*Report Number:* WSC 138/15

*Presented by:* Cllr M Chilcott, Lead Member for Resources and Central Support

*Author of the Report:* Tim Burton, Assistant Director Planning and Environment

*Contact Details:*

*Tel. No. Direct Line* 01823 358403

*Email:* t.burton@tauntondeane.gov.uk

*Report to a Meeting of:* Cabinet

*To be Held on:* 14/10/2015

*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* 17/09/15

## REQUEST FOR ALLOCATION OF PLANNING OBLIGATIONS FUNDING

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to make proposals for the allocation of monies secured through planning obligations to individual schemes.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 No clear links within the proposals.

### 3. RECOMMENDATIONS

- 3.1 Cabinet agree the allocation of £1,000 towards the renewal of the main village hall stage at Brompton Ralph, and the allocation of £7,825 for the upgrading of land at bottom of Marshfield Road, Alcombe. These amounts to be added to the capital programme and funded from planning obligations contributions.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Failure to allocate monies correctly in line with legal agreements causing requirements to repay	3	4	12
<i>The proposals within the report are matched to the legal agreements and monies available in that area</i>	1	4	4
Failure to spend monies before date required in any legal agreements and trigger a requirement to repay	2	3	6
<i>The recommended projects use funds that are available and in date requirements</i>	1	3	3
Projects do not progress in accordance with plan and therefore money remains unspent	2	2	4
<i>Set timescale for delivery of project. Reallocate money if required</i>	1	2	2

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before and after the mitigation measures have been actioned.

## **5. BACKGROUND INFORMATION**

- 5.1 The authority has established arrangements to allocate monies secured through planning obligations. These match schemes to the authority's priorities. This mechanism has now also begun to identify projects that may be funded through new development. It also deals with specified streams of funding associated with the Hinkley Point development where funds have been directly paid to the Council and decisions are the sole responsibility of West Somerset.
- 5.2 Proposals are considered by the internal planning obligations group against priorities, appropriate strategies and any identified local priorities to create recommendations for Cabinet to consider on a quarterly basis. Any individual proposals over £25,000 require full Council approval. Proposals are considered against set criteria as part of the formal consideration of projects to allow allocation of funds and subsequent release of monies.
- 5.3 **Brompton Ralph Village Hall** The Hall currently has six home-made stage units each approximately 2.4 by 1.2m. They are old and heavy and suffering from damp and mould. The Village Hall Committee wish to purchase a modular stage system comprising eight new professional stage units with an alloy frame and alloy scaffold legs. The total cost will be £2,522.08 of which it is proposed to use £1,000 of planning obligations from application 3/02/06/12 identified to be used for recreational purposes.
- 5.4 **Land at bottom of Marshfield Road, Alcombe** This land is Common Land under the ownership of the Town Council. Since the new hospital has been built and a path constructed to enable the hospital to be accessed from Marshfield Road there has been an increase in walkers and cyclists using this area. The Town Council has previously invested £2000 to improve the surface, but further investment is required to make the area safe to walk across. The proposed funding will enable a connection between the Marsh Common path and the path at the rear of the hospital providing a safe cycle/pedestrian link. The Town Council are seeking £7,825. The Town Council will also be supporting the proposal by allocating an annual budget for future maintenance. It is proposed to use funds from planning obligation 3/21/05/038 which are for improvements to walking and cycling facilities in the Alcombe area.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The request for funding in respect of Brompton Ralph Village Hall meets the requirements of agreement 3/02/06/012.
- 6.2 The request of funding at Marshfield Road Alcombe meets the requirements of agreement 3/21/05/038.

## **7. COMMENTS ON BEHALF OF SECTION 151 OFFICER**

- 7.1 To aid monitoring and reporting against financial approvals, the sums will be added to the Capital Programme creating an agreed budget for the schemes, and will be funded from contributions received. This will not impact on the use of 'un-ring-fenced' capital resources i.e. capital receipts.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

8.1 **Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.** The three aims the authority **must** have due regard for are:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

8.2 It is considered that both projects will deliver positive benefits for all members of the communities.

## **9. CRIME AND DISORDER IMPLICATIONS**

9.1 None

## **10. CONSULTATION IMPLICATIONS**

10.1 None

## **11. ASSET MANAGEMENT IMPLICATIONS**

11.1 None

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 None

## **13. HEALTH & WELLBEING**

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

13.1 The proposals will potentially bring benefits in terms of health and wellbeing to the communities concerned.

## **14. LEGAL IMPLICATIONS**

14.1 None



*Report Number:* WSC – 150/15  
*Presented by:* Cllr Mandy Chilcott – Resources and Central Support  
 Portfolio Holder  
*Author of the Report:* Steve Perkins – Senior Debt and Recovery Officer  
*Contact Details:*

*Tel. No. Direct Line* 01984 635247

*Email:* srperkins@westsomerset.gov.uk

*Report to a Meeting of:* Cabinet

*To be Held on:* 14 October 2015

*Date Entered on Executive Forward Plan  
 Or Agreement for Urgency Granted:*

## **DISCRETIONARY RATE RELIEF POLICY**

### **1. PURPOSE OF REPORT**

- 1.1 To introduce a revised Discretionary Rate Relief Policy (“the Policy”) to come into effect from 1 April 2016.
- 1.2 The policy outlines the principles for the award of any Discretionary Rate Relief.
- 1.3 The policy is underpinned by the following key principles of considering the impact:
- On the Council’s wider financial position and how that affects Council Tax payers
  - On the organisations and businesses that currently receive or may apply for Relief in the future
  - On West Somerset residents if Relief is awarded and the regeneration benefits to the local community
  - Of temporary funding schemes made available by Central Government to provide full financial support for the awarding of Retail Relief, New Build Empty Property Relief and Long Term Empty Property Relief.
- 1.4 The principal consideration when making an award is that any Relief granted is in the best interests of the residents and taxpayers of West Somerset and produces a local benefit.

### **2. CONTRIBUTION TO CORPORATE PRIORITIES**

- 2.1 The Council recognises the importance of fair treatment and is committed to ensuring everyone has access to claim Discretionary Rate Relief. The revised Policy will ensure everyone is treated equally and fairly.
- 2.2 The revised Policy is also aimed at focussing both on local accountability and affordability.

### **3. RECOMMENDATIONS**

- 3.1 That Cabinet recommend to Council to:
- a) Approve the introduction of the revised policy detailed in Appendix 1.

- b) For Government funded changes (no budgetary implications), that powers be delegated for both annual reviews and amendments of this policy to the Section 151 Officer in consultation with both the Resources & Central Support and the Community & Customer Portfolio Holders and members will be advised through an executive update. For Government unfunded changes (budgetary implications) the policy will follow the usual Council processes.
- c) Approve the inclusion of the anticipated savings within the 2016/17 Budget and ongoing medium term financial plan net of additional administration costs.

#### 4. **RISK ASSESSMENT (IF APPLICABLE)**

##### **Risk Matrix**

<b>Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Overall</b>
With the introduction of revised Discretionary Rate Relief Policy there is a risk that some ratepayers that have received high levels of relief in the past may have this relief reduce or removed.	3	3	9
<i>The risk is mitigated by having a consistent and fair policy with a robust review/appeal procedure.</i>	2	3	6
There is a risk that the proposed policy will increase costs of administration	2	2	4
<i>The risk is managed by officers working within a simplified application process and scoring mechanisms.</i>	1	1	1

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before and after the mitigation measures have been actioned.

#### 5. **BACKGROUND INFORMATION**

- 5.1 Section 47 of the Local Government Finance Act 1988 allows billing authorities the discretion to award relief to:
- Make a further award on top of Mandatory relief to registered charities (“*Top-up*”)
  - Make a further award on top of Mandatory relief to village post offices, general stores, specialist food shops, public houses and petrol filling stations - where they are in a designated rural settlement (“*Top-up*”)
  - Make a further award on top of Mandatory relief granted to registered Community Amateur Sports Clubs (CASCs). (“*Top-up*”)
  - Sports grounds and clubs.
  - Social enterprises
  - Other certain types of rural businesses within a designated rural settlement.
  - Other non-profit organisations such as Community Interest Companies (CICs)
- 5.2 Since the introduction of the Business Rates Retention (BRR) funding system on 1 April 2013, any Mandatory or Discretionary Rate Relief awarded to local business rate payers is in effect funded 40% by West Somerset Council, with the County Council contributing 9% the Fire & Rescue Authority contributing 1% and 50% funded by the Government.
- 5.3 The total Mandatory Rate Relief in payment in 2014/15 was over £1.95m – the Council’s 40% share of this ‘cost’ was £780,660.
- 5.4 The total award of Discretionary Rate Relief in the 2014/15 financial year was £258,301 – the Council’s 40% share of this ‘cost’ was £103,320.

- 5.5 West Somerset's total contribution to Mandatory and Discretionary Reliefs, in the 2014/15 financial year, therefore amounted to £883,980.
- 5.6 Section 69 of the Localism Act 2011 amended Section 47 to allow for Discretionary Rate Relief to be awarded in any circumstances if it would be reasonable to do so in the interests of local taxpayers. It has been recognised that this may occur in the case of an asset transfer of public conveniences, therefore the new policy proposes to allow an award of Discretionary Rate Relief for a three year period following transfer, on a phased reducing basis: in the first year 80% relief, in the second year 50%, and in the third year 30% will be awarded. No Discretionary Relief will be awarded after the third year.
- 5.7 Section 49 of the Local Government Finance Act 1988 allows for "Hardship" relief to be granted to any organisation in acute difficulties.
- 5.8 In preparation for a review of our existing Discretionary Rate Relief Policy we have served the required 12 months' notice on all those organisations currently in receipt of Discretionary Rate Relief. All existing awards will expire on 31 March 2016 (or sooner if there is change of ratepayer).

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 As set out above, the Council's funding is directly affected by the amount of Discretionary Relief that is awarded, as the relief reduces the amount of business rates funding that is collected and subsequently reduces the Council's 40% "Standard Share" under the retention system. Discretionary Reliefs currently cost this Council approximately £258,000 – before taking account of any levy payment under BRR. Currently the Council is projecting that retained funding will remain above its BRR Funding Baseline, and as such pays a 50% levy to Government on its share of funding above this Baseline.
- 6.2 In considering the budgetary impact, if the Council ceased to award any discretionary relief the total budget saving would be approximately £129,000 per year – as the Council would have to pay 50% of the saving out in increased levy costs. Clearly the proposed policy does not recommend that reliefs are ceased in full, but this demonstrates the maximum potential saving that could be made if the policy sought to maximise budget savings purely on the basis of affordability for the Council.
- 6.3 Whilst it is difficult to be certain what the financial impact of the proposed Policy will be – as this will be determined by the number of applications and their entitlement to Discretionary Relief – it is expected that the new scheme will reduce the total amount of Relief awarded, and therefore result in an increase in the total amount of collectible business rates. This would have a positive impact on the total amount of funding retained by this Council under BRR. As a guide, it is estimated that net retained funding will increase in the range £25,000 to £35,000 under the new policy.
- 6.4 Implementing the new policy will have resource implications for the Revenues service. Discretionary Reliefs have not been reviewed for several years, meaning a relief that was awarded potentially many years ago has been continued year on year without necessarily confirming any changes to the entitlement or need. The implementation of the proposed policy will need to be supported with increased control and administration compared to current practices. This will increase the cost of administering the scheme through: processing applications, undertaking annual reviews, processing appeals. Whilst some of this work can be managed through prioritising existing service capacity, the management assessment is that a £3,500 increase the Revenues service budget is necessary to deliver the extra work that cannot be absorbed without diverting significant resources from existing income collection and debt recovery work. Such a diversion of resources would increase risk to collection rates of critical income streams, and is therefore not recommended. It is proposed that this increased cost of administration is funded from the additional BRR income due to the Council through the implementation of the new policy, reducing the estimated net saving range to £21,500 to £31,500.

## **7. COMMENTS ON BEHALF OF SECTION 151 OFFICER**

- 7.1 The review of the policy has sought to maintain a balance between supporting local businesses as well as protecting local services through increasing the amount of funding the Council retains under the BRR system.

7.2 The Council's own financial position is well documented, and it is advisable to review all areas of service including financial assistance that is provided to businesses and the local community. The proposed policy – whilst reducing the overall level of financial support provided through discretionary reductions in business rates bills – will provide essential budget savings to help reduce the funding gap identified in the Council's medium term financial plan.

7.3 Members should also recognise that the changes in policy and underpinning business process will impact on resources, and I support the proposal to use part of the savings to fund the additional administration costs needed.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

The Council has undertaken an Equality Impact Assessment (**Appendix E**). The assessment has considered in detail what impact the policy could have on the protected characteristics: age, disability, gender reassignment, pregnancy, maternity, race, religion or belief, sex and sexual orientation

## **9. CRIME AND DISORDER IMPLICATIONS**

9.1 There are no crime and disorder implications in this policy.

## **10. CONSULTATION IMPLICATIONS**

10.1 Consultation was undertaken by the Policy Advisory Group and consultation is on-going.

## **11. ASSET MANAGEMENT IMPLICATIONS**

11.1 There are no asset management implications in this policy.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 There are no environmental implications in this policy.

## **13. HEALTH & WELLBEING**

13.1 Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

## **14. LEGAL IMPLICATIONS**

14.1 There are no legal implications in this policy.

# **DISCRETIONARY RATE RELIEF POLICY**

## Contents

1. Introduction and scope
  2. The Discretionary Rate Relief & Rural Discretionary Scheme
  3. Charitable organisations
  4. Registered community amateur sports clubs
  5. Not for-profit making organisations including Community Interest Companies
  6. Hardship Relief
  7. Section 44a Relief -partly occupied properties
  8. Government Rate Relief Temporary Measures
  9. Local Business Rate Discretionary Discount
  10. Period of Relief
  11. Applications
  12. Approval
  13. Appeals
  14. Policy Review
  15. Communications
- (**Appendix A** – Scoring Matrixes, **Appendix B** – Rural Settlement list, **Appendix C** – Funding Arrangements, **Appendix D** – Draft Application Form, **Appendix E** – Equality Impact Assessment)

## **1. Introduction and scope**

This policy document outlines the areas of local discretion and West Somerset Council's approach when awarding Discretionary Rate Relief. This approach has regard to the impact:

- On the Council's wider financial position and how that affects Council Tax payers
- On the organisations and businesses that currently receive or may apply for Relief in the future
- On West Somerset residents if Relief is awarded and the regeneration benefits the local community
- Of funding made available by Central Government to provide full financial support for the awarding of Retail Relief, New Build Empty Property Relief and Long Term Empty Property Relief.

The principal consideration when making an award is that any Relief granted is in the best interests of the residents and taxpayers of West Somerset and produces a local benefit.

## **2. The Discretionary Rate Relief Scheme**

Discretionary Rate Relief is granted in accordance with:

Section 43 of the Local Government Finance Act (LGFA) 1988; and

Section 47- 49 of the Local Government Finance Act (LGFA) 1988 as amended by the Localism Act 2011

Clause 69 of the Localism Act amended section 47 of the Local Government Finance Act (LGFA) 1988 to allow local billing authorities to fund their own local discounts entirely as it sees fit within the limits of the primary legislation and European rules on state aid. These powers can be used to encourage new business and investment, regeneration projects, as well as to support local shops or community services.

The cost of awarding Discretionary Rate Relief is split between Central Government (50%), West Somerset Council (40%) the County Council (9%) and Devon Fire (1%). However in certain circumstances Central Government fund 100% of the cost of awarding relief as detailed in **Appendix C**.

The powers under Section 47 of the LGFA 1988 can also be used to grant specific Reliefs that Central Government initiate, namely Retail Relief, New Build Empty Property Relief and Long Term Empty Property Relief.

Guidance was given to local authorities in 1990 and 2002 recommending that the authority should have readily understood policies for deciding whether or not to grant relief, and for determining the amount of relief to certain organisations which operate within specified criteria. This criteria covers:

- Charitable bodies already in receipt of Mandatory Relief at 80% the Council has further discretion to 'top up' this Relief
- Registered community amateur sports clubs already in receipt of Mandatory Relief at 80% – the Council has further discretion to 'top up' this Relief on a case by case basis.
- Non-profit making organisations – the Council has discretion to grant Discretionary Rate Relief in accordance with local policy on a case by case basis.
- Property that is in a qualifying rural settlement (**see Appendix B**) and is a qualifying food shop, general store, Post Office, sole public house or sole petrol station already in receipt of Mandatory Relief of 50% – the Council has discretion to 'top up' this relief on a case by case basis by awarding Discretionary Rate Relief.

The Council will consider applications for a Discretionary Rate Relief top up based on a case by case basis. The principal consideration is that any Discretionary Relief is granted in the best interests of the residents and taxpayers of West Somerset and produces a local benefit as the Council must bear a percentage of the cost of any Relief granted. **However, it is Council policy that no Discretionary Relief will be awarded to National Charity Shops so they will only receive the 80% Mandatory Relief.**

There are two specific categories of property for which 100% Discretionary Relief can be awarded on a time limited basis in line with the Government's directive. These are temporary schemes (18 Months) that are **fully funded** by Central Government they are:

New Build Empty Property

Long Term Empty Property

### **Rural Rate Relief**

**In all three scenarios listed below 50% mandatory Rural Rate Relief should be applied in accordance with government legislation.**

The Council may award Rural Rate Relief to qualifying businesses in designated rural settlements (settlements identified with a population of less than 3000). Qualifying businesses include post offices and food shops with a rateable value of less than £8,500 or the only public house, or the only petrol filling station in the designated rural settlements with a rateable value of less than £12,500.

It is agreed that qualifying businesses operating within designated rural settlements who receive 50% mandatory Rural Rate Relief the Council will consider applications for a Discretionary Rate Relief top up based on a case by case basis. The principal consideration is that any Discretionary Relief is granted in the best interests of the residents and taxpayers of West Somerset and produces a local benefit as the Council must bear a percentage of the cost of any Relief granted

For a consistent approach on the % of Discretionary Rate Relief awarded the Council will assess all applications by using the scoring matrix as shown in **Appendix A**.

It is further agreed that a review is undertaken of qualifying rural settlements every five years and in line with revaluation to ensure that they do not exceed the population threshold. Further information to aid this process will have to be obtained from census records.

### **Post Offices**

**Post Offices are an important component of many local communities, and particularly so in rural areas and qualifying Post Offices, in designated rural areas with an Rateable Value of less than £8,500 are eligible for 50% Mandatory Rural Rate Relief.**

It is agreed that qualifying businesses operating within designated rural settlements who receive 50% Mandatory Rural Rate Relief the Council will consider applications for a Discretionary Rate Relief top up based on a case by case basis. The principal consideration is that any Discretionary Relief is granted in the best interests of the residents and taxpayers of West Somerset and produces a local benefit as the Council must bear a percentage of the cost of any Relief granted.

For a consistent approach on the % of Discretionary Rate Relief awarded the Council will assess all applications by using the scoring matrix as shown in **Appendix A**.

### **Village Stores, Filling Stations and Public Houses**

**Village Stores with a rateable value of less than £8,500, and Filling Stations and Pubs with a rateable value of less than £12,500, are eligible for 50 % Mandatory Rural Rate Relief.**

It is agreed that qualifying businesses operating within designated rural settlements who receive 50% Mandatory Rural Rate Relief the Council will consider applications for a Discretionary Rate Relief top up based on a case by case basis. The principal consideration is that any Discretionary Relief is granted in the best interests of the residents and taxpayers of West Somerset and produces a local benefit as the Council must bear a percentage of the cost of any Relief granted.

For a consistent approach on the % of Discretionary Rate Relief awarded the Council will assess all applications by using the scoring matrix as shown in **Appendix A**.

### **Other Rural Businesses with Rateable Values under £16,500**

**Such businesses get no Mandatory Relief and can only be considered for Discretionary Rural Rate Relief and each case is treated on its merits by reference to the contribution and importance of the business to the local community.**

It is agreed that qualifying businesses operating within designated rural settlements the Council will consider applications for a Discretionary Rate Relief top up based on a case by case basis. The principal consideration is that any Discretionary Relief is granted in the best interests of the residents and taxpayers of West Somerset and produces a local benefit as the Council must bear a percentage of the cost of any Relief granted.

For a consistent approach on the % of Discretionary Rate Relief awarded the Council will assess all applications by using the scoring matrix as shown in **Appendix A**.

### **3. Charitable Organisations**

**Mandatory Rate Relief of 80% is granted to charities in the following circumstances:**

Where the:

- Ratepayer of a property is a charity or the trustees of a charity;

and

- The property is wholly or mainly used for charitable purposes (including charity shops, where the goods sold are mainly donated and the proceeds are used for the purpose of the charity)

Registration under the Charities Act 1993 is conclusive evidence of charitable status. Bodies which, under the 1993 Act, are exempted from registration or are exempt charities are also eligible for Mandatory Relief.

It is agreed that in cases where a charity is in receipt of Mandatory Rate Relief of 80% the Council will consider applications for a Discretionary Rate Relief top up based on a case by case basis. The principal consideration is that any Discretionary Relief is granted in the best interests of the residents and taxpayers of West Somerset and produces a local benefit as the Council must bear a percentage of the cost of any Relief granted.

**However, it is Council policy that no Discretionary Rate Relief will be paid to National Charity Shops.**

For a consistent approach on the % of Discretionary Rate Relief awarded the Council will assess all applications by using the scoring matrix as shown in **Appendix A**.

### **4. Registered Community Amateur Sports Clubs (CASC's)**

**Mandatory Rate Relief of 80% is granted to registered CASC's.**

To qualify as a CASC, the club must fulfil ALL of the following criteria. It must be:

- On the CASC register (link <https://www.gov.uk/government/publications/community-amateur-sports-clubs-casc-registered-with-hmrc--2>)
- Open to the whole community
- Run as an amateur club
- A non-profit making organisation; and

- Aiming to provide facilities for, and encourage people to take part in, eligible sport

The Council will consider applications for a Discretionary Rate Relief top up from CASC's based on their own merits on a case by case basis. The principal consideration is that any Relief is granted in the best interests of the residents and taxpayers of West Somerset and produces a local benefit as the Council must bear a percentage of the cost of any Relief granted.

However, it should be noted that sports clubs and other organisations which run a bar will have this assessed along with other criteria.

For a consistent approach on the % of Discretionary Rate Relief awarded the Council will assess all applications by using the scoring matrix as shown in **Appendix A**.

## **5. Not for-profit making organisations including Community Interest Companies**

**Such businesses get no Mandatory Relief and can only be considered for Discretionary Rural Rate Relief and each case is treated on its merits by reference to the contribution and importance of the business to the local community.**

The main objectives of the organisation must be related to:

Relief of poverty, Advancement of religion, Advancement of education, Social Welfare, Science, Literature, Fine arts and Recreation or otherwise beneficial to the community.

A community interest company ("CIC") is a type of company, designed primarily for social enterprises that want to use their profits and assets for the public good. CIC's are particularly attractive to those wishing to enjoy the benefits of limited company status and want to make it clear that they are established for the benefit of the community, but are not able, or do not wish to become charities. They vary in size from small community-based organisations to multimillion pound enterprises. CIC's are relatively easy to set up, with all the flexibility and certainty of the company form, but with some special features which ensure that they work for the benefit of the community.

However, it should be noted that sports clubs and other organisations which run a bar will have this assessed along with other criteria.

It is agreed that the Council will consider applications for a Discretionary Rate Relief top up for not for-profit organisations and Community interest companies based on a case by case basis. The principal consideration is that any Discretionary Relief is granted in the best interests of the residents and taxpayers of West Somerset and produces a local benefit as the Council must bear a percentage of the cost of any Relief granted.

For a consistent approach on the % of Discretionary Rate Relief awarded the Council will assess all applications by using the scoring matrix as shown in **Appendix A**.

## **6. Hardship Relief (Section 49)**

The Council has the power to reduce or remit the Business Rates charged in certain circumstances where the Ratepayer is enduring temporary financial difficulties, this is known as Hardship Relief.

The Council may grant Hardship Relief if it is satisfied that:

- The Ratepayer would sustain financial hardship if the Council did not do so:

and

- It is reasonable for the Council to grant Relief, with regard to the interests of its residents and Council Tax payers

Hardship Relief will only be applied to the actual balance outstanding in the year the application was made.

No Hardship Relief can be awarded where payment has been made in part or full.

Hardship Relief is a temporary measure which can only be awarded once because it should not be used to artificially sustain a failing business. Hardship Relief maybe awarded where the ratepayer is facing temporary financial difficulties and where the community would be significantly disadvantaged if the business were to close. The maximum award period is 12 months.

Application forms for Hardship Relief must be accompanied by a full set of audited accounts relating to the two years preceding the date of application. Where audited accounts are not available for the current financial year, projected figures certified as being a 'true and fair view' by the company secretary or company accountants may be used. It is recommended that applicants submit audited accounts dating back further than two years, if such information is available.

For a consistent approach on the % of Discretionary Rate Relief awarded the Council will assess all applications by using the scoring matrix as shown in **Appendix A**.

### **7. Section 44a Relief (partly occupied properties)**

The Council has discretion under section 44a of the Local Government Finance Act to award Rate Relief where part of a property is unoccupied for a temporary period. The definition of 'temporary period' is not prescribed within the law and therefore West Somerset Council has the discretion to decide the period of Relief should be awarded. The amount of Rate Relief that is awarded is determined by statute and is calculated by reference to the Rateable Value attributed to the unoccupied area by the Valuation Office Agency, part of Her Majesty's Revenue and Customs (HMRC).

Applications will only be considered in respect of unoccupied parts of a property that can be clearly defined and are reasonably segregated from the occupied part of the property.

No award shall be made where it appears to the Council that the reason that part of the property is unoccupied is wholly or mainly for the purposes of applying for Rate Relief.

Rate Relief under this section will not be awarded in respect of partly occupied property where the partial occupation of the property may arise due to the ordinary day to day nature of the business (for example the operation of a warehouse).

The period of Relief will not exceed either 3 or 6 months depending on the type of property the claim has been made for, in line with the current legislation for part-occupied properties.

Applications could be considered, for example, where the property is used for purposes which are of benefit to the wider local community but do not fall in any other categories for relief, and it would be in the interests of the Council Tax payer to make an award, as the Council has to meet a proportion of the costs as shown at Appendix A. It could also be used to support regeneration projects within West Somerset to bring empty properties back into use.

Information on reliefs available can be found on our website at: [Link Required](#)

### **8. Government Retail Relief Temporary Measures (Fully Funded by Central Government)**

The Government have introduced a **temporary measure** to discount business rate bills by up to £1,000 in 2014/15 and £1,500 in 2015/16 for retail premises with a rateable value of £50,000 or less. West Somerset Council will use its discretionary powers to provide a discount to qualifying retail businesses, of up to £1,000 in 2014-15 and of up to £1,500 in 2015-16. This retail rate relief can reduce the business rates payable to zero.

The Government introduced a **temporary measure** for unoccupied new builds from 1 October 2013. Under this temporary measure, West Somerset Council will use its discretionary powers to exempt unoccupied new builds from unoccupied property rates for up to 18 months, up to [state aid](#) limits, where the property comes on to the list between 1 October 2013 and 30 September 2016. The 18 month period includes the initial 3 or 6 month mandatory exemption.

From 1 April 2014 to 31 March 2016 the Government allows Local Authorities to grant a 50% discount (reoccupation relief) from business rates to those occupying retail premises with a rateable value of less than £50,000 that have been vacant for at least 12 months. The relief will last for 18 months for those moving into such properties. West Somerset Council can only award reoccupation relief to the net business rates bill after the application of any other relief.

The Transitional Relief scheme was introduced in 2010 to help those ratepayers who were faced with higher bills. The scheme ended on 31 March 2015 and as a result a small number of ratepayers were facing a jump to their full rates bill from 1 April 2015. On 3 March 2015 the Government laid regulations to extend the Transitional Relief scheme for properties with a rateable value up to and including £50,000 until 31 March 2017. As this measure is for 2 years only (2015/16 & 2016/17), the Government have not changed the legislation for Transitional Relief, but instead will fully reimburse local authorities that award discretionary relief to those with a rateable value up to and including £50,000 who would have received transitional relief in 2015/16 or 2016/17 had the existing Transitional Relief scheme continued in its current format.

West Somerset Council will award discretionary relief to those with a rateable value up to and including £50,000 who would have received transitional relief in 2015/16 or 2016/17 had the existing Transitional Relief scheme continued in its current format. This policy applies to transitional relief only (i.e. those moving to higher bills).

In line with the existing thresholds in the transitional relief scheme, the £50,000 rateable value threshold should be based on the rateable value shown for 1 April 2010 or the substituted day in the cases of splits and mergers. As the grant of the relief is discretionary, West Somerset Council may choose not to grant the relief if it considers that appropriate, for example where granting the relief would go against the Council's wider objectives for the local area.

## **9. Local Business Rate Discretionary Discount**

Section 69 of The Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 and allows the Council to grant locally determined business rate discounts (in addition to the already available Discretionary Rate Reliefs).

The new power recognises that the current business rates scheme is broadly prescribed by central government and its aim is to provide increased flexibility to local authorities to support organisations, recognising the variations in economic conditions across and within local authority boundaries.

Any ratepayer applying for a Local Business Rate Discount who does not meet the criteria for Discretionary Rate Relief under any other part of this policy, must meet all of the following criteria and any award will be based on these factors:

The ratepayer must not be entitled to Mandatory Rate Relief (Charity or Rural Rate Relief)

The ratepayer must not be an organisation that could receive relief as a non-profit making organisation or as Community Amateur Sports Club.

The ratepayer must occupy the premises – no relief will be granted for unoccupied properties

The premises and the organisation must be of significant benefit to the residents of West Somerset

The ratepayer must:

Provide facilities to certain priority groups such as elderly, disabled, minority or disadvantaged groups, OR

Provide significant employment or employment opportunities to residents of West Somerset

Provide residents of West Somerset with such services, opportunities or facilities that cannot be obtained locally or are not provided by another organisation

The ratepayer must show that the organisation will comply with all legislative requirements and operate in an ethical, sustainable and environmentally friendly manner at all times

Where a ratepayer can demonstrate that all of the above criteria are met, any award must have due regard to:

the financial status of the applicant when determining the level of relief to be granted, and  
the impact and best interests of the Council Tax payers of West Somerset

Relief will not be given to those organisations where a bar is the main activity. It would be expected that any bar profits would be used to offset any expenses thus negating the reliance on public funds.

Where a ratepayer is suffering hardship or severe difficulties in paying their rates liability then an application may be made for relief under Section 49 of the Local Government Finance Act 1988. There will be no requirement to grant relief in such cases under the Council's Discretionary Rate Relief policy.

**In the case of an asset transfer of public conveniences it is Council Policy to allow Discretionary Rate Relief. This will be phased over a three year period, in the first year 80% will be awarded, in the second year 50% will be awarded and in the third year 30% will be awarded. No Discretionary Relief will be awarded after the third year.**

#### **10. Period of Relief**

Discretionary Rate Relief will usually be granted for a period of one financial year.

The granting of Relief will be reviewed annually and those in receipt of Discretionary Rate Relief will be asked to supply or confirm relevant information for the purpose of the review.

If a Ratepayer in receipt of Discretionary Rate Relief ceases to meet the eligibility criteria outlined in this policy, they will cease to receive Discretionary Rate Relief. The Council will give such Ratepayers twelve months written notice prior to the withdrawal of Discretionary Rate Relief. The ratepayer may request reconsideration against this decision via the appeal process detailed below.

#### **11. Applications**

A Discretionary Rate Relief form must be completed this can be found on our website at: [Link Required](#)

Or a paper copy of this form can be issued by telephoning Customer Services on 01643 707104.

All completed application forms should be returned to the Business Rates Team at West Somerset Council, Killick Way, Williton, Taunton, Somerset. TA4 4QA or emailed to [reveunes@westsomerset.gov.uk](mailto:reveunes@westsomerset.gov.uk).

**If a business is already receiving (or has applied for) other help from the Council such as a grant this may affect your Discretionary Rate Relief application this information must be included in the application form.**

**Every application for Discretionary Rate Relief must be supported by their ward Councillor via letter or email as part of the application process.**

## **12. Approvals**

Any officer or Councillor involved in the decision-making process for Discretionary Rate Relief or Hardship Relief must declare if they have an interest in or an association with any ratepayer applying.

Upon receipt of the application form the initial assessment to award or refuse Discretionary Rate Relief will be made by a Revenues Officer and their recommendations signed off by a Senior/Principal Officer.

The Chief Finance Officer or Deputy will then be sent the recommendation for approval from the Senior/Principal Officer.

Applicants will be notified in writing of any decision. A revised Business Rates bill will be sent if required.

## **13. Appeals**

There is no statutory right of appeal against a decision made by the Council in respect of Discretionary Rate Relief. However, the Chief Finance Officer or Deputy, in consultation with the Portfolio holder, will review the case where it is believed that the policy has not been applied correctly.

The applicant will be allowed to submit in writing additional or new information/evidence to support the application. The decision will be reviewed by the Chief Finance Officer or Deputy with the Portfolio holder.

If an unsuccessful applicant requests an appeal, they will still need to continue to pay their rates bill. Once the appeal has been heard, the ratepayer will be informed, in writing, of the decision.

Although the amount of relief is restricted to a maximum of 80%, in exceptional circumstances, 100% Discretionary Rate Relief could be awarded. This would be assessed on a case by case basis and approved by the Chief or Deputy Finance Officer and in consultation with the Portfolio holder.

**Every appeal for Discretionary Rate Relief must be supported by their ward Councillor via letter or email as part of the appeal process.**

The right of appeal process does not affect a ratepayer's legal right to challenge the decision by way of a judicial review.

## **14. Policy Review**

The Council reserves the right to review the policy at any time. This may be as a result of information gained from operating the policy or following changes in legislation. If any review is required the Council delegates authority to the Section 151 officer and the responsible Portfolio holder to facilitate this review.

## **15. Communications**

The Council will publicise Discretionary Rate Relief on our website and through the issue of factsheets.

One or more of the scoring matrixes, listed below, will be applied to each application:

Reserves as a Percentage of Net Annual Rates	- up to 30% Discretionary Relief
Licensed Bar	- up to 30% Discretionary Relief
Net Profit	- up to 80% Discretionary Relief
Local Community Test	- up to 50% Discretionary Relief

**Failure to supply adequate records will result in no award**

**\*\* The absolute maximum award is 80% even if the scores are greater \*\***

## Rural Settlements List 2015-16

PARISH	RURAL SETTLEMENT
Bicknoller	Bicknoller
Brompton Ralph	Brompton Ralph
Brompton Regis	Brompton Regis
Brushford	Brushford
Carhampton	Carhampton
Carhampton	Blue Anchor
Clatworthy	Clatworthy
Crowcombe	Crowcombe
Cutcombe	Wheddon Cross
Cutcombe	Cutcombe
Dulverton	Dulverton
Dunster	Dunster
Dunster	Dunster Marsh
East Quantoxhead	East Quantoxhead
Elworthy	Elworthy
Exford	Exford
Exmoor	Simonsbath
Exmoor	Sandyway
Exton	Exton
Exton	Bridgetown
Holford	Holford
Huish Champflower	Huish Champflower
Kilve	Kilve
Luccombe	Luccombe
Luxborough	Luxborough
Monksilver	Monksilver
Nettlecombe	Nettlecombe
Oare	Oare
Old Cleeve	Old Cleeve
Old Cleeve	Bilbrook
Old Cleeve	Washford
Old Cleeve	Hungerford
Old Cleeve	Roadwater
Porlock	Porlock
Sampford Brett	Sampford Brett
Selworthy & Minehead Without	Bratton
Selworthy & Minehead Without	Bossington
Selworthy & Minehead Without	Allerford
Selworthy & Minehead Without	Selworthy
Selworthy & Minehead Without	Tivington
Skilgate	Skilgate
Stogumber	Stogumber
Stogursey	Shurton
Stogursey	Stogursey
Stringston	Stringston
Timberscombe	Timberscombe
Treborough	Treborough
Upton	Upton
West Quantoxhead	West Quantoxhead
Williton	Williton
Williton	Doniford
Winsford	Winsford
Withycombe	Withycombe
Withycombe	Rodhuish
Withypool	Withypool
Withypool	Hawkridge
Wootton Courtenay	Wootton Courtenay

### **Funding of Reliefs**

With the introduction of the Business Rates Retention Scheme from 1st April 2013, local authorities now share in the gains and losses associated with changes in Business Rates income. The Government hopes that localising Business Rates in this way will incentivise Local Authorities to adopt strategies to promote businesses and generate additional Business Rates income. The introduction of Business Rates Retention has a major impact on the funding arrangements for all Reliefs available which are now financed as follows:

50% by Central Government

40% by West Somerset Council

10% by Somerset County Council

1% Devon Fire

**This excludes Transitional, Retail, Flooding Relief, Long Term Empty Property Relief and New Build Empty Property Relief which are financed at 100% by Central Government.**

## Draft Application Form

# Business Rates Rate Relief Claim Form

Revenues and Benefits Service

Telephone 01643 703704  
Lines open weekdays 9am to 5.00pm  
(4.30pm on Fridays)

## Information and guidance notes

Information on the different ways you may be able to reduce your Business Rates bill is shown on pages 2, 3 and 4.

## How to fill in this form

**Please return the claim form in full. Do not remove any pages.**

After completing Part 1 you must complete other parts of the form to claim the relief you need.

You can apply for more than one type of one relief.

Fill in the form using black ink. If you make a mistake, cross it out and put the right answer next to it.

Do not use correction fluid or tape. Answer Yes or No questions by putting a tick ✓ in the relevant box. If you are picking an answer from a list, tick ✓ the box that applies to you.

If you find the form difficult to fill in, please telephone us on 01643 703704.

Everyone must complete Part 1 of this form.

You can claim more than one type of Rate Relief. You will need to complete:

- Part 2 - for Small Business Rate Relief
- Part 3 - for Hardship Relief
- Part 4 - for Rural Rate Relief
- Part 5 - for Charity Rate Relief
- Part 6 - for Sports Clubs Rate Relief
- Part 7 - for Non-Profit Making Organisations Rate Relief
- Part 8 - for Rate Relief for Retail Premises
- Part 9 - for Local Business Rate Discount

If we need supporting documents we will tell you in each section.

If there is not enough space to tell us about your circumstances, give us details on a separate sheet of paper and send it with the form.

We can arrange a private appointment with you to help you with your claim. Contact us if you would like to arrange an appointment.

Please return your completed form to: The Business Rates Department, Killick Way, Williton, Taunton, Somerset. TA4 4QA

We aim to make a decision on your claim within 21 days of getting all the information we need.

**If you would like this form translated into other languages or in Braille, large print, audiotape or CD, please contact us.**

### Small Business Rate Relief

If a business is **not** entitled to another Mandatory Relief, the business may get Small Business Rate Relief. From 1 October 2010 to 1 April 2016, eligible businesses with a rateable value of up to £6,000 are entitled to 100% relief. If the rateable value is between £6,001 and £12,000, the business will be entitled to relief on a sliding scale between 100% and 0%.

Small Business Rate Relief is available at 100% for ratepayers who occupy single properties with a rateable value of up to £6,000. If the property has a rateable value of less than £12,000, we award relief declining in percentage terms on a sliding scale until it is 0%.

Small Business Rate Relief is only available to:

- Rate payers with only one business property with a rateable value of less than £12,000. If a rate payer takes on more properties they will continue to get Small Business Rate Relief for a further year following such expansion; or
- Ratepayers occupying a main property with a rateable value of less than £12,000, but also occupying other properties each with rateable values under £2,600, and the total rateable value of them does not exceed £17,999. We can only award relief on the property with the highest rateable value.



### Hardship Relief



We have discretion to give hardship relief but as it is subsidised by local Council Tax payers, **we will only consider an award in the most exceptional of cases.**

Applicants need to demonstrate the detrimental effect that paying the charge would have, the number of employees affected and provide their last two years' accounts together with any projections of the current year's trading.

Hardship relief is temporary assistance to a viable business in short term difficulties and can only ever be awarded once. **It is not a financial prop for a failing business.**

### Rural Rate Relief

You could get Mandatory Rural Rate Relief of 50% off your Business Rates if your business is in a rural area with a population below 3,000. The property has to be occupied and you can only get relief if your business is in an area where it is the **only**:

- village shop, general store, specialist food shop or Post Office with a rateable value of up to £8,500
- public house or petrol station with a rateable value of up to £12,500



We can also give up to 50% Discretionary Rural Rate Relief from Business Rates. We will consider the service the organisation provides to the community and if the business meets with the Council's Vision and Aims. We will decide Discretionary Rural Rate Relief by considering the following:

- If the business supplies goods or services essential to the day-to-day needs of the local community, for example food, fuel, or provision of social or welfare facilities
- The effect on the local community if the business was to close, for example significant travel for alternative supply or are there other businesses locally
- If the business employs a significant number of employees from the local community and the alternative employment prospects
- The percentage of the local community using the facilities
- Any additional services the organisation provides to the local community
- The organisation's financial position
- The extent the organisation supports other local businesses

In general, we will award 50% Discretionary Rural Rate Relief to sole Post Offices as they provide a valuable service and are a focal point for the community. For sole remaining village or general stores, public houses and filling stations, we will usually award 30% Discretionary Rural Rate Relief. However, when considering food stores, we will look at the number of similar businesses in the settlement when deciding on any award.

We will also consider Discretionary Rural Rate Relief for other rural businesses with rateable values under £16,500. We will treat each business on its merits looking at the contribution of the business to the local community.

### Charities

Registered charities can claim 80% Mandatory Relief from Business Rates if they meet the following conditions:



- A registered charity or trustees for a registered charity must occupy the business property
- The business property must be wholly or mainly used for charitable purposes.

Some organisations are exempt from registration but we will treat them as established for charitable purposes. These organisations are:

- The Church Commissioners (or any institution administered by them);
- Units of the Boy Scouts or Girl Guides;
- Any registered society within the meaning of the Friendly Societies Act 1896-1974;
- Voluntary schools within the meaning of the Education Act 1944-1980.

Charity shops are entitled to 80% relief if they use premises:

- Wholly or mainly for the sale of goods donated to the charity; and,
- Where the net proceeds from the sale of goods are applied to the purpose of the charity.

Our interpretation of "mainly" will be on the basis of "more than half". To satisfy "mainly", this will be if the net sales income from donated goods exceeds sales income from bought in goods.

We can grant up to 20% extra "top up" relief from business rates at our discretion. We will award Discretionary Relief for charities on the basis of a tapering system, graded against that organisation's contribution to West Somerset Council's Strategic Vision and Aims. We will consider top up relief for organisations that demonstrate:

- Clear evidence of need, of wide community reach, and a material contribution to West Somerset Council's Strategic Vision and Aims - Discretionary Relief of 10% to 20%
- Limited evidence of need, of community reach, and some material contribution to West Somerset Council's Strategic Vision and Aims - Discretionary Relief of 0% to 10%

We will **not** give Discretionary Relief to:

- Public (fee paying) schools; or
- Charitable bodies where there is no evidence of need, very restricted community reach, and no material contribution to West Somerset Council's Strategic Vision and Aims

### Sports Clubs and Registered Community Amateur Sports Clubs (CASCs)

We will award 80% Mandatory Relief from Business Rates to Community Amateur Sports Clubs (CASCs) eligible to be a registered club for the purposes of Schedule 18 to the Finance Act 2002.

We will grant up to 20% top-up Discretionary Rate Relief to sports clubs that are either registered by as a CASC or where we consider them to be a charity. For Discretionary Rate Relief a sports club is one meeting the following condition:

- A facility wholly or mainly used for purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for personal or private profit.

To consider Discretionary Rate Relief in these cases we assess applications using a scoring matrix. If a CASC fails to achieve a score of 80% against this matrix, we will only award 80% Mandatory Relief.



### Not-for-Profit Organisations and Social Enterprises

We can award up to 100% Discretionary Rate Relief to an organisation or institution that is not established or conducted for personal or private profit and whose objectives are designed to deliver local community benefit and are either:

- Charitable, philanthropic, religious, educational or concerned with social welfare, science, literature or the fine arts
- An organisation we consider to be a Community Interest Company or Social Enterprise

To consider Discretionary Rate Relief in these cases, we will consider the organisation's contribution to the community and its contribution to West Somerset Council's Strategic Vision and Aims.

### Discount for Retail Premises

We can discount business rate bills by up to £1,000 in 2014/15 and by up to £1,500 in 2015/16 for retail premises with a rateable value of £50,000 or less. Retail premises must be occupied and wholly or mainly used to sell goods, services or food and drink to visiting members of the public. Betting offices, payday loan shops and bank premises are excluded from the £1,000/£1,500 discount.

The discount is likely to be subject to European State Aid de minimis rules. This bars a company from receiving more than €200,000 in State Aid across a rolling three year period. This will limit the scope for multi-site retailers to get this discount for all their shops, especially if their business already gets other forms of State Aid.

Download the [Help for Retail Business factsheet](http://www.westsomersetonline.gov.uk) for more information on [www.westsomersetonline.gov.uk](http://www.westsomersetonline.gov.uk)



### Temporary Re-Occupation Relief Scheme



From 1 April 2014 to 1 April 2016 we can grant a 50% discount from business rates to those occupying retail premises with a rateable value of less than £50,000 that have been vacant for at least 12 months. The relief will last for 18 months for those moving into such properties.

Betting offices, payday loan shops and pawn brokers are excluded from reoccupation relief.

### Local Business Rate Discount

We have the discretion to grant a Local Business Rate Discount for a fixed period to any ratepayer who does not meet the criteria for any other form of rate relief. We will consider applications on the individual merits of the case. The ratepayer must:

- Provide facilities to certain priority groups such as elderly, disabled, minority or disadvantaged groups; or
- Provide significant employment or employment opportunities to residents of West Somerset

In addition, the business must provide West Somerset residents with such services, opportunities or facilities that cannot be obtained locally, or are not provided by another organisation.

Finally, the ratepayer must show the organisation will comply with all legislative requirements and operate in an ethical, sustainable and environmentally friendly manner.

While organisations may meet all the criteria, West Somerset Council does not commit to any award of Local Business Rate Discount if it does not consider it to be reasonable to do so and in the best interest of local taxpayers. Any award we make will have due regard to the:

- Financial status of the applicant; and
- Impact and best interests of the Council Tax payers of West Somerset

We will not award relief to organisations where a bar is the main activity. Any relief awarded will range from 0% to 100% of the ratepayer's liability.



# Rate Relief claim form

## Part 1. About your business and your declaration

Name of ratepayer	<input type="text"/>
Name of organisation	<input type="text"/>
Address of business to which this claim relates	<input type="text"/>
Daytime telephone number	<input type="text"/>
E-mail address	<input type="text"/>
State the purpose or objective of the organisation	<input type="text"/>

Business rates discounts are a form of state aid and we must know if the organisation has received or is receiving state aid. You must therefore complete the State Aid De Minimis Declaration below.

I confirm the organisation named above has **not** received De Minimis aid Yes  No   
in the last 3 financial years (this being the current financial year and the last two financial years)

If No to the previous question, I confirm the organisation named above has received the following De Minimis aid in the last 3 financial years (this being the current financial year and the last two financial years)

Organisation providing the assistance/aid	Value of assistance	Date of assistance	Nature of assistance
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

I am authorised to sign on behalf of the organisation named above. I understand the requirements of De Minimis (EC Regulations 1998/2006).

The organisation named above is not a business "in difficulty" as defined at 2.1 of the Community Guidelines and State Aid for Rescuing and Restructuring Firms in Difficulty (2004/C22/02) at the date of this declaration.

By signing below, I confirm I represent the organisation stated and the information set out above is accurate for the purposes of the De Minimis exemption.

Read this declaration carefully before you sign and date it. It is an offence to give false information.

- I declare the information I have given on this form is correct and complete.
- I understand if I give information that is wrong or incomplete, you may take action against me.
- I agree to tell the Council within 21 days of any change in my circumstances that may affect my entitlement to rate relief.

The ratepayer or a person authorised to sign for the ratepayer must sign this form.

Signature of ratepayer	<input type="text"/>	Date	<input type="text"/>	<input type="text"/>	<input type="text"/>
Full name of ratepayer	<input type="text"/>				
Your position	<input type="text"/>				

## Part 2. Small Business Rate Relief

Temporary changes to the small business rates relief scheme mean the amount of relief you could claim being doubled from 1 October 2010 to 1 April 2016. This means you could reduce your business rates bill by up to 100% during this time.

We award small business relief on a sliding scale. If your business qualifies, and has a rateable value of less than £6,000, you can get a 100% reduction off your bill (reducing to 50% after 1 April 2016). If the rateable value is between £6,001 and £12,000, your reduction decreases by roughly 1% for each £120 above £6,000. We work out small business rates relief on a daily basis. Your rateable value is shown on your bill. To qualify:

- Your main occupied property must have a rateable value (RV) below £12,000 or
- Additional occupied properties must have a RV below £2,600 and the total RV of all these added together is less than £18,000

If you qualify, we will only apply the reduction against the business rates for of your main property.

You will not get for small business rates relief if you already get mandatory charity, or mandatory rural rate relief. This is because you cannot receive more than one type of relief.

Do you want to claim Small Business Rate Relief?

No  [Go to Part 3](#)  
Yes

If Yes, which financial year or years do you want to apply for Small Business Rates Relief?

Do you occupy any other business premises?

Yes  No

If Yes, please tell us the addresses of the other business premises

## Part 3. Hardship Relief

We have discretion to give hardship relief but as it is subsidised by local Council Tax payers, we will only consider an award in the most exceptional of cases.

Hardship relief is temporary assistance to a viable business in short term difficulties. It is not a financial prop for a failing business.

Do you want to claim Hardship Relief?

No  [Go to Part 4](#)  
Yes

If Yes, you will need to set out on a separate sheet

- The nature of the hardship and its cause
- The number of employees affected
- The detrimental effect that paying business rates is having

You must send us evidence to support your claim as detailed below.

### Documents needed to support a claim for Hardship Relief

To support your claim, you must send us the following information:

- Business forecast for the next 12 months;
- Annual reports over the past two years, including financial accounts;
- Details of any Court Orders, CCJ and any credit information relating to the business;
- Current list of creditors and debtors;
- Evidence the business or organisation provides valued local community facilities that may not be available elsewhere locally (for example: use of rooms or services);
- A letter supporting your claim from the Councillor responsible for the ward in which the business is located.

## Part 4. Rural Rate Relief

Do you want to claim Rural Rate Relief?

No   
Yes

**Go to Part 5**

If **Yes**, please tell us the rural settlement the property is in

Please tell us the nature of your business

Is your business the only such business in the rural settlement?

Yes  No

Is the property used wholly or mainly as a general store?

Yes  No

Is the property used wholly or mainly as a post office?

Yes  No

Is the property used as a combined post office/general store only?

Yes  No

Is the property used as a public house?

Yes  No

Is the property used as a petrol filling station?

Yes  No

Is the property used wholly or mainly as a food shop?

Yes  No

Is the property used for any purposes other than a general store, post office, public house, petrol filling station or food shop?

Yes  No

If **Yes**, please give details of all other purposes for which the property is used

If you sell food for human consumption or general household goods please write in the space provided which categories of goods you sell. Any other goods, including confectionary or fast-food, should be listed separately. Please indicate the proportion of your sales or floor space

Food for human consumption Yes  No   % of sales or floor space

General household goods Yes  No   % of sales or floor space

Other goods Yes  No   % of sales or floor space

If you sell **other goods**, please give details of the types of other goods sold

If the property is a combined post office/general store please tell us the proportion of your business that is a post office or general store

 %

How does your business benefit the local community and why do you consider your business is important to the maintenance of village life?

Use a separate sheet if required

Is there any other information you feel we should take into account when deciding on your claim?

Use a separate sheet if required

## Part 5. Charity Rate Relief

Do you want to claim Charity Rate Relief?

No

**Go to Part 6**

Yes

Is the organisation a Registered Charity?

Yes

No

*A charitable body is one set up in pursuit of a charitable purpose for public benefit*

If Yes, please tell us your registered charity number

Is the organisation exempted from registration as a charity?

Yes

No

Is the organisation recognised as a charity for Income Tax purposes?

Yes

No

*A charitable body is one set up in pursuit of a charitable purpose for public benefit*

Does the organisation own the property?

Yes

No

If No, please tell us who owns the property

Is the property currently occupied?

Yes

No

If No, when the property is next in use, will it be used wholly or mainly for charitable purposes?

Yes

No

For what purpose does your organisation use the premises (e.g. Offices, shop or community centre)?

If the property is a shop, are the goods sold wholly or mainly donated?

Yes

No

If the property is a shop, give a description and source of the goods sold in the shop

Goods donated represents  % of total sales

Goods purchased represents  % of total sales

Goods manufactured represents  % of total sales

Proportion of sale proceeds used for charitable purposes  %

Are the proceeds of the sale of goods used for the purposes of the charity?

Yes

No

Does the organisation work with, support or receive support from any other organisations or agencies (local or national)?

Yes

No

If Yes, please give details

Use a separate sheet if required

Does the organisation provide facilities that indirectly relieve West Somerset Council from doing so?

Yes

No

If Yes, please give details

Use a separate sheet if required

### Documents needed to support a claim for Charity Rate Relief

To support your claim, you must send us:

1. Evidence of any charitable status, such as a letter from HM Revenue and Customs (HMRC);
2. A copy of the Governing Document setting out the organisation's purposes and how the organisation is administered. This can be in one of several different forms including a Trust Deed, Constitution, Memorandum and Articles of Association, Will, Conveyance, Royal Charter, Scheme of the Charity Commissioners, or the Rules of the Organisation;
3. Copies of the organisation's Annual Reports (containing a brief summary of the main activities and achievements of the organisation) for the last 2 years;
4. Copies of the organisation's Annual Accounts including Balance Sheet for the last 2 years.

## Part 5. Charity Rate Relief (continued)

We can grant up to 20% extra "top up" relief from business rates at our discretion.

We will not give "top up" relief to:

- Public (fee paying) schools;
- Charity Shops; or
- Charitable bodies where there is no evidence of need, very restricted community reach, and no material contribution to West Somerset Council's Strategic Vision and Aims

If you want to claim "top-up" relief you must demonstrate the work of your organisation closely fits to West Somerset Council's Strategic Vision and Aims.

The Council's overall vision is that West Somerset is known nationally as a quality place that is growing and developing sustainably, with a vibrant economic, social and cultural environment.

Achieving this vision is broken down into three Corporate Aims:

**Aim 1:** Quality sustainable growth and development;

**Aim 2:** A vibrant economic environment; and

**Aim 3:** A vibrant social, cultural and leisure environment

To claim "top-up" relief tell us how your organisation's activities fit with at least one of these aims.

Use a separate sheet if required

### Documents needed to support a claim for top-up relief as a charity

To support your claim, you must send us:

1. A letter supporting your claim from the Councillor responsible for the ward in which the organisation is located.

## Part 6. Sports Club Rate Relief

Registered Community Amateur Sports Clubs (CASC) can receive 80% mandatory relief from Business Rates. To qualify for relief as a CASC, a sports club must:

- be run as an amateur club;
- be open to the whole community;
- be a non-profit making organisation;
- aim to provide facilities and encourage people to take part in sport;
- be registered with the Her Majesty's Revenues & Customs as a CASC.

If you are not registered as a CASC and would like further information, please contact the Sports Club Unit at HM Revenues & Customs.

Do you want to claim Sports Club Rate Relief?

No  **Go to Part 7**  
 Yes

Is the organisation registered with the Inland Revenue as a Community Amateur Sports Club (CASC)?

Yes  No

### Documents needed to support a claim for 80% relief as a CASC

To support your claim, you must send us:

1. A copy of Her Majesty's Revenues & Customs Registration document showing CASC status.

## Part 6. Sports Club Rate Relief continued

We can grant up to 20% extra "top up" relief from business rates at our discretion

Do you want to claim "top up" relief as a Sports Club?

No

[Go to Part 7](#)

Yes

If Yes, please give the following information about the users of your service.

	Members	Non-members
Number of users of the service	<input type="text"/>	<input type="text"/>
One-off joining fee	£ <input type="text"/>	£ <input type="text"/>
Annual subscription	£ <input type="text"/>	£ <input type="text"/>
The proportion of these members / users who live within West Somerset	<input type="text"/> %	<input type="text"/> %

If there is a club bar, is it routinely open to the public?

Yes

No

Are facilities advertised and made available to individuals or organisations other than club members?

Yes

No

Tell us how you actively encourage membership from all sections of the Community

Use a separate sheet if required

Tell us if there is any qualifying criteria for membership

Use a separate sheet if required

### Documents needed to support a claim for "top up" relief as a Sports Club

To support your claim, you must send us copies of :

1. The club constitution to show the club is open to all sections of the community and is organised on an amateur non-profit making basis;
2. Income and expenditure accounts for the club (and bar if applicable) for the last 2 years;
3. Membership pricing policy/list;
4. Current or most recent season's fixture lists or tables;
5. Any Child Protection and/or Equality policies;
6. Any codes of practice for coaches/officials, parents/carers or Junior Members;
7. Examples of lesson plans/resources the coaches use to deliver the training sessions;
8. Certificates of qualified coaches;
9. Any current affiliation letter for any recognised National Governing Body;
10. A letter supporting your claim from the Councillor responsible for the ward in which the organisation is located;
11. Public liability insurance and any individual liability insurance (e.g. coaches, officials);
12. Any School-Club Link Agreement or documented communication with at least one school;
13. Any Clubmark or equivalent accreditation;
14. Newsletters, screen shots from website and/or mailings (letter or e-mail).

## Part 7. Non-Profit Making Organisations Rate Relief

An organisation falling under this category is one meeting the following conditions:

- Institutions/organisations that are not established or conducted for personal or private profit and whose objectives are charitable, philanthropic, religious or concerned with education, social welfare, science, literature or the fine arts and designed to deliver local community benefit.
- A registered Community Interest Company or Social Enterprise

Do you want to claim relief as a non-Profit Making Organisation?

No   
Yes

**Go to Part 8**

If you want to claim rate relief as a non-profit making organisation, you must demonstrate the work of your organisation closely fits to West Somerset Council's Strategic Vision and Aims.

The Council's overall vision is that West Somerset is known nationally as a quality place that is growing and developing sustainably, with a vibrant economic, social and cultural environment.

Achieving this vision is broken down into three Corporate Aims:

**Aim 1: Quality sustainable growth and development;**

**Aim 2: A vibrant economic environment; and**

**Aim 3: A vibrant social, cultural and leisure environment**

To claim relief tell us how your organisation's activities fit with at least one of these aims.

Use a separate sheet if required

Are your facilities made available to schools or for casual public sessions Yes  No

Tell us how you actively encourage participation of your services from all sections of the Community

Use a separate sheet if required

Does your organisation provide training or education? Yes  No

If Yes, please give details below

Use a separate sheet if required

Tell us the proportion of the users of your services living in West Somerset  %

Is the organisation affiliated to any local or national organisation? Yes  No

If Yes, please give details below

### Documents needed to support a claim for Non-Profit Making Organisations Rate Relief

To support your claim, you must send us:

1. A copy of the Governing Document setting out the organisation's purposes and how the organisation is administered;
2. Copies of the organisation's Annual Reports (containing a brief summary of the main activities and achievements of the organisation) for the last 2 years;
3. Copies of the organisation's Annual Accounts including Balance Sheet for the last 2 years;
4. A letter supporting your claim from the Councillor responsible for the ward in which the organisation is located.

## Part 8. Rate Relief for Retail Premises

Do you want to claim a discount on Retail Premises of up to £1,000?

Yes

No

Do you want to claim rate relief because your business occupies retail premises that were previously vacant for 12 months or more?

Yes

No

## Part 9. Local Business Rate Discount

To claim Local Business Rate Discount your organisation must meet all the following criteria

- The ratepayer must not be entitled to Mandatory Rate Relief (Charity or Rural Rate Relief);
- The ratepayer must not be an organisation that could receive relief as a non-profit making organisation or as Community Amateur Sports Club
- The ratepayer must occupy the premises - no relief will be granted for unoccupied properties;
- The premises and the organisation must be of significant benefit to West Somerset residents;
- The ratepayer must provide facilities to certain priority groups such as elderly, disabled, minority or disadvantaged groups or provide significant employment or employment opportunities to residents of West Somerset;
- Provide residents of West Somerset with such services, opportunities or facilities that cannot be obtained locally or are not provided by another organisation;
- The ratepayer must show the organisation will comply with all legislative requirements and operate in an ethical, sustainable and environmentally friendly manner at all times;
- Relief will not be given to those organisations where a bar is the main activity.

Do you want to claim Local Business Rate Discount?

Yes

No

If Yes, is the property currently occupied?

Yes

No

Is a bar is the main activity of the organisation?

Yes

No

In the space below, tell us of the benefits that you bring to West Somerset residents

Use a separate sheet if required

In the space below, tell us about any facilities your organisation provides to priority groups such as elderly, disabled, minority or disadvantaged groups

Use a separate sheet if required

In the space below, tell us about any significant employment or employment opportunities your organisation gives to residents of West Somerset

Use a separate sheet if required

### Documents needed to support a claim for Local Business Rate Discount

To support your claim, you must send us the following information:

- Business forecast for the next 12 months;
- Annual reports over the past two years, including financial accounts;
- A letter supporting your claim from the Councillor responsible for the ward in which the business is located.

## Impact Assessment form

What are you completing this impact assessment for? E.g. policy, service area

Revenues & Benefits Service

Discretionary Rate Relief Policy

### Section One – Aims and objectives of the policy /service

#### Introduction

As part of its role in the administration of National Non Domestic Rates (NNDR) (more commonly referred to as business rates and referred to as such in this document), the Council has several areas where it can exercise its discretion to provide reductions to the amounts of business rates that are due to be paid.

Changes to local government finance now mean that the income from business rates more directly impacts on the Council's financial position. As part of the central government funding process for local authorities, Councils now retain 50% of all business rates income collected. Under the previous scheme, business rates income was paid into the government's central pool and redistributed back out to local authorities based on a formula grant.

This policy document outlines the areas of local discretion and the Council's approach to the various discounts. This approach is cognisant of the impact on both the Council's wider financial position and Council tax payers, and on the organisations and businesses that may apply for discounts and their role in supporting West Somerset residents.

#### Discretionary Rate Relief Scheme

The Local Government Finance Act 1988 requires the Council to maintain a Discretionary Rate Relief Scheme to award business rates relief of up to 100% to certain organisations which operate within specified criteria.

The above includes:

- Charitable bodies (receive Mandatory 80% relief) – the Council has further discretion to 'top up' this relief to 100% of the rates due.
- Registered Community Amateur Sports Clubs (CASCs) (receive Mandatory 80% relief) – the Council has further discretion to 'top up' this relief to 100% of the rates due.
- Non-profit making organisations – the Council has discretion to grant 'standard' Discretionary Rate Relief of between 0-100% of the business rates due.

## **Hardship Relief**

The Council is able to exercise its discretion under Section 49 of the Local Government Finance Act 1998 to reasonable to do so having due regard to the interests of Council tax payers in general.

The Council will consider applications for hardship relief from organisations based on their own merits on a case by case basis.

Applications will be considered by the 151 Officer or her nominated representative. When deciding whether to award hardship relief, as well as being confident that the organisation is experiencing hardship, the principle consideration will be that any relief is in best interests of the taxpayers of West Somerset Council, as the Council must bear the cost of any relief granted.

## **Local Business Rate Discount**

Section 69 of The Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 and allows the Council to grant locally determined business rate discounts (in addition to the already available Discretionary Rate Reliefs).

The new power recognises that the current business rates scheme is broadly prescribed by central government and its aim is to provide increased flexibility to local authorities to support organisations, recognising the variations in economic conditions across and within local authority boundaries.

The Council will consider applications from organisations for discounts under Section 69 based on their own merits on a case by case basis.

## **Applications and review process**

All applications for Discretionary discounts should be made in writing. The Council may also require evidence to support applications.

For areas of Discretionary relief the 151 Officer or her nominated representative's decision is final. However, if an applicant is dissatisfied with this outcome they can ask for a review and the decision will be reviewed, where necessary taking into account any additional or new information or evidence to support the application.

## **Award periods**

All areas of Discretionary relief will normally be granted for up to one financial year and if necessary will be subject to an annual review process

## **Section two – Groups that the policy or service is targeted at**

We have a statutory duty to provide our services regardless of the gender, sexual orientation, religion or belief or ethnicity of the customer. People of all ages will be our customers.

The granting of Discretionary relief is not an entitlement. Any relief granted will be a benefit to the organisations involved. The criteria for assessing applications are directly related to the priorities of the Council which should include giving 'Due Regard' to the Equality Duty. The overall policy and its application will be kept under review.

In the assessment of applications for Discretionary relief, the Council will have due regard to the extent to which the applicant organisation delivers benefits and outcomes for people with protected characteristics and the degree to which it reduces inequalities for all members of the community that use its facilities / services.

### **Section three – Groups that the policy or service is delivered by**

West Somerset Council's Revenues & Benefits Service.

### **Section four – Evidence and Data used for assessment**

Information on the number of organisations accessing the current Business Rate Relief Scheme.

The number of organisations accessing the scheme is 178

The total amount of reductions given through the current Business Rate Relief Scheme.

The amount for the 2015/16 financial year is £214,874

### **Section Five - Conclusions drawn about the impact of service/policy/function on different groups highlighting negative impact or unequal outcomes**

The Discretionary Business Rate Relief Scheme is not targeted toward any of the seven protected equality characteristics.

Age and Disability related groups and organisations would be most affected; however not to the extent that it outweighed the impact on other groups. As many of these organisations including those whose properties were used as charity shops operate on a national level, it is anticipated that the impact will be managed at that level and the overall effect locally will therefore be minimal.

In reviewing the policy West Somerset Council has taken this opportunity to ensure Discretionary Rate Relief is focused on those organisations most in need and of most benefit to our Community. The aim is to ensure that we continue to support smaller groups, whilst maintaining focus on those groups of most benefit to the local community. This supports our on-going commitment in all areas and services to provide best value.

The criteria laid down to apply for Discretionary Rate Relief (DRR) are non-discriminatory. In terms of the groups accessibility criteria, they are positive in that they encourage the training and development of young people, and ensure that any group accessing DRR has a low barrier to access in terms of its membership fees, so as not to be disadvantageous to people on low incomes (e.g. young people or the elderly). Similarly, organisations must encourage membership from all sections of the community.

This analysis therefore concludes that the Discretionary Business Rate Relief Scheme does not demonstrate a disproportionate impact relating to race, disability, Gender, age, sexual orientation, religion and belief, marriage and civil partnership and carers. As the policy will be applied consistently regardless of the gender, sexual orientation, religion or belief or ethnicity of the customer, there should be no negative or unequal outcome on different groups.

Signed: **Manager completed by**

Signed: **Group Manager/Director**