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SOUTH LAKELAND DISTRICT COUNCIL

South Lakeland House Kendal, Cumbria LA9 4UQ

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**You are requested to attend a meeting of
the Discretionary Rate Relief Sub-Committee
on Wednesday, 16 December 2015, at 1.00 p.m.
in the District Council Chamber, South Lakeland House,
Kendal**

Membership

Councillors

Heidi Halliday	Housing and Strategic Development Portfolio Holder
Peter Thornton	Leader of the Council and Promoting South Lakeland and Finance Portfolio Holder
Graham Vincent	Health and Wellbeing Portfolio Holder
Sue Sanderson	Deputy Leader and Environment and People Portfolio Holder (Substitute)

Monday, 7 December 2015

Debbie Storr, Director of Policy and Resources (Monitoring Officer)

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AGENDA

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PART I

1 ELECTION OF CHAIRMAN

To elect a Chairman for the meeting.

2 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

To receive apologies for absence, if any, and to report any arising changes to membership.

3 DECLARATIONS OF INTEREST

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.

4 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

To consider whether the items, if any, in Part II of the Agenda should be considered in the presence of the press and public.

5 DETERMINATION OF APPLICATIONS FOR DISCRETIONARY RATE RELIEF

To consider three applications for discretionary rate relief.

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PART II

Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

There are no items in this Part of the Agenda.

South Lakeland District Council
Discretionary Rate Relief Sub-Committee
16th December 2015
Determination of Applications for Discretionary Rate Relief

PORTFOLIO:	Councillor Heidi Halliday – Housing and Strategic Development Portfolio Holder
REPORT FROM:	Shelagh McGregor - Assistant Director (Resources) and Section 151 Officer
REPORT AUTHOR:	Ross McLaughlin – Revenues Officer (BIDs and Reliefs)
WARDS:	Not Applicable
KEY DECISION:	Not Applicable

1.0 EXPECTED OUTCOME

- 1.1 Members will consider the applications listed at Appendix 2 to this report and determine whether discretionary rate relief should be awarded in each case by reference to the policy guidelines for determining applications shown at Appendix 1 to this report.
- 1.2 Members are expected to provide reasons for cases where relief is refused. Applicants will be formally notified of the decision along with their rights of appeal.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Sub-Committee award 20 per cent discretionary rate relief to those organisations listed in Appendix 2.**

3.0 BACKGROUND AND PROPOSALS

- 3.1 Cabinet on the 29th January 2014 (CEX/123) introduced four policies for determining applications for discretionary rate relief. All applications in this report have been submitted by charitable or non-profit making organisations and fall to be determined under paragraph 3 of Appendix 1
- 3.2 In these cases the applicant must demonstrate that the application is exceptional and such cases are to be considered by a panel of three Cabinet Members who will balance the benefits a particular organisation brings to the residents of the District generally against the cost of awarding relief to the Council Taxpayer and the consequences on the Council's budget. In these specific cases relief will usually be awarded for a fixed period of one year.

3.3 As the organisations listed in Appendix 2 receive 80 per cent mandatory relief; 20 per cent is the maximum award of discretionary rate relief that can be made in each of these cases.

3.4 The award of discretionary rate relief to charitable organisations and other non-profit making organisations helps to achieve the Council's priorities and targets set out in the Council Plan.

4.0 CONSULTATION

4.1 A full public consultation exercise was undertaken prior to introduction of the new policies.

5.0 ALTERNATIVE OPTIONS

5.1 Members may determine whether or not relief should be awarded in each case although reference must be made to the Council's policy guidelines. The percentage awarded can be varied depending upon the individual circumstances.

6.0 LINKS TO COUNCIL PRIORITIES

6.1 The award of discretionary rate relief to charitable organisations and other non-profit making organisations helps to achieve the Council's priorities and targets set out in the Council Plan.

7.0 IMPLICATIONS

7.1 Financial and Resources

7.1.1 To date awards of Discretionary Rate Relief totalling £ 121,591 have been made. To award relief in the cases outlined in Appendix 2 would increase this amount to £ 123,858. South Lakeland District Council does not have a specific budget for Discretionary Rate Relief as it opted into the Cumbria Business Rates pool as part of the Business Rate Retention Scheme. The costs of awarding relief under this policy are, broadly speaking, split 50% Central Government, 40% South Lakeland DC and 10% Cumbria County Council and Fire Authority.

7.2 Human Resources

7.2.1 Not Applicable

7.3 Legal

7.3.1 Section 47 (2) (a) of the Local Government Finance Act 1988 gives the Council discretion to determine the chargeable amount where the ratepayer is a Charity or Trustees for a Charity. In effect this allows the Council to top up the 80% statutory relief to up to 100% relief in total.

7.3.2 Section 47 (2) (b) of the Local Government Finance Act 1988 gives the Council discretion to determine the chargeable amount where the property is occupied for the purposes of one or more institutions or other organisations none of which is established for profit and whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts. Relief to up to 100% can be awarded in total.

7.4 Social, Economic and Environmental

7.4.1 A sustainability impact assessment has not been carried out as these are individual applications.

7.4.2 Any awards or refusals of applications are considered to have a neutral impact on sustainability.

7.5 Equality and Diversity

7.5.1 An equality and diversity impact assessment has not been carried out.

7.5.2 An assessment has not been undertaken, as this is proposal based on a previously agreed Council policy for which an assessment was undertaken.

7.6 Risk

Risk	Consequence	Controls required
A decision may be made which does not comply with legislation.	The auditor may qualify the final pool contribution and the Department for Communities and Local Government could adjust the final return with the costs of this award being met by the Council.	A set of policy guidelines, which have been prepared to comply with legislation.
A decision may be made that creates a precedent for other similar applications.	The Council would not have budgetary resources to meet further large applications.	The policy guidelines are adhered to with reasons given as to why particular cases are considered to qualify.

CONTACT OFFICERS

Report Author – Ross McLaughlin, Revenues Officer (BIDs and Reliefs). Tel 01539 793221 e mail- r.mclaughlin@southlakeland.gov.uk

APPENDICES ATTACHED TO THIS REPORT

Appendix No.	
1	GUIDELINES FOR DETERMING APPLICATIONS FOR DISCRETIONARY RATE RELIEF FROM CHARITABLE AND OTHER NON-PROFIT MAKING ORGANISATIONS
2	LIST OF APPLICATIONS TO BE CONSIDERED WITH SUMMARY OF KEY POINTS IN EACH CASE

BACKGROUND DOCUMENTS AVAILABLE

There are no background papers to this report.

TRACKING INFORMATION

Assistant Director	Portfolio Holder	Solicitor to the Council	SMT	Scrutiny Committee
24/11/15	24/11/15	24/11/15	n/a	n/a
Executive (Cabinet)	Committee	Council	Section 151 Officer	Monitoring Officer
n/a	n/a	n/a	24/11/15	24/11/15
Human Resource Services Manager	Leader	Ward Councillor(s)	Use these boxes for additional tracking	Use these boxes for additional tracking
n/a	n/a	n/a		

GUIDELINES FOR DETERMINING APPLICATIONS FOR DISCRETIONARY RATE RELIEF FROM CHARITABLE ORGANISATIONS

The award of discretionary rate relief to charitable organisations and other non-profit making organisations is to help achieve our priorities and targets set out in the Council Plan.

1. Up to an additional 20% discretionary rate relief is to be awarded to Village Halls, Institutes and Community Centres registered as Charities with the Charity Commissioners. Organisations not so registered will be awarded up to 100% relief but are to be advised that steps should be taken to register as a charity. To qualify for relief the following should apply:-
 - a) the property must be described in the current Local Rating List prepared by the Listing Officer as either:
 - i. Hall and Premises or
 - ii. Institute or Village Hall and Premises, or
 - iii. Community Centre and Premises, and
 - b) the rateable value must be £25,000 or less, and
 - c) the organisation must be administered by a Committee and employ less than 2 full time equivalent paid members of staff. (Full time equivalent equals 37 hours per week.) Honoraria paid to key volunteers shall be disregarded for the purposes of this paragraph.
2. Up to an additional 20% discretionary rate relief is to be awarded to organisations registered as a charity:
 - whose activities may result directly in the saving of human life or lives; or
 - who are managing and operating toilets available to the general public formerly run by the Council
3. In all other cases the applicant must demonstrate that the application is exceptional and such cases are to be considered by a panel of three Cabinet Members who will balance the benefits a particular organisation brings to the residents of the District generally against the cost of awarding relief to the Council Taxpayer and the consequences on the Council's budget. In these specific cases relief will usually be awarded for a fixed period of one year.
4. Subject to paragraph 3, relief will be granted for a maximum period of one year but the Assistant Director (Resources) and Section 151 Officer will report to Cabinet if it is considered that there has been a material change in the circumstances of any organisation since the application was last considered.
5. Applicants are to be advised of the decision within 14 days together with their rights of appeal should they disagree with the decision.
6. The Assistant Director (Resources) and Section 151 Officer be authorised to determine applications for discretionary rate relief for cases that fall within Paragraphs 1 and 2 of these policy guidelines, up to a maximum limit of £10,000 relief in any individual case.
7. Any appeal will be considered by a Panel of three Cabinet Members not involved in making the initial decision and acting as a Discretionary Rate Relief Appeals Panel.
8. Cabinet decisions delegated to a Panel of three Cabinet Members.

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Appendix 2

<u>Account</u>	<u>Name</u>	<u>Address</u>	<u>Benefits to Community</u>	<u>Exceptional Services</u>	<u>Other Remarks</u>	<u>Amount and % awarded</u>
53072774	Milnthorpe Family Centre	Milnthorpe Family Centre, Firs Road, Milnthorpe, LA7 7QF	<p>1) Provide Childcare to families within the community and surrounding area.</p> <p>2) Offer support for families experiencing hardship, illness and social issues.</p> <p>3) provide advice for parents and families on a daily basis and for those considering becoming foster parents.</p> <p>4) Offer placements and work experience to local students (Kendal/Lancaster College, Dallam School).</p>	<p>1) Provided support to foster parent with children with high medical and social needs .</p> <p>2) Provided support to teenage single parent with social needs</p> <p>3) Supported a mother experiencing Post Natal Depression by providing respite childcare.</p> <p>4) Provided transport for a child with disabilities to attend hydrotherapy.</p>	<p>1) Try to source goods and services from local companies.</p> <p>2) Employees give up their time for fundraising events and general help.</p>	<p>£ 788.80</p> <p>20%</p>
53076133	Kendal & District Lions Club	16 Mealbank Mill, Kendal, LA98 9DL	<p>1) Provide financial and practical help for the weak and vulnerable, working with social services, schools and hospitals.</p> <p>2) Provide transport to hospital.</p> <p>3) Work with the young people of Kendal in a community service scheme which helps with future job applications and self esteem.</p>	<p>1) Disabled swimming at Kendal Leisure Centre, people recover from injury or medical conditions, with volunteer physiotherapists to support them.</p> <p>2) 'Message in a bottle' scheme, provides medical information to emergency personnel when treating people in their homes, following accidents. 6000 bottles have been distributed over the last 10 years.</p> <p>3) Medic alert bracelets used - similar to message in a bottle scheme.</p>	<p>1) The club provides help to worthy causes where appropriate.</p> <p>2) Young Ambassador competition held annually.</p> <p>3) Collects and gives to charity without deducting from amounts collected.</p> <p>4) Supports first responder schemes, providing equipment.</p>	<p>£1,272.91</p> <p>20%</p>
53076176	Mind (Ulverston)	First Floor, 5 Market Place, Ulverston, Cumbria, LA12 7BA	<p>(1) Support people experiencing mental health crises and those with long term severe mental ill-health living in the community, to promote a non-judgemental atmosphere, to help build trust and develop the confidence of those in distress.</p> <p>2) Provide social and practical support with benefits, housing, family relationships, employment, access to statutory services, contacting GP's and understanding their mental health condition.</p>	<p>1) Run 'connecting mums' a service for women experiencing depression before and after childbirth - which benefits whole families.</p> <p>2) The only service of their kind in the Ulverston Area.</p> <p>3) Staff and volunteers are trained in suicide awareness and are trained suicide first aiders.</p>	<p>1) Has approximately 500 service users.</p> <p>2) Work in partnership with South Lakes CAB and closely with local GP's and health visitors as well as housing and other third sector services.</p> <p>3) Currently receive no statutory funding.</p> <p>4) All 7 volunteer councillors are professionally trained and accredited.</p>	<p>£205.28</p> <p>20%</p>
Total						£ 2266.99

