**POLICY AND RESOURCES COMMITTEE**

**23 JANUARY 2016**

**PART I - DELEGATED**

**13. Discretionary Rates Relief Appeal – The Rickmansworth Sports Club**

**1. Introduction**

1.1 All businesses are required to pay National Non-Domestic Rates (NNDR), however organisations that are registered as Charities or Community Amateur Sport Clubs (CASC) automatically receive 80% mandatory rate relief. The Council can award up to an additional 20% ‘top up’ to the mandatory relief or in cases of not for profit organisations up to 100% discretionary rate relief.

1.2 There is no automatic right for Charities or CASC organisations to receive the 20% discretionary rate relief organisations must meet the criteria set out in our policy.

**2. Background**

* 1. All reliefs should be reviewed on a regular basis to ensure that they are still relevant. All businesses were written to in March 2015 advising them they would have to re-apply for Discretionary Rate Relief for the financial year 2016/17.
	2. Initial applications are determined by the Revenues Manager and if the decision made is not to grant the additional 20% ‘top up’, organisations were advised of how to appeal. Each application is reviewed based on its own merits and the decision making process takes into account:
	+ The ability of the organisations to pay the remaining NNDR, based on reserves held in unrestricted funds (restricted funds are wholly disregarded)
	+ What the level of reserves are – a good organisation should have a minimum of 3 months’ running costs in reserve
	+ What special commitments may be being accrued for specified projects (e.g. replacement of a minibus, one-off repairs to a building), but excluding normal running costs
	+ Whether the service provided is unique within the area
	+ Whether the organisation has considered applying for Charitable or CASC status
	1. Taking all the above into account, consideration is also given as to whether payment of the outstanding balance would cause harm or operational difficulties to the organisation.
1. **Appeal by Rickmansworth Sports Club**
	1. Rickmansworth Sports Club have previously been in receipt of 80% discretionary rate relief since 1 April, 2009, for their sports ground, cricket club premises even though they are not a registered charity nor have applied for CASC status. Attached to this report are:
* Copies of the accounts submitted
* Refusal letter(s) confirming our advice to apply for CASC status
* Appeal correspondence

 The 2016/17 NNDR liability for both premises is as follows:

|  |  |
| --- | --- |
|  Full NNDR payable 2016/17 | £7,139.00 |
| 80% Mandatory rate relief | N/A |
| NNDR left to pay | £7,139.00 |

 Their accounts supplied show the following:

|  |  |
| --- | --- |
| Balance Sheet reserves (unrestricted funds) as at 31/03/15  | £18,565.00 |

* 1. It is officer’s recommendation that, following the deferral from November’s Policy and Resources meeting to obtain additional information regarding Rickmansworth Sports Club applying for CASC status, the appeal is refused.
1. **Decision options**
	1. Members of the Policy and Resources Committee are entitled to make their own assessment. In doing so, they should be mindful that any decisions must be transparent, fair, and equitable. Other organisations are entitled to make Freedom of Information requests and reasons should be given as to why a decision has been made.
2. **Options available**
	1. Members can make any of the following decisions:
* Award the full 80% of discretionary rate relief as requested
* Award a % of the discretionary rate relief remaining
* Not uphold the appeal
	1. Members should also confirm if the award is made, whether it is for 1 year or longer. It is recommended that discretionary rate reliefs are reviewed annually. Where an award is not given, the organisation can make a new application for each new financial year, as their circumstances may change.

 Report prepared by Nick Smith

 Data checked by Joanne Wagstaffe and Jude Green

 **Background Papers**

 Appendix 1 - Discretionary Rates Policy

Appendix 2 - Accounts

Appendix 3 - Refusal letter

Appendix 4 - Appeal letter

Appendix 5 Deferred from 8 November 2016, in order for Director of Finance to engage with Rickmansworth Sports Club and Revenues Manager acknowledgement