

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

3 September 2008

Report of the Director of Finance

Part 1- Public

Executive Non Key Decisions

1 APPLICATION FOR DISCRETIONARY RATE RELIEF

A report giving details of an application for discretionary rate relief from Rochester Indoor Skatepark Club.

- 1.1 Members will recall that this application originally came before Members at the meeting of the Finance and Property Advisory Board on 21 May 2008. Details of the report to that Board are attached at **ANNEX 1**.
- 1.2 The decision of the Cabinet Member was that the application for rate relief be held in abeyance pending a formal approach to Medway Council and Kent County Council for a contribution towards the cost of awarding discretionary rate relief.
- 1.3 An update on the progress of the application for relief was placed before the Finance and Property Advisory Board of 9 July 2008. As the position regarding possible funding from Medway Council and Kent County Council remained unclear, I was requested by the Board to present a report to this meeting of Cabinet.
- 1.4 I am now able to inform Members that Medway Council has offered to contribute funding equal to one third of the cost of any discretionary rate relief that Members might wish to grant. Despite contacting Kent County Council again requesting whether it would be willing to contribute towards the cost of granting relief, I have been unable to elicit a response. In view of the foregoing, and in fairness to the applicant, it would appear appropriate not to leave this matter in abeyance any longer.
- 1.5 Were Members minded to grant discretionary relief, the cost to this Council in a full year, for each 5% awarded, would be £571.72. Thus, if Members granted the maximum permissible amount of discretionary rate relief (20%), the cost would be £2,286.88, with Medway contributing one third, i.e. £762.29.
- 1.6 The criteria previously adopted by Members to assist them when determining applications for discretionary rate relief are attached at **ANNEX 2**.

1.7 **Legal Implications**

1.7.1 As the granting of relief is a discretionary action the only implication would be a challenge by way of judicial review if someone were unhappy with a decision. Such a challenge can only succeed where the Council behaves unreasonably.

1.8 **Financial and Value for Money Considerations**

1.8.1 In respect of all applications for rate relief, the financial considerations of granting relief are as set out in the body of the report. If relief is not granted, there is no financial impact on the Council.

1.9 **Risk Assessment**

1.9.1 The only risk that we are aware of is a legal challenge to the Council's decision (see above). This is unlikely.

1.10 **Recommendation**

1.10.1 Cabinet is **REQUESTED** to decide upon an appropriate level of discretionary rate relief in respect of Rochester Indoor Skatepark Club, time-limited, should relief be granted, to 31 March 2011.

Background papers:

Nil

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