

TONBRIDGE & MALLING BOROUGH COUNCIL
FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

21 September 2016

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 APPLICATION FOR DISCRETIONARY RATE RELIEF

A report giving details, at paragraph 1.1, of a new application for discretionary rate relief.

The previously agreed criteria for determining applications for discretionary rate relief are attached at [ANNEX 1].

1.1 New application for discretionary rate relief

1.1.1 Since the last meeting of the Board, I have received a new application for rate relief that has reached a stage where it is ready for Members' consideration. I give below further details of this application.

1.1.2 **The Air-Britain Trust Ltd, Unit 1A Munday Works, Morley Road, Tonbridge TN9 1RA. Rateable Value £18,500**

1.1.3 The applicant is a registered charity and I have therefore granted 80% mandatory rate relief. It is for Members to decide whether discretionary relief should be granted as well.

1.1.4 The aim of the charity is to record and preserve historical aviation information and material for the public good.

1.1.5 The property is used for the storage of historical archives, to distribute books based on members' researches and to sell/distribute donated books and magazines to raise funds to support the objectives of the charity.

1.1.6 Having considered the application, I do not believe the organisation meets at least two of the main criteria and therefore, Members might be inclined to refuse an award of discretionary relief.

1.1.7 Should Members decide to award the maximum 20% 'top up' relief, the applicant will receive £1,813.71 for the period 6 April 2016 to 31 March 2017.

- 1.1.8 Members are **REQUESTED** to consider the application and make an appropriate **RECOMMENDATION** to Cabinet regarding discretionary rate relief. If relief is awarded, Members might wish, in view of the uncertainty surrounding Government funding for future financial years, to consider time-limiting any awards of relief, initially, to 31 March 2017.

1.2 Legal Implications

- 1.2.1 As the granting of relief is a discretionary action, the only implication would be a challenge by way of judicial review if an organisation were unhappy with a decision. Such a challenge can succeed only when the Council behaves unreasonably.

1.3 Financial and Value for Money Considerations

- 1.3.1 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 a beneficial impact on the Council's finances. This should not prevent each application being considered on its own merits however, as there must be some degree of consistency to prevent a legal challenge.

1.4 Risk Assessment

- 1.4.1 The only risk that I am aware of is a legal challenge to the Council's decisions (see above). This is unlikely.

1.5 Equality Impact Assessment

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

The Director of Finance and Transformation confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

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Applications for relief from the organisations referred to in the main body of the report received since May 2016 and held in Financial Services.

Sharon Shelton
Director of Finance and Transformation