

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

03 January 2018

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 APPLICATIONS FOR DISCRETIONARY RATE RELIEF

A report giving details, at paragraph 1.1, of three new applications for discretionary rate relief.

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

1.1 New applications for discretionary rate relief

1.1.1 Since the last meeting of the Board, I have received three new applications for rate relief that have reached a stage where they are ready for Members' consideration. I give below further details of these applications.

1.1.2 **1st Ditton Scout Group, R/O 18 New Road, Ditton, Aylesford ME20 6AD.
Rateable Value £3,350**

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 applicant was in receipt of the maximum 20% top up relief up to 31 March 2013. However, as no reapplication was received, relief has not been awarded since.

1.1.5 An award of 20% discretionary relief seems appropriate as this would be consistent with similar applications received this financial year. However, relief can only be backdated to 1 April 2017 as the application was received after the 30 September 2017.

1.1.6 Should Members decide to award the maximum 20% relief, the applicant will receive £320.93 for 2017/18.

1.1.7 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 2019.

1.1.8 Carers First, 146A High Street, Tonbridge, Kent, TN9 1BB. Rateable Value £6,500

1.1.9 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.

1.1.10 The property is used to provide information, advice and guidance to unpaid carers.

1.1.11 Having considered the application, we believe the organisation meets the necessary criteria and therefore, Members might be inclined to grant a maximum award of 100% relief backdated to 13 May 2017. This would be consistent with previous awards of relief when the applicant occupied other premises in the borough.

1.1.12 Should Members decide to award the maximum 20% relief, the applicant will receive £551.05 for 2017/18.

1.1.13 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 2019.

1.1.14 St Benedict's Centre, 52 Swan Street, West Malling, Kent, ME19 6JX. Training Centre Rateable Value £36,500 and Car Parking Rateable Value £13,500

1.1.15 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.

1.1.16 The application is for the training centre and associated car park situated within the grounds of Malling Abbey which opened on 31 May 2016.

1.1.17 The centre offers a place for individuals and groups to meet, study, retreat and pray. The St Benedict's Centre is also home to the St Augustine's College of Theology (formerly SEITE- South East Institute for Theological Education) and is a Diocese of Rochester Training Centre for Formation in Christian Ministry and Licensed Lay Ministry.

- 1.1.18 Rooms are available from 9am to 6pm Monday to Saturday for a daily charge of £12 per person. Groups of 2 to 50 people can also be accommodated, with conference rooms and catering facilities available.
- 1.1.19 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.
- 1.1.20 However, should Members decide to award the maximum 20% 'top up' relief as a 'special case', the applicant will receive £8,943.01 for the period 31 May 2016 to 31 March 2018.
- 1.1.21 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 2019.

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

Background papers:

contact: Glen Pritchard
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Applications for relief from the organisations referred to in the main body of the report received since September 2017 and held in Financial Services.

Sharon Shelton
Director of Finance and Transformation