

Forest of Dean District Council

DISCRETIONARY RATE RELIEF POLICY

The Forest of Dean District Council has the power to award discretionary rate relief to organisations defined under section 47(5B) of the Local Government Finance Act 1988. This policy explains how we assess applications for discretionary rate relief.

General criteria

Discretionary rate relief is not a matter of right; the Council is entitled through this policy to determine different levels of discretionary relief according to the nature and circumstances of individual organisations. The Council will only grant discretionary relief if it is satisfied that this is reasonable having regards to the interests of the council tax payers in the district.

The Council will consider each case in accordance with the eligibility criteria set out for each of the five areas below. These criteria are not restrictive and nothing in them shall be taken as restricting the Council's ability to depart from granting of relief if it sees fit to do so.

All awards will be for a period of three years and one year's notice must be given by the Council for the withdrawal of relief.

Recipients are required to notify the Council of any change of circumstances which may have an impact on their award of discretionary rate relief.

Relief will not be granted where organisations do not provide the relevant information to allow the application to be fully considered.

Type of organisation	Discretionary relief to be granted
Registered charitable organisations already entitled to 80% mandatory relief.	Discretionary relief will not be routinely awarded.
Registered community amateur sports clubs entitled to 80% mandatory relief.	Discretionary relief will not be routinely awarded.
Sole shop, post office, garage or pub in a settlement with a population of less than 3,000 (Rural Rate Relief) entitled to 50% mandatory relief.	Maximum 50% discretionary relief will be awarded to a ceiling of £1,000.
"Not for profit" institutions or organisations whose main objectives are charitable, philanthropic, religious, concerned with education, social welfare, science, literature or the fine arts.	Maximum 80% discretionary relief will be awarded.
Clubs, societies and other organisations set up for the purpose of recreation – sports clubs.	Maximum 50% discretionary relief will be awarded.

Criteria to be used when considering applications

Charitable Organisations

The Council will not award discretionary relief to:

- Charity shops operated by trading arms of charities
- Housing associations
- Bodies operating a restrictive membership policy
- Empty properties

The Council will not routinely grant top up discretionary relief, but will consider more favourably, applications from organisations providing advice and support of a social welfare nature to vulnerable people. The facilities must be available to all residents of the Forest of Dean should they be in need of the advice and support being provided.

To justify any discretionary award the organisation must be able to demonstrate that the activities it provides are for the benefit of and are being used by the local community. The extent to which the local community benefits from the facilities will be considered.

Other factors that would help justify an award include:

- The facilities meet local needs and are providing a benefit to local people.
- Education and training are being provided to develop the skills or understanding of members or non-members and especially to disadvantaged groups.
- The organisation provides facilities which indirectly relieve the Council of the need to do so or in a part of the district where the Council does not provide the service.

Registered Community Amateur Sports Clubs

The Council will not consider an application for discretionary relief unless the organisation can demonstrate that:

- the facilities are made available to non-members and are being used by schools, casual public sessions, under-represented or disadvantaged groups in the district.
- membership is actively being encouraged and facilities are being provided to underrepresented or disadvantaged groups.

Rural Rate Relief

The Council will consider applications for discretionary rate relief top-up from businesses that have been granted mandatory relief. The Council may pay a 50% discretionary award up to a ceiling of £1,000 to an individual business.

- Applicants must demonstrate that their business is important to the maintenance of village life.
- Awards will not be made to a proprietor of more than one business in the same rural settlement.

Not for Profit Organisations

The Council will consider applications from organisations whose main objectives are charitable, philanthropic, religious, concerned with education, social welfare, science, literature or the fine arts.

To justify any discretionary award the organisation must be able to demonstrate that the activities it provides are for the benefit of and are being used by the local community. The extent to which the local community benefits from the facilities will be considered. Organisations must demonstrate the following:

- They are open to all sections of the community. In general, membership should not be exclusive or restrictive. If access is restricted it must be for justifiable reasons such as the need to provide a facility to a specific sector of the community.
- Any membership or entry fees charged are set at such a level so as not to exclude the general community.
- They are non-profit making. If surpluses are made it must be shown that they are used for the further benefit of the organisation.

Sports/Recreational Clubs

The Council will consider granting discretionary relief to non-registered sports clubs but the Council will consider the following factors:

- Whether membership of the organisation is to be open to all sections of the community. In general membership should not be exclusive or restrictive. If access is restricted it must be for justifiable reasons such as the need to provide a facility to a specific sector of the community.
- If the organisation charges a membership or entry fee they must not be set at such a level as to exclude the general community. Fees may be set at different rates for different classes of membership such as juniors, students, etc.
- Where the organisation runs a bar consideration will be given to the extent to which this supports the overall operation and to the income generated.

The Council would encourage all sports clubs to register as a community amateur sports club (CASC) with Her Majesties Revenues and Customs. All registered CASCs receive 80% mandatory relief.

To register as a CASC, your club must be set up with a formal constitution (for example its rules or memorandum and articles of association). The club's written constitution must require the club to meet certain conditions, and the club must also be able to show that it actually meets these conditions in practice.

The conditions are that:

- the club must be open to the whole community;
- the club's main purpose must be to provide facilities for eligible sports, and to encourage people to take part in them;
- the club must be organised on an amateur basis.

INFORMATION TO SUPPORT APPLICATIONS

All applicants are required to complete the Council's rate relief application form. The Council may request that information and evidence is provided to support an application and in the event that the requested information and evidence is not provided may refuse the application.

APPEALS

A ratepayer dissatisfied with a decision made under this policy may request that the decision be reviewed, with the exception of decisions made by the Cabinet which shall be final.

Requests for the decision to be reviewed should be received by the Council within four weeks of the notification of the award or refusal of an award.

REVIEW OF THE POLICY

The Policy may be reviewed from time to time as considered appropriate and the financial limits contained in this Policy shall be reviewed at least once every five years commencing from April 2014.