

Appendix 1

Policy on agreeing discretionary relief for NNDR ('Business Rates')

Section 47 of the Local Government Finance Act 1988, gives the billing authority the power to award **Discretionary Relief** providing one or more of the following conditions are satisfied.

1. The property is occupied by an organisation not established or conducted for profit and is mainly used for charitable purposes (whether of that charity or of that and other charities).
2. The property is mainly used for philanthropic, religious, educational, social welfare, science, literature or fine arts purposes.
3. The property is used for recreation where the occupier is a non-profit club, society or other organisation.
4. The property is not an *excepted hereditament*. An excepted hereditament is one in which all or part is occupied by a billing or precepting authority.

The Council will take into account the contribution the organisation makes to the local community and should be satisfied that the organisation is working to meet an identifiable social need.

The Council has a policy of not agreeing discretionary relief to those organisations who are in receipt of 80% mandatory relief (i.e. we do not 'top up' the mandatory relief to 100%)

2. Claiming Discretionary Relief

- An application form must be completed
- Supporting documentation including the Articles of Association, Constitution or rules of the organisation must be provided
- Copies of the last two years annual reports and accounts must be provided. If audited accounts are not available, financial statements prepared by an appropriate officer of the organisation should be submitted.

3. Assessing Applications

Oxford City Council will assess each case using the criteria set out in this document in deciding how much relief to award. See pages 3 and 4 of this document.

The decision on whether to agree to discretionary relief will be made by the Strategic director (Finance) after consultation with the Business manager for Revenues and Benefits

We aim to give a decision on any application within 6 weeks.

There is no statutory challenge or appeal against the Council's decision not to award relief

4. Period of Relief

- For applications determined by the Council **prior to 30th September**, relief will be given for both the current and previous financial years, where appropriate.
- An application will only be determined for the previous financial year, if the application and **full supporting documentation** is received not later than **31st August**.
- For applications determined by the Council after **30th September**, relief will only be allowed from 1st April in the current financial year or from the date of occupation.
- Any reduction or cessation of relief can only be done at the end of a financial year and the Council must give at least twelve months notice.

5. Reviewing Awards

- All awards will be reviewed annually and all organisations will be expected to complete a new application form and submit all supporting documentation.
- Each review will then be subject to the assessment criteria as if it were a first application.
- Any relief reviews not returned will generate a reminder and if, after a suitable period of time that is not returned, then the Discretionary Relief will be ceased (twelve months notice will be given).

Criteria for Assessing Discretionary Relief.

1. Access/Membership

- Does the organisation have an open membership policy, whereby membership is open to all sections of the community? There may be legitimate cases where 'open access' would be inappropriate; for example where a voluntary group, for example, provides a service or facility for people with recognised 'special needs'.
- What are the current membership fees? Are the fees set at a level and structure that some sections of the community could not afford?
- Are any concessions available for disadvantaged people, young people or senior citizens?
- Does the organisation actively canvass and encourage new members – particularly from disadvantaged groups, the elderly and children?
- How many people are on the membership waiting list?
- Are most of the members Oxford City residents? The Council and Council Taxpayers of Oxford City Council will be meeting part of the cost of any relief; therefore, organisations must show that the benefits they provide go mainly to Oxford City Council residents.

2. Provision of Facilities

- Does the organisation provide facilities, which indirectly relieve the Council of the need to do so or complement or enhance those, which it does provide?
- Are the facilities open to non – members, e.g. schools or casual public sessions?
- Does the organisation provide training or education for its members?
- Are there schemes for particular groups to develop their skills, (for example young people, the disabled or retire people)?
- Does the organisation have a licensed bar, which offers subsidised prices?
- Are the facilities provided through self – help, i.e. fund raising, or through grants from bodies other than Oxford City Council.

3. Other Factors

- Is the organisation affiliated to local or national organisations?
- In the case of sports club, which run a bar, the balance between playing and non – playing members may give an indication as to whether the main purpose of the club is sports or social.
- Is it in the interest of Oxford City Council's Council Taxpayers to grant relief?
- What other forms of assistance does the organisation receive from Oxford City Council?