

## **Business Rates Discretionary Relief Policy**

### **Introduction**

Section 47 of the Local Government Finance Act 1988 gives Councils the power to grant relief to organisations that meet certain criteria. The 2023 Non-Domestic Rating Act removed the rules on backdating relief. This comes into force on 1<sup>st</sup> April 2024 and for applications the period from 1<sup>st</sup> April 2023 onwards.

The Council recognises the valuable role that Charities and voluntary organisations can and do play in the life of the community. It is committed to providing high quality services to Birmingham's ratepayers and acknowledges the way voluntary groups can complement these services. The Council's intention is to support these organisations that operate in the Birmingham City area.

This power is discretionary, and can be limited by:

- The budget and funds available for this purpose.
- Councils have discretion to grant rate relief from all or part of the amount of non-domestic rates payable.
- Any relief granted is used to reduce the amount the organisation is required to pay in business rates.

The following sections set out the factors that will be considered when deciding whether to grant relief, and the way in which the value of any relief granted will be decided.

### **The decision whether to award discretionary rate relief**

Each application for relief will be dealt with on its merits and all organisations that apply will be treated equally and fairly.

The scheme will be operated in a manner that helps the city to achieve its full potential and helps to support the Council's strategic outcomes and priorities, as contained in the Corporate Plan. Also, to support regional and national priorities.

### **Criteria**

The criteria to be used in deciding whether to give discretionary rate relief are designed to assess how an organisation's work helps achieve the Council's priorities and meet the community's need for services and facilities.

The Council will consider applications or relief where the following key criteria are met:

- the ratepayer is a non-profit making body.
- the property is used by the ratepayer wholly or mainly for charitable, philanthropic, or religious purposes, or concerned with education, social welfare, science, literature, or the fine arts; or
- the ratepayer uses the property wholly or mainly for recreation by a non-profit making club or society.

Registered charities in receipt of mandatory relief of 80% can apply for discretionary relief on the remaining 20% of their bill.

Other organisations that meet these criteria, such as voluntary organisations and not-for-profit sports clubs, can apply for relief of up to 100%.

The following additional criteria will also be applied where applicable:

**Equality and Diversity** - The organisation should have an Equality, Diversity and Inclusion policy to evidence it that delivers and supports this for its employees and users of their organisation. A copy of a formal policy should be submitted with the discretionary relief application. If a written policy is not available, evidence must be provided that the organisation does not unfairly discriminate against any section of the community.

**Open access to membership** - Membership should be open to all sections of the community. There may be some restrictions placed on ability in sport if this is appropriate, however, in general membership should not be exclusive or restrictive.

**Membership fees** – These must not be set at such a level as to exclude the general community. The Council would expect applicants to state their current membership rates, and to illustrate that the criteria used to consider applications for membership is consistent with the principle of open access.

Applications will be dealt with more sympathetically if an organisation can demonstrate it actively encourages membership from or offers support to groups in the community such as but not limited to young people, women, older people, ethnic minorities or persons with special needs or a disability.

**Beneficiaries of services or facilities** - The organisation should provide training or education to its members, and non-members. The organisation should provide facilities that indirectly relieve the Council of the need to do so or enhance and supplement those it does provide.

**Affiliation to local or national organisations** - The organisation should be actively involved in local/national development of their interests.

**Benefit to Birmingham residents** - Applicants must show that the benefits, services, or facilities they provide mainly benefit the residents in the Birmingham area. This could be because of the employment of local people or based on the membership of the organisation.

**Members are not paid** - The Council will not grant relief where payments or other significant benefits are provided to players of a sports club. This excludes the reimbursement of reasonable travel expenses for players or officials, and reasonable provision and maintenance of club owned equipment necessary for playing the sport.

**Contribution to community plans and objectives** - The activities of the organisation should contribute to a local or regional community strategy and/or authority objectives for building neighbourhood identity, community building or social inclusion.

**Financial support from external sources** - Copies of the organisation's last two years' audited accounts must be provided with the application to assist the Council in assessing the ability of the applicant to meet the costs of rates in the absence of additional rate relief. It should be made clear on the application form the level of funding given to the organisation by the Council and or any other external bodies.

The Council will also consider applications for relief of up to 100% from other ratepayers where granting relief would result in tangible benefits to the citizens of Birmingham.

### **Amount and Period of Relief**

The amount of relief granted will, however, be determined by the affordable budget available within the Council.

The Council has the discretion to allow relief up to 100% of the business rates charge, less any mandatory relief an organisation is entitled to.

Entitlement will be assessed against the criteria and factors described above.

To ensure equitable distribution, all organisations meeting the criteria will receive the same proportionate level of relief.

### **State aid**

Please note that any award of discretionary rate relief must comply with UK Subsidy Control Limits.

Any assistance you have received, or are due to receive, from a public body may count as de minimis subsidy. This could be any aid, grant or support from central, regional, or devolved governments, agencies, or a local authority.

The application form requires you to confirm that you have not received any other de minimis subsidy. For further information please visit the following link:

[UK subsidy control regime - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/uk-subsidy-control-regime)

### **Applying for discretionary relief**

Applications must be made using the online form which is available on our [website](#).

It is the responsibility of the organisation applying for relief to provide sufficient information and documentary evidence to support its application.

Where further information is required, this will be requested allowing a minimum of 1 month for it to be provided.

If this is not received, the application will still be considered, using the information and evidence provided.

## **Changes in liability**

If there is a change to a ratepayer's liability during the period of the relief, the following amendments to the awarded amount will apply:

**Increase in liability/charge** – Where liability/charge increases, the amount of the award will continue at the rate originally granted up to the appropriate renewal date.

**Reduction in liability/charge** – the amount of the award for the remaining financial year will be the required percentage of the new liability/charge.

### **How relief will be made**

All relief awarded will be credited against the business rates bill.

## **Notification**

The Council will inform the ratepayer in writing of the outcome of their application for relief within seven days of the decision.

Where the application is not successful, the notification will provide full reasons why the decision has been taken not to award relief and the applicant's right to ask for the decision to be looked at again.

Where the application is successful, the notification will include the following information:

- the period of the award
- the percentage of the rate liability awarded for that period
- the amount of relief to be awarded for the period
- details of when an amended non-domestic rate demand will be issued
- the right to ask us to look again at the decision

## **Overpayments**

The Council will recover all overpayments of discretionary rate relief through the ratepayer's business rates account.

## **Right of review**

If you disagree with a decision made under this policy, you may write and tell us why you think our decision is wrong. If you can provide further information to address the reasons given as to why your application was unsuccessful, you may do so, and the decision will be reconsidered in light of the new information.

If the Council's decision is still not to award relief, you may ask for a full review. A panel not involved in the original decision will check your application and supporting evidence thoroughly, considering any further information given in your appeal letter, then decide whether the policy have been properly applied in your case.

The panel has the authority to:

- confirm the decision
- change the decision and award you more discretionary rate relief; or

- change the decision and award you less discretionary rate relief

Decisions will be notified in writing, normally within 7 days of the panel. There is no further right of appeal against a decision of the panel.

### **Fraud**

The Council is committed to reducing fraud in all its forms. A ratepayer who falsely declares their circumstances or provides a false statement or evidence in support of an application for discretionary rate relief, may have committed an offence under the Theft Act 1968. Where this is suspected to be the case, the matter will be investigated in line with the Council's [Anti-Fraud and Corruption Policy](#). This may lead to criminal proceedings being instigated.

### **Publicity**

The Council will include information about discretionary rate relief with non-domestic rate demands, relevant leaflets and within the [Business Rates](#) section of the Council's website.

### **Review**

This policy will be reviewed periodically, at least every 5 years, considering other Council policies and priorities and any changes in legislation.