

# Cabinet Member Report

<b>Decision Maker:</b>	<b>Cabinet Member for Finance and Smart City</b>
<b>Date:</b>	<b>7 May 2021</b>
<b>Classification:</b>	<b>General Release (Appendix A: Not for Publication)</b>
<b>Title:</b>	<b>Rating Advisory Panel 9<sup>th</sup> March 2021: Determination of National Non-Domestic Rates Discretionary and Hardship Relief Applications</b>
<b>Wards Affected:</b>	<b>Not Applicable</b>
<b>Policy Context:</b>	<b>Good Financial Management</b>
<b>Financial Summary:</b>	<b>The proposed recommendations would result in discretionary relief of £24,626.18. The City Council will need to meet £7,387.85 of this award, whilst central government and the Greater London Authority will meet the remainder of £17,238.33</b>
<b>Report of:</b>	<b>Gemma Williams, Contract Manager Revenues &amp; Benefits Tel: 02076417885 gwilliams@westminster.gov.uk</b>

## 1. Executive Summary

- 1.1 This report contains recommendations from the Rating Advisory Panel in respect of applications for Hardship and Discretionary relief from National Non-Domestic Rates (NNDR).

## 2. Recommendations

- 2.1 That Appendix A to this report be exempt from disclosure by virtue of the Local Government Act 1972 Schedule 12A, Part 1, Paragraph 3, as amended, in that it contains information relating to the financial or business affairs of an individual.
- 2.2 That the Cabinet Member approves the recommendations of the Rating Advisory Panel held on 9<sup>th</sup> March 2021 and determines the applications for NNDR Discretionary and Hardship relief set out in Appendix A.

### **3. Reasons for Decision**

- 3.1 The Rating Advisory Panel has set out the reasons for the recommendations in each case considered by the Panel in the recommendations in Appendix A.

### **4. Background Information**

- 4.1 The Rating Advisory Panel is an advisory body of elected members.
- 4.1.1 The Rating Advisory Panel considers applications for NNDR Discretionary and Hardship relief and makes recommendations to the Cabinet Member for Finance and Corporate Services. The Cabinet Member is then asked to determine the applications for Discretionary and Hardship relief having regard to the recommendations of the Rating Advisory Panel.
- 4.2 The Localism Act 2011, which came into effect on 1 April 2012, amends Section 47 of the Local Government Finance Act 1988 to allow local authorities to grant Discretionary reliefs to any ratepayer, subject to the European rules on State Aid. This relief is known as a 'Local Discount'.

### **5. Rating Advisory Panel meeting on 9<sup>th</sup> March 2021**

- 5.1 The Rating Advisory Panel was asked to consider 5 applications for hardship relief and 2 applications for discretionary rate relief. The Panel reviewed a report on each case prepared by the Executive Director of Finance and Resources. These are available to the Cabinet Member upon request.
- 5.2 The recommendations of the Panel are shown in Appendix A of this Report.

### **6. Financial Implications**

- 6.1 The Business Rates Retention Scheme has been introduced with effect from 1/4/13. Any Discretionary or Hardship relief recommended by the Panel and granted by the Cabinet Member for Finance and Corporate Services under Section 47 of the Local Government Finance Act 1988 would be shared on the following basis:

Central Government	33%
GLA	37%
City Council	30%

- 6.2 The proposed recommendations would result in discretionary relief of £24,626.18. The City Council will need to meet £7,387.85 of this award, whilst central government and the GLA will meet the remainder of £17,238.33.

## **7. Legal Implications**

7.1 The liability for NNDR (Business Rates) on an occupied or unoccupied hereditament is set out in the Local Government Finance Act 1988. Section 47 of the Local Government Finance Act 1988 allows a local authority to grant Discretionary relief if:

- a) all or part of the hereditament is occupied for the purposes of one or more institutions or other organisations:
  - (i) none of which is established or conducted for profit and
  - (ii) each of whose main objects are charitable or otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or
  
- b) the hereditament :
  - (i) is wholly or mainly used for purposes of recreation, and
  - (ii) all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

7.2 The Localism Act 2011, which came into effect on 1 April 2012, amends Section 47 of the Local Government Finance Act 1988 to allow local authorities to grant Discretionary reliefs to any ratepayer, subject to the European rules on State Aid. This relief is known as a 'Local Discount'.

7.3 Section 49 of the Local Government Finance Act 1988 enables a local authority to grant Hardship relief up to 100% of the NNDR liability provided the authority is satisfied that:

- a) the ratepayer would sustain hardship if the authority did not do so, and;
- b) it is reasonable for the authority to do so, having regard to the interests of the persons subject to its Council Tax.

## **8. Outstanding Issues**

8.1 No outstanding issues

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact Gemma Williams Tel.: 02076417885  
Email: [gwilliams@westminster.gov.uk](mailto:gwilliams@westminster.gov.uk)**

## **Background Papers**

- Discretionary and Hardship Relief Applications Report to the Rating Advisory Panel dated 9<sup>th</sup> March 2021