

Appendix C

South Cambridgeshire District Council

Policy for the Award of Rate Relief due to Hardship

In accordance with Section 49 to the Local Government Finance Act 1988

Overview

This policy has been agreed by the South Cambridgeshire District Council to ensure all ratepayers making applications for this rate relief are treated in a fair, consistent and equal manner.

This policy;

- Sets criteria for the factors that should be considered when making a decision to award or refuse relief
- Seeks to safeguard the interest of local taxpayers by ensuring that funds allocated for the award of discretionary rate relief are used in the most effective and economic way and in a manner that contributes to the Council's Corporate Objectives.

Scope of the Policy

1. Applications for discretionary rate relief will only be considered once properly completed applications for any mandatory relief to which it appears the ratepayer may be entitled have been received and considered.
2. This policy shall apply in respect of applications for discretionary rate relief due to hardship under Section 49 to the Local Government Finance Act 1988.
3. Rate relief shall only be awarded under this policy in exceptional circumstances.
4. The maximum amount of relief awarded under this policy to any ratepayer shall be limited to a cost to the Council of £5,000 per year.
5. Applications must be in writing, and, as a minimum must contain the information specified in the Council standard application form.
6. Applications will only be considered where signed by the ratepayer, or, where an organisation is the ratepayer, an appropriately authorised representative of the organisation.
7. Additional information deemed by the Council to be essential in order for a fair evaluation of the application to be made must be supplied on request.
8. Ratepayers aggrieved with an initial decision made in respect of an application have a right of appeal. Appeals must be made in writing and will only be considered if received within six weeks of the Council notifying the ratepayer of the decision.
9. Determination of awards and appeals shall be processed in accordance with the Council's Constitution.

10. Awards shall be limited to the period ending at 31st March of the year in respect of which the application is made. New applications may be submitted each financial year.
11. In very exceptional circumstances where an application is considered to be particularly deserving, but falls outside the scope of this policy, the Council may choose to make an exception and award relief. Such awards will be determined in accordance with the Council's Constitution, will be strictly at the discretion of the Council and not subject to any right of appeal.

Essential Legislative Requirements

The applicant must meet both of the following essential legislative requirements before an application can be considered

1. The applicant must evidence to the Council's satisfaction that it would suffer hardship, financial or otherwise, if it were required to pay the rates demanded.
2. The applicant must demonstrate to the Council's satisfaction that it would be in the best interest of local Council Taxpayers for an award to be made.

Criteria

Where the above essential requirements are met the applications for hardship relief shall be evaluated against the following criteria. However, the criteria outlined below are intended simply to set out the minimum considerations and are not intended to be comprehensive.

Any other relevant factors should also be considered in evaluating an application.

Factors weighing in support of an award of hardship relief

1. The business is suffering hardship as a direct result of unusual factors outside its control (for example natural disasters).
2. The business is beneficial to the local community and is unlikely to survive without assistance through hardship relief.
3. The business provides employment to local residents in an area where employment opportunities are limited.
4. The factors creating hardship are of limited duration and it is reasonable to expect the hardship to end in the foreseeable future.

Factors weighing against the award of hardship relief

1. The business is failing or suffering hardship due to general economic or market forces.
2. The business is suffering hardship due to inadequate financial management.
3. The amount of business rates is not a significant proportion of the organisation's running costs, and an award of relief is unlikely to affect the viability of the organisation.

4. The proprietors or directors continue to take remuneration from the business.
5. There are other organisations within the locality that provide the same services.
6. Other forms of rate relief are available to the organisation.
7. The organisation has already paid the rates in respect of which relief is sought.
8. The organisation is unable or unwilling to provide detailed financial information to support the application.