

LONDON BOROUGH OF BRENT

MEETING OF THE EXECUTIVE

8 MARCH 2004

REPORT FROM THE DIRECTOR OF FINANCE

**NATIONAL NON DOMESTIC RATE – DISCRETIONARY RELIEF FOR
CHARITIES AND NON PROFIT MAKING ORGANISATIONS**

FP REF BFS/71

1. SUMMARY

- 1.1 The Council has the power to grant discretionary relief to charities and to non-profit making organisations which meet specified criteria.
- 1.2 This report includes details of the applications received since the last report to the Executive in September 2003.

2. RECOMMENDATIONS

- 2.1 Members are requested to consider these applications and to decide how much, if any, discretionary relief is to be granted for 2003/2004.

3. DIVERSITY IMPLICATIONS

- 3.1 Appendix 1 of this report shows the Council's criteria for eligibility to relief for non-profit making organisations. Membership should be open to all sections of the community and the organisation should actively encourage membership from groups under-represented in the field covered by the organisation. The details in Appendix 4 show how each organisation has answered the questions regarding the Council's eligibility criteria.

4. FINANCIAL IMPLICATIONS

- 4.1 Charities receive 80% mandatory relief, for which there is no cost to the Council. The Council has the discretion to grant additional relief up to the 100% maximum, but has to bear 75% of the cost of this.
- 4.2 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum. The Council has to bear 25% of the cost of any relief granted.

- 4.3 The budget available for this discretionary spending is for 2003/04 is £110K. So far this financial year £102K of this budget has been used.
- 4.4 For the last 6 years, the Council has followed a general guideline of granting 100% discretionary relief to local charities and 25% discretionary relief to non-local charities and non-profit making organisations. If the same guideline is followed in respect of the applications contained within this report, the amount of discretionary spend would be £6K.

5. STAFFING IMPLICATIONS

- 5.1 None

5. LEGAL IMPLICATIONS

- 5.1 Under the Local Government Finance Act 1988, charities are only liable to pay one fifth of the NNDR that would otherwise be payable where property is used wholly or mainly for charitable purposes. This amounts to a mandatory relief of 80%. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, whether or not it is registered with the Charity Commission.
- 5.2 The Council has discretion to grant relief of up to 100% of the amount otherwise due to charities and non-profit making organisations meeting criteria set out in the legislation. These criteria cover those whose objects are concerned with philanthropy, religion, education, social welfare, science, literature, the fine arts, or recreation. Guidance has been issued in respect of the exercise of this discretion and authorities are advised to have readily understood policies for deciding whether or not to grant relief and for determining the amount of relief.

6. DETAILS

- 6.1 Appendix 1 shows the Council's eligibility criteria and Appendix 2 lists the Council's categorisation of organisations and charities. Point 3.7 of the criteria states that applications should be received by 30 June in respect of the financial year to which they relate. Because of the change in Revenues contractor, the application forms were not sent out until end of May this year, which is 2 months later than usual. The meeting of the Executive on 22 September 2003 agreed that applications for 2003/04 should be accepted up to 31 August 2003.
- 6.2 There are 13 applications from charities and the details of these are shown in Appendix 3.
- 6.3 There are 5 applications from non-profit making organisations and the details of these are shown in Appendix 4.

- 6.4.1 There are 16 applications from Foundation Schools (former Grant Maintained Schools) and the details of these are shown in Appendix 5. The Council already gives full top up relief to Voluntary Aided Schools and the Foundation Schools can be treated in the same manner. The advantage to the Council of granting relief is that 25% of the relief granted is funded from the National NNDR Pool. There is a neutral effect on the individual schools budget, as their budget allocations are reduced by the full amount of rate relief granted, and the Council will have additional resources equivalent to 25% of this amount (the amount funded by the National NNDR Pool).
- 6.5 There is 1 appeal to consider from a previous decision of the Executive and this is shown in Appendix 6.

7. BACKGROUND INFORMATION

- 7.1 ODPM guidance note on discretionary relief.

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