

# Discretionary Council Tax Discount Policy 2020/21

**Guidelines for the award of Discretionary Relief for  
Council Tax**

March 2020

# 1 Introduction and Scope

- 1.1 This policy sets out the Council's approach to the awarding of Council Tax discretionary discounts and demonstrates that the Council is fair, consistent in its approach and sufficiently flexible to consider individual circumstances.
- 1.2 The policy has been developed to provide guidance in three areas:
  - Exceptional Hardship Payments (EHPs) which are available to support residents experiencing exceptional financial hardship in paying their Council Tax. (See Section 2).
  - Council Tax Discounts for Care Leavers up to the age of 25. (See Section 3).
  - Empty Property Premium. Considering requests from long term empty property owners for the removal of the Empty Property Premium (See Section 4).
- 1.3 Local Authorities can use discretion to reduce a part or all of the Council Tax liability where they are satisfied that the Council Tax payer would suffer hardship if it did not do so under The Local Government Finance Act 1992 (Section 13A (1) (c)) (as amended) and the Local Government Act 2003 (Section 76).
- 1.4 Section 13A(1)(c) allows for a discretionary reduction which can be used in relation to any individual on a case by case basis or by determining a class of case for which the charge should be reduced.
- 1.5 Although the decision to reduce an individual's Council Tax liability is discretionary, the actual award (or refusal of) can be challenged by way of an appeal to a Valuation Tribunal.
- 1.6 Periodically, the Government may introduce a specific scheme in response to an event such as a natural disaster (e.g. flooding). Where such schemes are introduced, funding is normally fully met by Government. Any such schemes that are introduced with the intention to be awarded under Section 13A (1) (c) of The Local Government Finance Act 1992 (as amended), will be administered in accordance with instructions and guidance set out by Government.
- 1.7 The policy will be reviewed on an annual basis or as required in response to changes in legislation or the priorities of the Council. The Cabinet Member for Finance and Corporate Services, in conjunction with the Director of Finance are authorised to vary the criteria, funding and application processes set out in this policy to ensure the policy continues to remain fit for purpose and within budget.

## 2 Exceptional Hardship Payments (EHPs)

### 2.1 Introduction and Scope

- 2.1.1 The Council is aware of its statutory duties under Section 13A(1)(c) of the Local Government Finance Act 1992 (as amended). These regulations allow Billing Authorities the discretion to reduce Council Tax in individual cases.
- 2.1.2 The Council has made provision to assist residents who are facing exceptional financial hardship. Payment made under this provision will be known as Exceptional Hardship Payments (EHPs).
- 2.1.3 EHPs are not the same as payments made under the Council's Council Tax Reduction Scheme (CTR). Those residents on low incomes should first explore entitlement to CTR before making an application for EHP.
- 2.1.4 The Council will ensure each application received will be treated on its own merits and all applicants will receive equal and fair treatment regarding accessibility to the fund and the decisions made.
- 2.1.5 EHPs are only intended as short term assistance and should not be considered as a way of reducing Council Tax liability indefinitely.
- 2.1.6 The Council will give particular (but not exclusive) consideration to applications where the applicant is experiencing specific, exceptional or unforeseen situations which then impacts on their ability to meet their Council Tax liability.
- 2.1.7 In considering an award the Council must be satisfied that:
- It is reasonable to expect other Council Tax payers to meet the cost of reducing the tax.
  - It would be unfair to ask the applicant to meet their Council Tax liability based solely on their own individual circumstances and not on circumstances that affect all or a significant proportion of the residents of Oldham.

### 2.2 Criteria for an application

- 2.2.1 The Council recognises the importance of protecting its most vulnerable residents. This policy has been created to ensure that a level of protection and support is available to those claimants most in need.
- 2.2.2 Hardship can arise in many exceptional circumstances which could include but are not limited to:-
- Multiple and complex issues facing the claimant and his/her household
  - The death of a partner or dependant
  - Sudden increases in other expenses due to a family member's illness or incapacity
  - Where other financial support mechanisms have been exhausted

2.2.3 The Council will consider all relevant circumstances and resources. For example, it may not be appropriate to attempt to alleviate hardship through the award of financial assistance where advice and assistance in accessing other available support may be of greater benefit.

2.2.4 The Council will consider the full circumstances of the applicant before deciding whether or not to award an EHP. The Council will be looking for something out of the ordinary that makes it very difficult for the claimant to pay their Council Tax.

2.2.5 When assessing a claim for EHP, The Council must be satisfied that:

- The applicant is unable to meet their full Council Tax liability or part of their liability.
- All reasonable steps have been taken to meet the full Council Tax liability prior to submitting the EHP application.
- The applicant's current circumstances are unlikely to improve during the period for which the EHP may be made which would make payment of the Council Tax unlikely.
- There is evidence of exceptional hardship or exceptional personal circumstances that justifies a reduction in Council Tax liability.
- The applicant has no assets that could be realised and used to pay Council Tax.
- Entitlement to all other reliefs, discounts, exemptions, discretionary payments and other available support have been considered.
- Non-payment of Council Tax is not due to the wilful refusal or culpable neglect of the taxpayer to pay the tax.

### 2.3 **What an EHP does not cover**

2.3.1 EHPs cannot be awarded:

- To help towards payment of rent
- Where the Council Tax liability is nil as a result of any other discount or exemption
- To cover previous years' Council Tax arrears
- For any reason other than to reduce Council Tax liability.

### 2.4 **Making an Application**

2.4.1 The applicant, or a party authorised by the applicant such as an appointee or advocate, must complete and submit an EHP application form along with any evidence requested within the application form. To support applicants the Council will encourage the use of an online application form which will be available on the Council's website [www.oldham.gov.uk](http://www.oldham.gov.uk). (Applications will not be considered if they are made by landlords or managing agents of properties where the claimant is liable for Council Tax).

- The application must set out the hardship or personal circumstances upon which the request is based.
- Applicants are required to include proof of their financial circumstances to enable the Council to make an informed assessment of their ability to pay. Financial evidence can include, but is not limited to, household income and expenditure details, utility bills, household bills and debt.

- Further evidence may be requested that is relevant to the application (e.g. specific details about income and expenditure details and medical evidence).
- Applicants will be expected to provide further information in support of their claim within one month of submitting their application or the application may be made ineligible.
- The Council will not meet any costs an applicant may incur in making an application or in providing requested evidence.

## 2.5 Making an Award

- 2.5.1 Applications will be reviewed by the Council's Exchequer Client Manager (Revenues) and a recommendation made to the Council's Head of Revenues and Benefits for a decision<sup>1</sup>.
- 2.5.2 An EHP award will not normally exceed 26 weeks. The start date of the award will be the Monday following the date the application for EHP is received by the Council.
- 2.5.3 Any reasonable request for backdating an award of EHP will be considered but such consideration will be limited to the current financial year and will not normally be granted for a period exceeding 3 months prior to the date of application.
- 2.5.4 EHPs are intended as short term assistance and the claimant will be expected to have made clear attempts to improve their financial circumstances during the course of any award.
- 2.5.5 Claimants may make subsequent applications once their initial award has expired or if their circumstances have changed or worsened if their original award has been previously refused.
- 2.5.6 Awards will normally be paid only once. The reduction in liability will be applied to the relevant Council Tax account and a revised bill will be issued. No cash alternative to this approach is available.
- 2.5.7 An award will usually be a percentage of the net Council Tax liability (the amount payable following the award of any benefit, discount, exemption or relief) and be for a specified period. The award will not exceed 100% of Council Tax liability.
- 2.5.8 The claimant must inform the Council about any changes in their circumstances that might affect their claim for EHP.
- 2.5.9 Decisions will normally be made within ten working days of the application provided all supporting information has been received and will be notified to the applicant as soon as practicable thereafter. The award letter will set out:
- The amount of EHP awarded
  - The period of the award
  - When the award will be paid
  - The requirement to report changes in circumstances
  - What the claimant can do if they do not agree with the award and
  - Details of where the claimant can obtain independent debt advice

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<sup>1</sup> These titles are correct at the time of approving this policy but may be subject to change during 2020/21.

2.5.10 If the application is not successful, the letter will include:

- The reasons for refusing the application and what the claimant can do if they do not agree with the refusal of the award
- Details of where the claimant can obtain independent debt advice

2.5.11 If it is subsequently identified that an award was made as a result of false or fraudulent information, the Council will withdraw the award and recover the resulting sum due.

2.5.12 Under Section 16 of the Local Government Finance Act 1992, there is a right of appeal if a Council Taxpayer applying for a discretionary reduction under Section 13a(1)(c) wishes to challenge the Council's decision. The guidance detailing how to appeal is set out in Section 5.

### 3 Council Tax Discount for Care Leavers

3.1.1 Oldham Council wants to support Care Leavers in their transition to independent living by offering a 100% Council Tax discount for care leavers up to the age of 25.

3.1.2 A Care Leaver is defined as a person who has been in the care of a local authority (looked after) for at least 13 weeks since the age of 14 and for at least one day after their 16th birthday.

#### 3.2 Qualifying Criteria

3.2.1 Confirmation will be sought from Oldham Council's Children's Social Care or other public body or professional organisation that Care Leaver status applies. The majority of discount cases will be referred directly by the Council's Children's Services team. However, Care Leavers can also make a direct application for a discount and this will be made available on the Council's website [www.oldham.gov.uk](http://www.oldham.gov.uk)

3.2.2 The Care Leaver must live in the Borough and be responsible for Council Tax in Oldham to qualify for the discount.

3.2.3 The discount will not be means tested.

#### 3.3 Discount Scheme

3.3.1 The Care Leavers discount was introduced in April 2017, as such Care Leavers who become responsible for Council Tax after this date will be granted the discount from the date of occupation.

3.3.2 The level of discount applied will be 100% of Council Tax liability after any entitlement to any national reliefs, exemptions or other discounts including entitlement to Council Tax Reduction have been calculated and awarded.

3.3.3 If subsequent to an award, the Care Leaver's liability for Council Tax reduces during the period of the award, for example if the Care Leaver becomes entitled to a single person discount, the Care Leaver's discount will be amended to ensure the award does not exceed the Care Leaver's Council Tax liability.

- 3.3.4 Where awarded, the discount will remain in force until the Care Leaver reaches the age of 25 years or ceases to become responsible for Council Tax whichever date occurs first.
- 3.3.5 When a discount has been given, a Council Tax bill will be issued showing the detail. If a discount request is refused, a letter will be issued outlining the reasons why it has been refused.
- 3.3.6 Under Section 16 of the Local Government Finance Act 1992, there is a right of appeal if a customer applying for a discretionary reduction under Section 13a(1)(c) wishes to challenge the Council's decision. The guidance detailing how to appeal is set out in Section 5.

## 4 Empty Property Premium

### 4.1 Background

- 4.1.1 The Local Government Finance Act 2012 gave Local Authorities the power to apply a Council Tax Empty Property Premium for properties unoccupied and unfurnished for over 2 years from 2013. The Empty Property Premium (EPP) was 50% from 2013 to 2019. The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 allowed Local Authorities to increase the premium to 100% from April 2019 and the Council exercised its discretion to do this.
- 4.1.2 The Local Government Finance Act 1992 Section 11B (8), sets out the criteria for determining whether a property is considered long-term empty which is that the property has been unoccupied and substantially unfurnished for a continuous period of at least 2 years.
- 4.1.3 A property owner may be exempt from the Empty Property Premium (EPP) if the property owner is a member of the armed forces and absent directly as a result of such service or if the empty property is considered an annexe to a main building.
- 4.1.4 Government guidance<sup>2</sup> issued about the application of the EPP in 2013 suggests that there may be occasions where application of the premium would penalise a property owner who is genuinely trying to sell a property. The Council must make its own decision about cases where an exemption from the premium may be appropriate. These may cover, but are not limited to the following circumstances:
- The property owner has purchased or inherited a long-term empty property but is unable to move into or rent the property due to the major structural repair work and renovation that is needed.
  - The property is available for sale or rent but the owner has been unable to find a willing buyer or tenant despite ongoing efforts to do so which can be evidenced.

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- 4.1.5 A request for the removal of an EPP must be made in writing. Removal of the premium will only be considered if the property owner is experiencing specific, exceptional or unforeseen situations which impacts on their ability pay the EPP.
- 4.1.6 The Council in partnership with Homes England operates a scheme<sup>3</sup> to encourage and support owners of empty properties to bring them back into use or achieve a market value sale. This can include purchase or lease agreements with the Council. Long-term empty property owners are invited to access this scheme. The Council would expect that property owners, who are struggling to sell or rent their empty property would fully engage with this service prior to the removal of the empty premium.
- 4.1.7 The Council also offers a discount of 50% for properties undergoing major structural repairs up to a maximum of 12 months. In most cases it is anticipated that owners of long-term empty properties requiring major structural repairs would reasonably be able to bring a property back into use within 12 months. Evidence would be required to support a request for removal of EPP where the repair work had exceeded these timescales.

## 4.2 Making a Decision

- 4.2.1 Any decisions regarding the removal of the Empty Property Premium will be considered on a case by case basis by the Council's Exchequer Client Manager (Revenues).

# 5 Appealing a Decision

- 5.1 If an applicant disagrees with a decision, there is a right to request that the application is reviewed by the Director of Finance.
- 5.2 Any requests for a review of the decision must be made within one calendar month of the original decision letter being issued.
- 5.3 All applications for a review of the decision must be made in writing or via email and must outline the reasons why the applicant is disputing the decision.
- 5.4 The applicant will be notified in writing of the outcome of the review and the reasons for the decision.
- 5.5 If the applicant disagrees with the outcome of the internal review undertaken by the Director of Finance they can appeal to the Valuation Tribunal. Appeals must be made directly to the Valuation Tribunal.
- 5.6 The Valuation Tribunal can only consider whether the decision made by the Council was made reasonably by applying judicial review principles. The Valuation Tribunal cannot award discretionary reductions but may ask the Council to review its policy or decision again.

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<sup>3</sup> [https://www.oldham.gov.uk/info/100007/housing/2159/bringing\\_empty\\_homes\\_back\\_into\\_use](https://www.oldham.gov.uk/info/100007/housing/2159/bringing_empty_homes_back_into_use)



# Discretionary Business Rate Relief Policy 2020/21

**Guidelines for the Award of Discretionary  
Business Rates Relief**

March 2020

## **1. INTRODUCTION AND SCOPE**

- 1.1 Discretionary Rate Relief (DRR) is granted in accordance with Section 43 and Section 44a of the Local Government Finance Act 1988 (LGFA 1988) and Section 47-49 of the LGFA 1988 as amended by the Localism Act 2011.
- 1.2 Clause 69 of the Localism Act 2011 amended section 47 of the LGFA 1988 to allow billing authorities the discretion to fund their own local discounts. From April 2012, the Council has been able to grant Business Rates discounts entirely as it sees fit within the limits of the primary legislation and European rules on State Aid. These powers can be used to encourage new business and investment, as well as to support local shops or community services.
- 1.3 The introduction of the Business Rates Retention scheme in 2013 meant that Local Authorities now have a financial stake in the income generated from Business Rates in their area. Since April 2017, the Council has participated in the 100% Business Rates Retention pilot scheme applicable.
- 1.4 This means that Mandatory and Discretionary Relief is financed 99% by the Council and 1% by the Greater Manchester Combined Authority. The Government has pledged that Greater Manchester Authorities will suffer no financial detriment as a result of participating in the 100% pilot scheme. This extends to the awarding of mandatory and discretionary rate reliefs.
- 1.5 In view of the direct cost of awarding Business Rates relief, the Council has determined that its DRR policy is reviewed annually to ensure that awards of DRR are appropriate and maximise benefits to Oldham residents.
- 1.6 This policy document outlines the areas of local discretion and the Council's approach to the various awards. This approach has regard to the impact:
  - Of granting DRR (including Section 44a Relief and Hardship Relief) on the Council's wider financial position and Council Tax payers;
  - On the organisations and businesses that currently receive or may apply for relief in the future;
  - For Oldham residents and any regeneration benefits to the borough.
- 1.7 The principal consideration when making an award is that any relief granted is in the best interests of the residents and taxpayers of Oldham and produces a local benefit. It will also be reflective of and complementary to the co-operative ethos of the Council.
- 1.8 The report sets out the eligibility criteria and application process for each type of DRR.
- 1.9 Annexes A to E set out the detail of temporary DRR schemes which have been introduced by Central Government.

## **2 CHARITABLE RELIEF (CHARITIES)**

2.1 A Mandatory Rate Relief of 80% is granted to charities in the following circumstances where the:

- Ratepayer of a property is a charity or the trustees of a charity; and
- Property is wholly or mainly used for charitable purposes (including charity shops, where the goods sold are mainly donated and the proceeds are used for the purpose of the charity).

2.2 The Council does not have discretion regarding the award of Mandatory Rate Relief, however the Council must be satisfied that the statutory criteria has been met. For this purpose, the Council will use guidance provided in both the LGFA 1988, and by reference to other enactments and case law.

2.3 The Council will refer to the Charity Register for evidence of charitable status however absence from the register does not mean an organisation has not been established for charitable purposes as certain organisations are exempt from registration under the Charities Act 1993.

2.4 In cases where a charity is in receipt of mandatory rate relief of 80%, the Council has discretion to grant up to 20% additional rate relief known as a DRR top up.

2.5 The Council will consider applications for a DRR top up from charities based on their own merits, on a case by case basis. However, the principal consideration is that the relief is in the best interests of the residents and taxpayers of Oldham and produces a local benefit as the Council must contribute to the cost of each award. As such, top up will be awarded to only the following type of registered charities:

- Scouts, guides, cadets and other clubs/associations for young people;
- Community schemes encompassing organisations providing support for those over the age of retirement, community transport, those based on volunteering and residents' associations;
- Organisations providing support in the form of advice, training for employment, counselling;
- Organisations that provide services that address the consequences of ill health and disability;
- Charitable sporting clubs (also see CASCs);
- Locally based leisure and cultural organisations;
- Armed forces veterans' associations;
- Locally based charities;
- Charity shops (operated by either locally based or national charities);
- Local child care providers registered as charities

### **3 REGISTERED COMMUNITY AMATEUR SPORTS CLUBS (CASC) RELIEF**

3.1 A mandatory rate relief of 80% is granted to registered community amateur sports clubs (CASCs). To qualify as a CASC, a sports club must fulfil all the following criteria. It must be:

- Open to the whole community;
- Run as an amateur club;
- Non-profit making and
- Aiming to provide facilities for, and encourage people to take part in, eligible sport.

3.2 In cases where a CASC is in receipt of Mandatory Rate Relief of 80%, the Council has discretion to grant up to 20% additional rate relief as a DRR top up.

3.3 The principal consideration is that any relief is in best interests of the residents and taxpayers of Oldham. However, in determining the application the following matters will be taken in to consideration:

- How the CASC supports and links into the Council's corporate vision and priorities;
- A club should have an open access policy. If a club effectively discriminates by only accepting members who have reached a particular standard, rather than seeking to promote the attainment of excellence by enhancing access and the development of sporting aptitude, then it does not fulfil the requirements;
- Although clubs should be open to all without discrimination, single sex clubs may be permitted where such restrictions are not discriminatory in intent but a genuine result of physical restraints (such as changing room facilities) or the requirements of the sport. In such cases, the organisation will be required to provide proof of such limiting factors;

3.4 If the organisation applying for a DRR requires membership or an entry fee, the Council will consider whether:

- Membership must be open to everyone, regardless of race, ethnic origin, sex, marital or parental status, sexual orientation, creed, disability, age, religious affiliation or political belief,
- The subscription or fee is set at a level which is not prohibitively high and considered to be affordable by most sections of the community
- Fee reductions are offered for certain groups such as, for example, under 18s or over 60s
- Membership is encouraged from groups who face social barriers, such as, for example, young people not in employment, education or training; people above working age; or people with disabilities
- Facilities are made available to people other than members.

3.4 It should be noted that sports clubs which run a bar are unlikely to be awarded relief if their main purpose is the sale of food or drink. However, if the sale of food or drink by the organisation aids the overall operation and development of the organisation in achieving its objectives, this would be permissible as long as the principal objectives of the organisation meet the eligibility criteria detailed at 3.1. If the bar makes a profit, this profit must be reinvested to support the organisation in achieving its principal objectives. Financial information will be required to evidence any profit and its use.

## **4 NON-PROFIT MAKING ORGANISATIONS INCLUDING COMMUNITY INTEREST COMPANIES (CIC)**

4.1 The Council has the power to grant discretionary rate relief of up to 100% for the rates due to non-profit making organisations. The main objectives of the organisation must be related to:

- Relief of poverty
- Advancement of religion
- Advancement of education
- Social Welfare
- Science
- Literature
- Fine arts
- Recreation
- Or be otherwise beneficial to the community

An organisation must be able to demonstrate how it:

- Meets local needs and benefit local people and
- Provides a valuable service to the community and
- Is open to all sections of the community and operates in such a way that it does not discriminate against any section of the community and
- Is not conducted or established for the primary purpose of accruing profit.

4.2 The Council will consider applications for a DRR top up from non-profit making organisations based on their own merits, on a case by case basis. However, the principal consideration is that the relief is in the best interests of the residents and Council taxpayers of Oldham and produces a local benefit as the Council must contribute to the cost of each award. As such, top up will only be awarded to the following type of non-profit making organisations:

- Scouts, guides, cadets and other clubs/associations for young people;
- Community schemes encompassing organisations providing support for those over the age of retirement, community transport, those based on volunteering and residents' associations;
- Organisations providing support in the form of advice, training for employment or counselling;
- Organisations that provide services that address the consequences of ill health and disability;
- Locally based leisure and cultural organisations;
- Armed forces veterans' associations.

4.3 If the organisation applying for DRR requires membership or an entry fee, the Council will consider whether:

- Membership must be open to everyone, regardless of race, ethnic origin, sex, marital or parental status, sexual orientation, disability, age, religious affiliation or political belief;
- The subscription or fee is set at a level which is not prohibitively high and considered to be affordable by most sections of the community;

- Fee reductions are offered for certain groups such as, for example, under 18s or over 60s;
- Membership is encouraged from groups who face social barriers, such as, for example, young people not in employment, education or training; people above working age; or people with disabilities;
- Facilities are made available to people other than members.

4.4 Where the applicant organisation requires membership, at least 50% of the members should reside within the boundaries of the Borough of Oldham (proof of this will be required).

## 5 LOCAL CHILD CARE PROVIDERS

5.1 The Council will consider applications for DRR from local child care providers based on their own merits on a case by case basis. The principal consideration is that any relief is in best interests of the residents and taxpayers of Oldham and produces a local benefit as the Council must bear a percentage of the cost of any relief granted. Criteria in relation to an award are:

- A local child care provider can be in receipt of Mandatory Rate Relief of 80% if it is registered as a charity, in these cases the Council has the discretion to grant up to 20% additional rate relief.
- In cases where a local child care provider is not in receipt of Mandatory Rate Relief the Council has the discretion to consider granting an award up to 100% of rate relief.
- If a local childcare provider applies for relief, the provider must not charge fees that would be considered unaffordable by most Oldham residents. The provider must also not restrict attenders with admittance policies that are deemed unfair.
- If a nursery charges unreasonable fees or if they make significant profits that are not reinvested into the business that they are unlikely to be awarded DRR.

## 6 RURAL RATE RELIEF

6.1 Organisations or businesses which reside within a designated rural settlement (with a population of 3,000 or less) may be eligible for Discretionary Rural Rate Relief. Eligible organisations/businesses must be in one of the settlements identified in the Council's rural settlement list, which is reviewed periodically:

- Current areas designated as rural settlements are:

Delph	Denshaw	Diggle	Dobcross
Grasscroft	Grotton	Scouthead	Woodhouses

6.2 Discretionary Rural Rate Relief is open to any type of business within a classified rural settlement that satisfies the following criteria in that it is:

- The only qualifying village shop or post office with a rateable value of up to £8,500 and already in receipt of mandatory relief of 50%.
- The only qualifying public house or petrol station with a rateable value of up to £12,500 and already in receipt of mandatory relief of 50%
- Within the boundaries of a qualifying rural settlement.

- 6.3 The Council also has the discretion to remit all or part of rate bills on other property in a settlement on the rural settlement list if the rateable value is £16,500 or less and is used for a purpose that benefits the local community.
- 6.4 Rural rate relief was doubled to 100% in April 2017 with the intention to introduce legislation to make the award of the relief mandatory.
- 6.5 Until the necessary legislation is in place to award 100% Mandatory Rural Rate Relief the Council will use its discretionary powers to award 50% Discretionary Relief to ensure 100% relief is awarded in total to eligible businesses. Central Government will fully reimburse the Council using a grant under Section 31 of the Local Government Act 2003. Awards will be granted for the period of one financial year at a time.

## **7 LOCALISM RELIEF**

- 7.1 The Council is now able to grant Business Rates discounts entirely as it sees fit within the limits of the primary legislation and European rules on state aid. The Council will particularly focus on using these powers to support the regeneration objectives of the Council, encouraging new business and investment into the Borough.
- 7.2 In reviewing an application from a business requesting DRR under these powers, there will be consultation with the Council's Business and Investment Team to determine if providing relief would support the economic objectives of the Borough.
- 7.3 Applicants will be also be signposted to the Council's Business and Investment team for support and for advice on other options available to the business prior to an award being considered.

## **8 HARSHIP RELIEF**

- 8.1 The Council has the power to reduce or remit the Business Rates charged in certain circumstances where the business is enduring temporary financial difficulties. This is known as Hardship Relief.
- 8.2 The Council may grant Hardship Relief if it is satisfied that:
- The ratepayer would sustain financial hardship if the Council did not do so; and
  - It is reasonable for the Council to grant relief, with regard to the interests of its residents and Council Tax payers.
- 8.3 Hardship Relief is a temporary measure which should not be used to artificially sustain a failing business. Hardship Relief will be awarded where the applicant organisation is facing temporary financial difficulties and where the community would be significantly disadvantaged if the business were to close due to these temporary financial constraints.

## **9 SECTION 44A RELIEF (PARTLY OCCUPIED PROPERTIES)**

- 9.1 The Council has discretion to consider requests from ratepayers asking that the rateable value of premises that is charged Business Rates is split between the occupied and temporarily unoccupied portions and that the Council then only charges rates of the occupied portion. This is permitted under Section 44a of the LGFA 1988.

- 9.2 The Council has discretion to accept or refuse such a request. If the request is accepted, then the Valuation Office Agency is asked to supply a Certificate indicating the relevant values for the occupied and unoccupied portions and this Certificate is binding on the Council.
- 9.3 The definition of 'temporary period' is not prescribed with the law and therefore Oldham Council has the discretion to decide the period of relief that should be awarded.
- 9.4 The law provides a discretionary power, but the decision whether to exercise that power must be taken before the Valuation Officer's Certificate is requested, as the apportioned values are those upon which the charge must be levied once supplied. The discretionary power does not alter the general rule that occupation of part of a premise constitutes occupation of the whole of the premises.
- 9.5 The effect of the apportioned values applies for the operative period, which is defined as the period beginning with the day on which the premises became partly unoccupied and ending with the first day on which one or more of the following events occurs;
- The occupation of any of the unoccupied part of the premises;
  - The ending of the financial year in which the apportionment was required;
  - The requiring of a further apportionment;
  - The complete occupation of the premises; or
  - The complete vacation of the premises.
- 9.6 The Authority is required to terminate this relief in the event of a change in the proportions of the premises occupied and unoccupied or at the end of a financial year, and then may, if appropriate consider requesting the Valuation Officer to issue a further Certificate.
- 9.7 The amount of Rate Relief that is awarded is determined by statute and is calculated by reference to the Rateable Value attributed to the unoccupied area by the Valuation Office Agency, part of Her Majesty's Revenue and Customs (HMRC).
- 9.8 Applications will only be considered in respect of unoccupied parts of a property that can be clearly defined and are reasonably segregated from the occupied part of the property.
- 9.10 The use of Section 44a is intended to apply to those premises where there are practical difficulties in either occupying the premises or vacating the premises. Therefore, it is not intended that all premises which temporarily become partly unoccupied should have their liability reduced.
- 9.11 No award shall be made where it appears to the Council that the reason that part of the property is unoccupied is wholly or mainly for the purposes of applying for Rate Relief.
- 9.12 Rate Relief under this section will not be awarded in respect of partly occupied property where the partial occupation of the property may arise due to the ordinary day to day nature of the business (for example, warehousing operations).



9.13 The period of Relief will not exceed either 3 or 6 months depending on the type of property the claim has been made for, in line with the current legislation for part-occupied properties.

9.14 In determining the application, favourable consideration will be given (but not limited to) where:

- There is a partial occupation of a warehouse, factory or commercial premises to facilitate relocation of the company into the borough or to extend the current portfolio and associated occupation levels in the borough; or
- Where fire, flood or other disaster prevents full use of the premises.

9.15 Favorable consideration would not normally be given:

- For a period that has now passed;
- For consecutive periods;
- To support a business moving its operation outside of the Borough;
- Where the owner sublets part of the premises on a commercial basis;
- Where the part occupation is likely to continue for more than 3 months (6 months if industrial premises);
- Where there appears to be no effort to let, sell or occupy the empty part; or
- Where part occupation is seasonal or cyclical in nature.

(N.B. This is not an exhaustive list.)

9.16 At all times, consideration will be made for the regulations contained within Section 44a of the Local Government Finance Act 1988 and any relevant case law.

## **10 OTHER RELIEFS**

10.1 The Government has introduced several rate relief schemes in recent years, some of which are available for specified years only. The application process and eligibility criteria are individual to each relief scheme. Details for each scheme are set out in Annexes A to E and are:

- Annex A Supporting Small Business Relief (on-going relief scheme in place 2017/18 to 2021/22)
- Annex B Discretionary Revaluation Relief Scheme (amendment to the policy for the 4<sup>th</sup> Year of the scheme 2020/21)
- Annex C Retail Discount (increased discount to be applied from 2020/21)
- Annex D Pub Relief (New discount for 2020/21)
- Annex E Local Newspaper Relief (extension of the existing scheme to 2024/25)

## 10 MAKING AN APPLICATION

- 10.1 Applicants will be encouraged to submit applications for DRR online at [www.oldham.gov.uk](http://www.oldham.gov.uk)
- 10.2 All Applications for Discretionary Rate Relief top up must be supported by, and include:
- The organisation's main purposes and objectives, as set out in, for example, a written constitution, a memorandum of association, or set of membership rules
  - A full set of audited accounts relating to the two years preceding the date of application. Where audited accounts are not available, projected figures should be provided instead. (It is recommended that applicant organisations submit audited accounts dating back further than two years, if such information is available.)
  - Details of how the organisation meets the criteria outlined in these guidelines.
- 10.3 Localism Relief - Where applications seek rate relief in respect of new business set up etc., information provided should also include business plans and other information that demonstrate the regeneration or economic benefit to Oldham.
- 10.4 Section 44a Relief - The following information will be required to support written requests for Section 44a relief:
- A plan of the property showing the dimensions of the occupied and unoccupied area of suitable quality to enable the Valuation Office Agency to apportion the rateable value of the property between the occupied and unoccupied areas. Applications will not be considered until such time as the plan is provided;
  - The period to which the application relates;
  - Contact details in order to inspect the site where necessary.
- 10.5 If an application is received without the necessary supporting information, it will result in a delay in the processing of the application.
- 10.6 In the event that supporting information isn't provided within one month of the initial application, the application will be considered ineligible and closed.
- 10.7 The Council will inform applicants in writing of any decision. This letter will also confirm the period for which relief has been awarded and a revised bill will be issued.
- 10.8 Unsuccessful applicants will be notified by letter and provided instructions on how they can appeal the decision.
- 10.9 The granting of relief will be reviewed annually and those in receipt of Discretionary Rate Relief will be asked to supply or confirm relevant information for the purpose of the review.
- 10.10 The Council can depart from its general policy as to granting relief if it sees fit to do so, taking into account the facts of each case and the interests of residents and Council Taxpayers.

## 11 ASSESSMENT OF THE AWARD

- 11.1 The Council delegates the decision-making power for DRR awards to the Exchequer Client Manager (Revenues) and the Head of Revenues and Benefits (or equivalent post holders<sup>4</sup>).
- 11.2 Any officer or Member involved in the decision-making process for DRR must declare if they have an interest in or association with any organisation which is applying for the relief.
- 11.4 In making decisions about applications the Council may:
- Grant relief up to a maximum of 100% of the rates due
  - Grant relief for a sum less than 100% of the rates due or
  - Refuse any application for additional relief.
- 11.5 When considering an application for Section 44a relief, a visit may be made to the premises to confirm the accuracy of the submitted plan. Independent evidence may also be requested, and this may be in the form of surveyors' reports, dated photographs, solicitors' letters and estate or letting agents' records (list not exhaustive).
- 11.6 The granting of relief will be reviewed annually and those in receipt of Discretionary Rate Relief will be asked to supply or confirm relevant information for the purpose of the review.
- 11.7 If an organisation in receipt of DRR top up ceases to meet the eligibility criteria outlined in this policy, it will cease to receive DRR. The Council will give 12 months written notice prior to the withdrawal of the DRR top up.
- 11.8 An award of Discretionary Rate Relief under powers conferred by the Localism Act will typically be awarded as a temporary measure for a limited period e.g. one financial year.
- 11.9 As a guide, for a charity, CASC or Non-Profit organisation to be eligible for DRR top up, the organisation must not have enough financial resources available in unrestricted funds to continue to operate for more than 12 months, nor should it have sufficient financial resources in unrestricted reserves to continue to operate for more than 12 months, unless a business plan exists detailing how these additional reserves are to be used to benefit the local community.
- 11.10 In exceptional cases, DRR will be granted to organisations which have enough financial resources in unrestricted funds to continue to operate for more than 12 months. This may include charities or community organisations which require large amounts of available resources to sustain the service they deliver to the community. In such cases, the organisation must be able to prove that it offers a service which the Borough's residents depend on, and which they would be unlikely to find elsewhere in the Borough.

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<sup>4</sup> These titles are correct at the time of approving this policy but may be subject to change during 2020/21

## **12 APPEALS AGAINST DECISIONS**

- 12.1 Any organisation requiring a review of a decision may submit a request by email to [DiscretionaryRateRelief@oldham.gov.uk](mailto:DiscretionaryRateRelief@oldham.gov.uk). The appeal must be made within one month of the date of the initial decision.
- 12.2 Oldham Council can review a Discretionary Rate Relief, Hardship Relief or Section 44a decision in the event of a dispute or in light of any new information. Final decisions on appeals will be made by the Section 151 Officer (Director of Finance) and the Cabinet Member for Finance and Corporate Services.

## **13 STATE AID**

- 13.1 State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid.
- 13.2 However DRR will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013).
- 13.3 The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).
- 13.4 To administer De Minimis it is necessary for the Council to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid.
- 13.5 Using the general exception from the state aid rule where the aid is below the “de minimis” level, the Council will limit awards to a maximum of €200,000 to any one business over any three-year period.
- 13.6 The UK left the EU on 31 January 2020. The Withdrawal Agreement negotiated by the Government and the EU provides that during an implementation period State Aid rules will continue to apply as now and will be subject to control by the EU Commission as at present. The Council will therefore continue to apply State Aid rules, including de minimis, to the relief for during the implementation period.

## **14 POLICY REVIEW**

- 14.1 The Council will review the Discretionary Rate Relief policy on an annual basis, but the Council reserves the right to review and revise the policy at any time as a result of information gained through operating the policy or in response to Government initiatives.
- 14.2 The Cabinet Member for Finance and Corporate Services in conjunction with the Director of Finance are authorised by Cabinet to agree any revisions to the policy.

## **ANNEX A: SUPPORTING SMALL BUSINESS RELIEF**

- 1 The Supporting Small Business Relief scheme is available for ratepayers who are losing some or all of their small business rate relief as a result of a large rateable value increase following the 2017 revaluation. The scheme is available for 5 years from 1 April 2017.
- 2 The Supporting Small Business relief will ensure that the increase per year in the bills of these ratepayers is limited to the greater of:
  - A percentage increase per annum of 5%, 7.5%, 10% and 15% in the financial years 2017/18 to 2021/22, all plus inflation. Unlike the Transitional Relief scheme, for the first year of the scheme the percentage increase is taken against the bill for 31 March 2017 after Small Business Rates Relief or
  - A cash value of £600 per year (£50 per month), this cash minimum increase ensures that those ratepayers who paid nothing or very small amounts in 2016/17 after small business rate relief start to pay something in 2017/18.
- 3 In the first year of the scheme (2017/18), all ratepayers losing some or all of the Small Business Rate Relief or Rural Rate Relief saw the increase in their bill capped at £600. The cash minimum increase is £600 per year thereafter.
- 4 The Council will identify and award relief to all qualifying hereditaments. No separate application is required.

## **ANNEX B – DISCRETIONARY REVALUATION RELIEF SCHEME 2020/21**

- 1 This Local Discretionary Revaluation Relief will apply for the year 1 April 2020 to 31 March 2021 only.
- 2 To qualify for relief a ratepayer must be in occupation of a property with a rateable value of less than £200,000 and must meet the following criteria:
  - The ratepayer must have been liable for rates and in continual occupation of the relevant property since before 1st April 2017;
  - The property must be occupied;
  - There has been an increase in liability before other reliefs are applied of more than 5% of the eligible occupied charge when compared to the 2016/17 Business Rates bill;
  - The award of relief must comply with EU law on State Aid. It is the responsibility of the Ratepayers to inform the Council if they have received State Aid that exceeds in total €200,000 over a three year period, including any other rates relief (other than exemptions, transitional or mandatory reliefs) being granted for premises other than the one to which the declaration relates, under the De Minimis Regulations EC 1407/2013.
- 3 The following businesses will not be eligible for the relief:

Local Authority properties and the wider public sector and businesses that fall into the following categories:

- Financial services (e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops, pawn brokers)
  - Other services (e.g. estate agents, letting agents, employment agencies)
  - Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
  - Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
  - Post office sorting office
  - Betting shops
  - Shisha Bars
  - Non trading rating assessments (e.g. Advertising rights, parking spaces, communication masts, kiosks Car Parking Spaces)
  - Properties which were not on the rating list at 1 April 2017. (Relief will not apply where properties are entered into the list retrospectively).
- 4 The Council will prioritise the following:
    - Local businesses
    - Ratepayers occupying lower value properties
    - Ratepayers facing the most significant increases in bills
    - Business facing hardship as a result of the impact of the revaluation
    - Businesses with employees
    - Businesses whose rateable value is not currently the subject of an outstanding appeal with the Valuation Office Agency (VOA)

## 5 **How the Business Rates Discretionary Business Rate Revaluation Relief will be calculated**

Discretionary business rate relief is calculated after any or all of the following have been applied;

- Exemptions and other reliefs, including Pub Relief and Supporting Small Business Relief.
- Transitional arrangements.

## 6 **Amount of relief**

In the 2017/18 financial year, ratepayers the Council believed were eligible for the relief were awarded on a case by case basis up to 100% of the difference between the 2016/17 base charge (before the application of any reliefs) and the 2017/18 business rates bill after all other reliefs and exemptions had been applied.

For businesses who remained eligible in the 2018/19 financial year the relief was restricted to a maximum of 50% of the amount of relief awarded in 2017/18.

Central Government funding to support this scheme has fallen sharply from £301k in 2017/18 to £146k in 2018/19, £60k in 2019/20, to £9k in 2020/21. Given the limited sum of money available in 2020/21, each award will be considered on a case by case first served basis up to a maximum of 20% of the amount received by eligible ratepayers in the 2019/20 financial year.

Where a qualifying ratepayer's rates bill is reduced for any of the following reasons, the amount of their relief will be reduced or removed accordingly:

- A reduction in rateable value in the 2017 rating list
- The provision of a certified value for the 2010 rating list or historical change
- The application of any additional rate relief or exemption
- Vacation and re-occupation of the property
- Any other reason

7 The Council will not make awards in excess of the relevant grant and decisions will take account of available remaining funding. The scheme is for 2020/21 only.

## 8 **How to Apply**

Businesses will be invited to apply for the relief. An application form is available online at [www.oldham.gov.uk/revaluationrelief](http://www.oldham.gov.uk/revaluationrelief) and businesses that may fit the eligibility criteria will also be contacted directly and asked to apply. Decisions will be made by the Council's Exchequer Client Manager (Revenues). Appeals will be considered by the Director of Finance.

## 9 **Hardship**

The Cabinet Member for Finance and Corporate Resources in conjunction with the Director of Finance are authorised to vary the criteria and application process of the scheme to support businesses facing hardship following the 2017 revaluation to ensure take up of the scheme and to ensure support to businesses in Oldham is maximised.

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## **ANNEX C – RETAIL DISCOUNT 2020/21**

### **1. Introduction**

The Government announced in the Budget on 29 October 2018 that it would provide a business rates Retail Discount scheme for occupied retail properties with a rateable value of less than £51,000 in each of the years 2019/20 and 2020/21.

The value of the discount for 2019/20 was one third of the bill after mandatory reliefs and other discretionary reliefs funded by section 31 grants had been applied. Where the Council applied a locally funded relief, for instance a localism relief under section 47, this was applied after the Retail Discount.

The Government announced in the 11 March 2020 Budget and subsequently that it would extend the value of the Retail Discount from one third of the bill to 100% and remove the £51,000 Rateable Value limit of the relief for 2020/21 only. This relief applies to occupied retail, leisure and hospitality properties. The Government extended the criteria to include cinemas, music venues, museums, art galleries, and theatres; caravan parks and gyms; small hotels and B&Bs; sports clubs, night clubs; club houses, and guest houses. Where a locally funded relief under section 47 is applied, this will be applied after the Retail Discount and, where appropriate, the 2020/21 pub discount.

To qualify for the relief the hereditament should be wholly or mainly being used for the qualifying purposes set out below. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which have closed temporarily due to the government's advice on COVID19 should be treated as occupied for the purposes of this relief.

The Government has notified the EU of its intention to bring forward an immediate change to the UK's tax treatment of non-domestic property, in response to the ongoing Covid-19 emergency, and to seek clearance under Article 107(3)(b) of the Treaty on the Functioning of the European Union. Subject to this approval, the Expanded Retail Discount scheme will become a notified State Aid.

This means the Council is able to award the Retail discount ignoring de minimis limits.

### **2. Which properties will benefit from relief?**

Properties that will benefit from the relief will be occupied hereditaments that are wholly or mainly being used:

- a) Shops, restaurants, cafes, drinking establishments, cinemas and live music venues;
- b) For assembly and leisure; or
- c) As hotels, guest & boarding premises and self-catering accommodation



Shops, restaurants, cafes, drinking establishments, cinemas and live music venues may be defined as;

**i. Hereditaments used for the sale of goods to visiting members of the public:**

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/ caravan show rooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

**ii. Hereditaments used for the provision of the following services to visiting members of the public:**

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops etc.)
- Shoe repairs/ key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/ TV/ domestic appliance repair
- Funeral directors
- Photo processing
- Car Hire
- Tool hire

**iii Hereditaments that are being used for the sale of food and/ or drink to visiting members of the public:**

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

**iv Hereditaments which are being used as Cinemas**

v **Hereditaments that are being used as live music venues:**

Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).

There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music.

To qualify for the relief the hereditament should be wholly or mainly being used as shops, restaurants, cafes, drinking establishments, cinemas and live music venues. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied retail uses that exist. There will also be mixed uses. The Council, in accordance with Government guidance, will determine whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above will not be eligible for the relief.

Assembly and leisure may be defined as:

vi **Hereditaments that are being used for the provision of sport, leisure, and facilities to visiting member of the public (including viewing of such activities).**

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs
- Sports and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist Attractions
- Gyms

viii **Hereditaments that are being used for the assembly of visiting member of the public.**

- Public Halls
- Clubhouses, clubs and institutions

Hotels, guest and boarding premises and self-catering accommodation may be defined as:

ix **Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business**

- Hotels, Guests and Boarding Houses
- Holiday Homes
- Caraven parks and sites

**3 Businesses not eligible for the relief**

The list below sets out the types of uses that the Council does not consider to be retail use for the purpose of this relief. The Council will determine whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the relief under their local scheme.

Hereditaments that are being used for the provision of the following services to visiting members of the public:

- a) Financial services (e.g. banks, building societies, cash points, bureaux de change, payday lenders, betting shops, pawn brokers)
- b) Other services (e.g. estate agents, letting agents, employment agencies)
- c) Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- d) Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
- e) Post office sorting offices
- f) Casinos and gambling clubs.
- g) Hereditaments that are not reasonably accessible to visiting members of the public

**4 How much relief will be available?**

The total amount of Government funded relief available for each property for 2020/21 under this scheme is 100% of the bill, after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied. The 2020/21 Pub Relief is an exception to this rule and will be applied after the Retail Discount. If the Council uses its discretionary powers to offer further discounts outside this scheme, such as Localism Relief this must also be applied after the Retail Discount (and pub relief were appropriate).

The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula will be used to determine the amount of relief to be granted for a chargeable day for particular hereditament in the financial year 2020/21:

$$\text{Amount of relief to be granted} = \frac{V}{2} \text{ where}$$

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding the pubs discount and those where local authorities have used their discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants.

This will be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.

Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties, subject to State Aid De Minimis limits.

## **5 Splits, mergers, and changes to existing hereditaments**

The relief should be applied on a day to day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, will be considered afresh for the relief on that day.

## **ANNEX D – PUB RELIEF 2020/21**

### **1. Introduction**

In a March budget on 11 March 2020, the Government announced a £5,000 business rate discount for public houses with a rateable value of less than £100,000 for one year from 1 April 2020.

### **2. How will the Relief be provided?**

As this is a measure for 2020/21 only, the Government is not changing the legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in this guidance, reimburse the Council who can use discretionary relief powers under Section 47 of the Local Government Finance Act 1988 (as amended) to grant relief. Central government will fully reimburse for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003).

### **3. Eligibility criteria - which properties will benefit from relief?**

The scheme will be available to eligible occupied properties with a rateable value of less than £100,000. Most pubs are independently owned or managed and will not be part of chains. Where pubs are part of a chain, relief will be available for each eligible property in the chain, subject to meeting State Aid requirements.

The Government's policy intention is that eligible pubs should:

- be open to the general public
- allow free entry other than when occasional entertainment is provided
- allow drinking without requiring food to be consumed
- permit drinks to be purchased at a bar.

For these purposes, the following businesses are excluded:

- restaurants
- cafes
- nightclubs
- hotels
- snack bars
- guesthouses
- boarding houses
- sporting venues
- music venues
- festival sites
- theatres
- museums
- exhibition halls
- cinemas
- concert halls
- casinos

The proposed exclusions in the list is not intended to be exhaustive and it will be for the Council to determine those cases where eligibility is unclear using local knowledge of the licensed premises in the area.

#### **4. How much relief will be available?**

The total amount of government-funded relief available in the year 2020/21 under this scheme is £5,000 per eligible property. There is no relief available under this scheme for properties with a rateable value of £100,000 or more. Eligibility for the relief and the relief itself will be assessed and calculated on a daily basis.

This relief will be applied to bills after mandatory reliefs and other discretionary reliefs funded by Section 31 grants have been applied (including the retail discount) but excluding those where the Council has used its discretionary relief powers under section 47 which are not funded by section 31 grants.

Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties, subject to State Aid De Minimis limits.

Pub relief should be applied on a day-to-day basis using the formula set out by Government.

#### **5. Splits, mergers, and changes to existing hereditaments**

A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the relief on that day

## **ANNEX E – NEWSPAPER RELIEF 2020/21**

### **1 Introduction**

This Annex (based on Government guidance) sets out the detailed criteria to be used to determine business rates relief for local newspapers. Local Authorities may use their discretionary powers (under section 47(3) of the Local Government Finance Act 1988 to grant relief in line with the eligibility criteria set out in this guidance.

On 16 March 2016 the Chancellor announced at the Budget that the Government would introduce a £1,500 business rates discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and per hereditament, and up to state aid limits, for 2 years from 1 April 2017.

In the 2018 Autumn Budget it was announced that that this relief would be extended to provide relief in the 2019/20 financial year.

In a Written Ministerial Statement on 27 January 2020, the Financial Secretary to the Treasury announced the discount would continue to apply in the financial years 2020/21 to 2024/25. The relief is intended to be specifically for local newspapers and will be delivered through Local Authority discretionary discount powers (under Section 47(3) of the Local Government Finance Act. The relief will be limited by State Aid rules.

### **2 How will the relief be provided?**

The Government will reimburse the Council (under section 47(3) of the Local Government Finance Act 1988 to grant relief in line with the eligibility criteria set out in this guidance.

### **3 Eligibility criteria**

The relief will provide: A £1,500 relief for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament

### **4 Local Newspapers**

The relief is to be specifically for local newspapers and by that would be a “traditional local newspaper.” The relief will not be available to magazines.

### **5 Office Space**

The hereditament must be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.

### **6 Amount of Relief**

The amount of relief is limited to a maximum of one discount: - per newspaper title (e.g. per newspaper name) and per hereditament.

### **7 State Aid**

The relief available is up to state aid de minimis levels.

# Local Welfare Provision Policy 2020/21

**Guidelines for the operation of the Local  
Welfare Provision Scheme.**

March 2020



# Local Welfare Provision Policy 2020/21

## 1. Introduction

- 1.1 The Welfare Reform Act 2012 ended the provision of Community Care Grants and Crisis Loans for living expenses under the Discretionary Social Fund administered by the Department for Work and Pensions (DWP).
- 1.2 Funding was transferred from the DWP to Local Authorities (LAs) from 1 April 2013 to provide a locally administered scheme to help vulnerable residents in the Borough.
- 1.3 There was no statutory duty requiring LAs to deliver a scheme, but Oldham Council considered it to be in the best interests of the residents of the Borough to operate a scheme. As a result of the reduction in funding the Council administered a scheme in a way that ensures the funding provides support to Oldham's most vulnerable residents.
- 1.4 Oldham's scheme is known as the Local Welfare Provision (LWP) scheme.
- 1.5 As a Co-operative Council, the Council is committed to making the most of the strengths that lie in communities and neighbourhoods across the borough. This is reflected in the LWP scheme, which makes use of the expertise and local knowledge of community groups, charitable organisations, and partner agencies in working together to support residents in difficult circumstances.
- 1.6 Oldham Council is also committed to supporting local people to find sustainable, long-term solutions, so that help is provided to prevent people from facing crises and needing support in the future. As part of the process of assessing a claim for LWP, the Council seeks to identify whether applicants could benefit from other forms of support (such as benefit, debt or budgeting advice) which gives them the tools to address the root causes of any short-term problems which are causing them to turn to LWP for help.

## 2. Purpose of the Scheme

- 2.1 The purpose of the LWP Scheme is to provide support:
  - To meet short term emergency/immediate support needs of vulnerable residents.
  - To assist vulnerable residents to establish or maintain a home in the community.
- 2.2 Examples of the types of residents and the circumstances where an award may be considered are:
  - Care Leavers under the age of 25
  - People who have suffered a disaster/crisis such as fire or flood
  - Families under exceptional pressure
  - People who are homeless or rough sleepers
  - Vulnerable older people
  - People fleeing domestic violence
  - People moving out of institutional or residential care

- People moving to supported accommodation/independent living
- People who are leaving prison or detention centres
- People who are chronically or terminally ill
- People with alcohol or drug issues
- People with learning difficulties
- People returning to work after a short term on benefit

This list is not exhaustive.

### **3. Principles of the Scheme**

3.1 The LWP scheme is based around the following principles:

- The Council will treat each customer fairly and equitably with full consideration being given to their circumstances.
- The LWP scheme is a fund of last resort, this means that the Council will provide support to people who cannot access support through any other means. This will ensure that funding is retained to support those residents who are unable to access funding from other sources. The scheme is discretionary, which means an applicant does not have a statutory right to a payment.
- The Council will consider making a LWP award to applicants who meet the qualifying criteria specified in this policy, providing that there is sufficient funding available.
- In each financial year the Council will spend no more on LWP awards than the DWP makes available in grant funding for the scheme.
- The Council reserves the right to vary the operation of the scheme during the year to ensure that the level of awards made does not exceed the funding available. This will be exercised through a formal review process.
- The Council will provide support to applicants by means of signposting or referrals to other partners, regardless of the outcome of their claim for LWP, to avoid a future need to claim LWP.
- The Council will consider bids for funding from groups / organisations who provide support to Oldham residents. Successful bids will be awarded monies from the fund providing there is sufficient funding.

### **4. Eligibility Criteria**

4.1 To be eligible for an award the applicant must be:

- Aged 16 or over
- Be a resident of the borough or be able to demonstrate that they are about to become a resident of the borough
- In receipt of one of the following:
  - Income Support
  - Income-based Jobseeker's Allowance

- Employment and Support Allowance (income-related)
- Pension Credit
- Universal Credit
- Housing Benefit
- Council Tax Reduction
- Child/Working Tax Credit
- Disability Living Allowance
- Personal Independence Payment

Awards may be made in exceptional circumstances to applicants who are not in receipt of one of the above benefits.

4.2 An award will not be made where:

- Help is likely to be available from other funds or schemes
- The applicant has access to other funds which could be used to cover the costs, such as, savings, credit cards, overdraft facilities, loans.
- The applicant owns a property other than the one in which they live.
- The need for LWP has been self-imposed by the applicant e.g. a benefit sanction enforced, loss of employment due to misconduct etc. except in exceptional circumstances e.g. unjust sanction where there is no other support available. Must be supported by a trusted referrer or support worker.
- The applicant has received a LWP award in the past 6 months (in cases of significant exceptional need this criteria can be relaxed).

## **5. The Application Process**

5.1 The application process is clear, transparent and accessible.

5.2 Applicants can request support through a number of access channels:

- On line via the Council website
- Through a dedicated telephone line
- Through a trusted referrer - these will be in a wide range of organisations across the Borough.

5.3 The application can be made by:

- The person to whom the application relates (the applicant)
- Another person on behalf of the applicant (the representative)

5.4 The application process is designed to provide consistent and fair decision making by gathering appropriate data and supporting information in an accessible way.

5.5 The Council may request reasonable evidence in support of an application for a LWP award.

- The applicant will be asked to provide the evidence within 10 working days of the request although this will be extended in appropriate circumstances.

- If the applicant is unable to or does not provide the required evidence within the timeframe stipulated, then the application will be treated as withdrawn by the applicant.
- The Council reserves the right to verify any information or evidence that the applicant supplies with third parties including other Council departments, Government agencies, other Local Authorities, external organisations or individuals. The Council may also use the information for the detection and prevention of fraud.
- Under new data sharing powers contained within the Welfare Reform Act 2012 those administering the scheme will have access to DWP data in relation to benefits to support decision making.

5.6 The Council will signpost or refer the applicant to other sources of funding rather than make a LWP award.

## **6. Decision Making**

6.1 In deciding whether or not to make a LWP award the Council will take a holistic look at the applicant's needs and circumstances, as well as the amount of funding available in the LWP fund and the anticipated demand for this funding.

6.2 The Council will consider:

- The financial circumstances of the applicant, their partner, their dependants, and anyone else who lives with them
- Any sources of credit, such as cash cards, store cards, credit cards, cheque cards, overdraft facilities and loans
- Any other help which is likely to be available from other funds or schemes
- Any expenditure of the applicant, any partner, their dependants and anyone else who lives with them
- The level of debt the applicant and their family has
- Any medical issues, or other exceptional needs, of the applicant, their partner, their dependants, anyone else who lives with them
- Whether an LWP award could address the needs of the applicant
- Whether granting an award would help prevent further or additional needs.

6.3 If the Council decides that a LWP award can be made they will determine the type of support to be awarded.

## **7. Types of Support**

7.1 LWP is available to help with the provision of:

- Beds and Bedding
- Essential domestic appliances/cookware
- Essential domestic furniture
- Clothing
- Emergency transport costs
- Food
- Utility costs (including connection/reconnection)
- Provision of heating appliances

This list is not exhaustive.

7.2 LWP awards would not normally be given for:

- A television or satellite cost or repair
- Installation of a telephone or telephone line
- Housing costs or arrears of rent
- Costs which can be met from other sources
- Debts
- Motor vehicle expenses
- TV licence
- Costs associated with care provision

This list is not exhaustive.

7.3 The Council has the discretion to determine which goods or services are essential and will consider the circumstances of each claim.

## **8. Methods of Support**

8.1 The Council will determine the most appropriate method of support to be provided to successful applicants. The decision will be made based on the type of support required and the individual's circumstances.

8.2 The Council may make awards of support to:

- The applicant
- Their partner
- An appointee or authorised representative

8.3 The Council will make awards in the following ways:

- Vouchers for food
- Order and payment by the Council to suppliers of suitable goods or services
- Pre-payment cards for goods and utilities
- Cash payments will only be awarded in exceptional circumstances.

This list is not exhaustive.

## **9. Notification**

9.1 The applicant and any other interested party such as representative or trusted referrer will be notified of the outcome of the application on the day the decision is made.

9.2 The Council will notify the applicant of the decision by the most appropriate method. This may be by telephone call, letter or email.

9.3 Where the application is successful, the notification will include details of:

- The amount of the award;
- The purpose for which the award should be used;
- The method of support
- Signposting to websites and contacts for other support agencies.

9.4 Where the application is unsuccessful or the award does not meet the full level of support that the applicant requested, the notification will include:

- An explanation of the reasons why the application was unsuccessful
- Details of the right to request a review
- Signposting to websites and contacts for other support agencies.

## **10. Rights of Review**

10.1 LWP awards are not subject to a statutory appeals process.

10.2 An applicant (or their representative) who disagrees with a decision may request an explanation of why their application was refused, or why they were not granted the full level of support they applied for.

10.3 The request must be received by the Council within 14 days of the date the decision was notified.

10.4 The request can be made

- On line via e-mail
- By telephone through a dedicated telephone line
- In writing

10.5 Where possible, the Council will try to resolve the matter by explaining the reasons for the decision to the applicant or their representative either verbally or in writing.

10.6 Where the applicant remains dissatisfied with the explanation provided they may request a review of the decision.

10.7 Any request for review must be received by the Council within one calendar month of the LWP decision being notified to the applicant.

10.8 The Council will review the decision made in relation to the application. The review will be undertaken by an officer who was not involved in determining the original decision.

10.9 The Council may request additional evidence to support the review. The applicant will have one calendar month to respond to any request for further information. If no response is received within this period, the review will be undertaken based on the information already held by the Council.

10.10 The applicant (or their representative) will be notified in writing of the outcome of the review.

10.11 If the applicant or their representative is not satisfied with the outcome of their review, they have the right to make a complaint to the Local Government Ombudsman.

## **11. Fraud and recovery of awards**

11.1 If the Council becomes aware that the information contained in an application for a LWP award was incorrect or that relevant information was not disclosed either intentionally or otherwise the matter will be investigated.

11.2 Any applicant who tries to fraudulently claim a LWP award may be committing a criminal offence under the Fraud Act 2006 and could lead to criminal proceedings.

11.3 The Council will seek to recover the value of any LWP award made as a result of a fraudulent application.

## **12. Monitoring**

12.1 The scheme is subject to monthly reporting and review.

12.2 ICT systems have been implemented which provide detailed and robust management information to allow continuous monitoring and real time information in relation to:

- payment of awards
- methods of payment
- projected allocation of funds
- awards made
- equalities data
- speed of awards
- number of reviews
- outcome of reviews
- referrals or signposting to other agencies

## **13. Publicity**

13.1 The Council will publicise the scheme and provide information to relevant agencies, stakeholders and other Council services, including a list of trusted referrers.

## **14. Scheme Review**

14.1 The Council reserves the right to review and revise the scheme at any time based on information gained as a result of operating the scheme.

14.2 The Cabinet Member for Finance and Corporate Services in conjunction with the Director of Finance are authorised by Cabinet to agree any revisions to the scheme.

# Discretionary Housing Payment Policy 2020/21

**Guidelines for the operation of the  
Discretionary Housing Payment Scheme.**

March 2020



## **Discretionary Housing Payments Policy 2020/21**

### **1. Introduction**

- 1.1 In July 2001 the Discretionary Housing Payment Scheme was introduced giving Councils the power to award Discretionary Housing Payments (DHPs) to top up the Housing Benefit and Council Tax Benefit.
- 1.2 The DHP policy has been revised to reflect changes to the benefits system introduced by the Welfare Reform Act 2012; this includes the introduction of Universal Credit, the size criteria and the benefit cap.
- 1.3 From April 2013 Council Tax Benefit was replaced by a localised Council Tax Reduction (CTR) scheme and from that date, awards of DHP no longer covered help with paying Council Tax. From April 2019, the Council has instead made provision for the award of Exceptional Hardship Payments (EHPs) to support those facing exceptional hardship in paying their Council Tax. Information about EHPs can be found on the Council's website [www.oldham.gov.uk](http://www.oldham.gov.uk)
- 1.4 This policy has been developed based on the Discretionary Housing Payments Good Practice Guide (updated March 2018) issued by the Department for Works and Pensions.
- 1.5 All officers involved in the consideration and processing of DHP applications will adhere to this policy.
- 1.6 The purpose of this policy is to specify how Oldham Council will operate the DHP scheme and indicate some of the factors that will be taken into account when considering if a DHP can be made. Each case will be treated strictly on its merits and all customers will be treated equally and fairly.
- 1.7 Central Government provides funding for the scheme. The Department for Work and Pensions (DWP) allocation for DHPs was 2019/20 was £638,046. The funding allocation for 2020/21 is expected to be confirmed before the end of March 2020. This budget will be allocated to support those most in need including those affected by Welfare Reform.

### **2. Purpose of the Scheme**

- 2.1 Oldham Council will consider making a DHP to customers who meet the qualifying criteria as specified in this policy. Oldham Council will seek through the operation of this policy to:
  - Alleviate poverty
  - Encourage and sustain people in employment
  - Sustain tenancies and prevent homelessness
  - Support vulnerable young people in the transition to adult life
  - Encourage Oldham residents to obtain and sustain employment
  - Safeguard residents in their homes
  - Help those who are trying to help themselves
  - Keep families together

- Support vulnerable or elderly in the local community
- Help claimants through personal crises and difficult events
- Promote good educational outcomes for children and young people
- Support those affected by welfare reform
- Support care leavers up to the age of 25

### **3. Principles of the scheme**

3.1 The main features of the DHP scheme are that:

- DHPs are not payments of Housing Benefit (HB) or Universal Credit (UC)
- There must be entitlement to the minimum amount of HB or UC including the housing element for rental costs (UCHE).
- It is a discretionary scheme
- An applicant does not have a statutory right to a payment
- The amount that can be paid by Oldham Council in any financial year is cash-limited by the Secretary of State and may be reduced, or increased in subsequent years
- The support should be seen as short term. However, in some instances the award can be used to provide longer term support.

DHPs cannot be used to;

- Pay ineligible service charges
- Minimise the effect of DWP sanctions
- Make payment when HB/UCHE is suspended or
- When an applicant does not have a minimum entitlement of HB or UCHE

N.B.The housing costs to which the DHP relates does not have to be the housing costs of the property for which the benefit is awarded. For example, DHP can be used for a rent deposit or rent in advance for a property that the claimant is yet to move into, if the applicant is already entitled to HB or UCHE for their present home.

### **4. The Application Proces**

4.1 A request for a DHP application form is made by the completion of an online application form which is available from the Council website [www.oldham.gov.uk/DHP](http://www.oldham.gov.uk/DHP)

4.2 The applicant will be required to submit the form online to the Council. The Council will request further information as required and/or verify any information or evidence provided. The evidence must be provided within one month of the request, although this will be extended in appropriate circumstances. If the applicant is unable to or

does not provide the required evidence, the Council will still consider the application on the basis of the information it does hold such as on the HB database and/or DWP systems.

- 4.3 Oldham Council will first explore options available to the claimant and will liaise with the Housing Options team in order to negotiate with the landlord a more affordable rent (where it is appropriate to do so).
- 4.4 Oldham Council will make referrals to internal services and external advice agencies that can provide advice and information on managing finances and personal budgeting, where this could assist in providing a long term financial solution.
- 4.5 Oldham Council will also undertake proactive exercises to determine specific categories of claimant who may be eligible for a DHP. These cases may be awarded a DHP without completing an application form.

## **5 Deciding whether to award a DHP**

5.1 In deciding whether to award a DHP, the Council will take into account:

- The shortfall between HB/UCHE and rental and liability;
- Any steps taken by the applicant to reduce their rental liability, such as seeking to take on more affordable accommodation;
- The financial circumstances of the applicant, any partner, their dependents and other occupiers of their household;
- The income and expenditure of the applicant, any partner, their dependents and other occupiers of their household;
- Any savings or capital the applicant or any partner, their dependents and other occupiers of their household may hold;
- The level of indebtedness of the applicant and their family;
- Any medical issues, or other special needs, of the applicant, partner or dependents, or other members of their household;
- The nature of the circumstances of the applicant, for example where the applicant has moved house in order to find more affordable accommodation and the fares to their place of work are now considerably higher;
- Whether the circumstances of the customer are such that a DHP would not alleviate the problems of the customer within a reasonable period (say 12 months);
- The Local Housing Allowance rates;
- The effect of the April 2013 Size Criteria changes for Social Housing Tenants; Priority will be given to those who:

- Have had a property significantly adapted to meet disablement needs
  - Need additional space because of their disability
  - Are taking the necessary steps to either downsize or take on a boarder/lodger, but see circumstances when a DHP will not be awarded at 8.1 below
- The effect of the Benefit Cap changes to Housing Benefit. Priority will be given to those who can demonstrate that they are;
    - Taking the necessary steps to help themselves and are working towards getting a job or additional income to meet the loss in HB/UCHE
    - Taking the necessary steps to move to cheaper alternative accommodation, but see circumstances when a DHP will not be awarded in 6.1 below
- Any other special circumstances the Council is aware of;
  - The possible impact on the Council of not making such an award, e.g. the applicant becoming homeless, fuel poverty, child poverty etc., and the costs associated with this;
  - The amount available in the DHP budget (the Council's overall cash limit is determined by the Government);

5.2 The Council will decide how much to award based on all the circumstances. This will be any amount between the rental liability and the amount of benefit already awarded. i.e. part or all of the shortfall in the rent.

5.3 An award of DHP does not guarantee that a further award will be made at a later date even if the applicants circumstances have not changed.

## **6 Circumstances when a DHP will not be awarded**

6.1 When a DHP application is received from an applicant who cannot demonstrate that they are taking the necessary steps to help themselves i.e. they have not approached or are not in continual engagement with relevant bodies that will help support them.

6.2 When a DHP application is received from a customer who is not considered to be a settled resident in Oldham i.e. is not living and claiming HB/UCHE in the boundary area for the borough.

6.3 When a DHP application is received from a customer that shows the overall income exceeds the outgoings or where the application shows there is unreasonable expenditure.

## **7 Period of Award**

7.1 The Council will decide the length of time for which a DHP will be awarded on the basis of the evidence supplied and the facts known.

7.2 The start date of an award will normally be:

- The Monday following the date the application for DHP is received, or
- The date on which entitlement to HB or UCHE commenced (providing the application for DHP is received within one calendar month of the claim for HB/UCHE being decided), whichever is the earlier or the most appropriate.
- The Council will not usually award a DHP for a period exceeding 26 weeks. DHPs are intended as short term assistance and the claimant will be expected to make clear attempts to improve their financial and housing circumstances during the course of any award. In exceptional circumstances the Council will consider an indefinite award or until such time the customer's circumstances change.
- Claimants may make subsequent applications once their initial award has expired or if their circumstances have changed or worsened if their original application has been previously refused. There is no guarantee that future applications will result in a DHP award or at the same level of award but each case will be treated on its own merits.
- The Council will consider any reasonable request for backdating an award, but this consideration will normally be limited to the current financial year.

7.3 All awards will be dependent on the funding available to the Council.

## **8 Payment of One-Off Lump Sums**

8.1 The Council will consider all reasonable requests for one off lump sum payments for example for; rent deposit, help with removal costs and rent in advance but usually only where benefit is not being paid direct to the landlord.

8.2 Any one-off lump sum payment for rent in advance and rent deposit will usually be restricted to a maximum that is equal to one month contractual rent.

8.3 DHPs can be awarded for a rent deposit or rent in advance for a property that the claimant is yet to move into if they are already entitled to HB or UC at their present home.

8.4 When awarding DHPs for a rent deposit or rent in advance, it must be established that:

- the property is affordable for the tenant; and
- the tenant has a valid reason to move; and
- the deposit or rent in advance is reasonable; and
- moving within the borough.

8.5 It must be established with the claimant whether they:

- are due to have a deposit or rent in advance in respect of their existing tenancy returned to them; or
- have received assistance from another department within the Council towards a rent deposit (such as a rent deposit guarantee scheme or similar).

8.6 Retrospective payments may be appropriate to reduce rent arrears under the following circumstances:

- to avert eviction where it is reasonable to conclude that this will enable the resident to deal effectively with their remaining arrears in the longer term;
- where payment will enable the resident to meet reasonable social landlord criteria to move to a more appropriate property. e.g. to downsize

## **9. Change of Circumstances**

9.1 The applicant must inform the Council if there has been a change in the claimant's circumstances.

## **10. Notification**

10.1 The Council will notify the applicant the outcome of their request within fourteen days of making a decision.

Where the application is successful, the Council will inform the applicant of:

- The weekly amount of the award;
- The period of the award;
- The reason for the award;
- The method of payment;
- Any conditions that may apply. i.e. a requirement to undertake take certain activities, where appropriate;
- The need to report changes of circumstances;

Where the request for a DHP is unsuccessful the Council will explain the reasons why the decision was made and explain the applicants right to request a review of the decision.

## **11 Payment of a DHP**

11.1 The Council will decide the most appropriate person to pay based on the circumstances of each case. This includes:

- The applicant;
- Their partner;
- An appointee;
- The landlord (or an agent of the landlord);
- Any third party to whom it might be appropriate to make payment.

11.2 The Council will pay an award of DHP by electronic transfer

## **12. Overpayments**

- 12.1 The Council will seek to recover any DHP found to be overpaid. Normally this will involve issuing an invoice to the applicant or the person to whom the award was paid.
- 12.2 The Council will not normally seek recovery of any overpayment of DHP caused through Local Authority error.
- 12.3 A decision that a DHP is overpaid will be notified by decision letter. The applicant may request a review of the decision based upon the grounds that:
- The calculation of the overpayment is incorrect;
  - The overpayment should not be recoverable as it was caused by Local Authority error.

## **13. Fraud**

- 13.1 The Council is committed to the fight against fraud in all its forms. Where the Council suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated. Any applicant who tries to fraudulently claim a DHP might have committed an offence under the Theft Act (2006).

## **14. Review of a Decision**

- 14.1 The applicant can request a review of a DHP decision in the event of a dispute, either at the time of the initial rejection or following a decision to cancel a DHP and/or recover a DHP overpayment. The review will be undertaken by an officer who was not involved in determining the original decision.
- 14.2 The applicant or their representative will be notified in writing of the outcome of the review.
- 14.3 A DHP decision cannot be appealed to a Housing Benefit Tribunal however the applicant may take any disputes to the Local Government and Social Care Ombudsman, where there is an allegation of maladministration.

## **15. Publicity**

- 15.1 The Council will publicise the scheme internally and externally through the Council's website and via other partner organisations. A copy of this policy will be available on the Council's website [www.oldham.gov.uk](http://www.oldham.gov.uk).

## **16. Monitoring**

- 16.1 Oldham Council will retain overall responsibility for the monitoring of DHP awards against DHP budget, to ensure the scheme is administered in accordance with Council policy and within Government and Council budget.
- 16.2 Discretionary Housing Payments may be delivered by other organisations on behalf of Oldham Council.

## **17. Further assistance and information**

- 17.1 Applicants will be signposted and referred to other organisations who can provide assistance and support.
- 17.2 Other Information will be available at [http://www.oldham.gov.uk/info/100001/benefits\\_and\\_money](http://www.oldham.gov.uk/info/100001/benefits_and_money)

## **18. Policy Review**

- 18.1 The Council reserves the right to review and revise the policy at any time based on information gained as a result of operating the scheme.
- 18.2 The Cabinet Member for Finance and Corporate Services in conjunction with the Director of Finance are authorised by Cabinet to agree any revisions to the policy.



## Appendix 5 – Equality Impact Assessment Discretionary Council Tax Discounts

EIA Ref: Local Taxation and Benefits Discretionary Policies  
**2020/21 - Discretionary Council Tax Discount Policy**

Lead Officer:	Caroline Lee
People involved in completing EIA:	Adam Parsey
Is this the first time that this project, policy or proposal has had an EIA carried out on it? If no, please state date of original and append to this document for information.	<p>The Discretionary Council Tax Discount Policy was introduced in March 2019 with the intention to review on an annual basis.</p> <p>The Care Leavers Discount was introduced in April 2017 and merged into the Discretionary Council Tax Discount Policy when it was incorporated. The first EIA in relation to the Care Leavers Discount was undertaken in January 2017 and has been updated annually since.</p>

### General Information

1a	Which service does this project, policy, or proposal relate to?	Local Taxation and Benefits Discretionary Policies 2020/21 - Discretionary Council Tax Discount Policy
1b	What is the project, policy or proposal?	<p>As part of its role in the administration of Council Tax, the Council can exercise its discretion under Section 13a (1) (c) of the Local Government Finance Act 2012 to provide reductions to the amounts that are due to be paid.</p> <p>The Council utilises these powers to consider applications from resident's subject to exceptional financial hardship for discretionary Council Tax discounts, and to provide a 100% Discretionary discount to Care Leavers up to the age of 25.</p> <p>The proposed policy for 2020/21 includes guidance to officers receiving requests for removal of the Empty Property Premium (EPP). An EPP requires owners of properties unoccupied and unfurnished over 2 years to pay a 100% premium.</p>
1c	What are the main aims of the project, policy or proposal?	To set out clear and transparent guidance covering what the Council will take into account when assessing an application for Section 13a (1) (c) for residents experiencing exceptional hardship in meeting their Council Tax liability, Care leavers, and residents requesting removal of the EPP through an award of an EHP.

1d	Who, potentially, could this project, policy or proposal have a detrimental effect on, or benefit, and how?	It is not expected that this policy will have a detrimental effect on others. Payments of EHP will be met from the Council's general fund and awards made should be in the interests of all Council Tax payers. Although the legislation allows the Council to award a discretionary discount of Council Tax to support residents experiencing financial hardship, EHP arrangements have a designated general fund budget to support this group and transparent policy to set out how these requests will be considered. This means that for those in low income group, although the pot is cash limited, more funding will be available to support this disadvantaged group suffering exceptional hardship than is currently the case. The fund will be cash limited which could potentially impact on residents suffering hardship if there is an increased demand for this support. However, the intention of the scheme is to support those cases where the hardship being experienced is exceptional after all other support options such as Council Tax Reduction and other discounts, exemptions and support have been exhausted. On this basis, demand is not expected to be high.
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1e. Does the project, policy or proposal have the potential to <u>disproportionately</u> impact on any of the following groups? If so, is the impact positive or negative?				
	None	Positive	Negative	Not sure
Disabled people	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Particular ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Men or women (include impacts due to pregnancy / maternity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People on low incomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People in particular age groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groups with particular faiths and beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?				

1f. What do you think that the overall NEGATIVE impact on groups and communities will be?	<b>None / Significant</b>	<b>Minimal</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1g	Using the screening and information in questions 1e and 1f, should a full assessment be carried out on the project, policy or proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
1h	How have you come to this decision?	<ul style="list-style-type: none"> <li>The policy provides guidance to residents and officers considering requests for discretionary Council Tax discounts.</li> </ul>
1i	Review date	February 2021

## Appendix 6 – Equality Impact Assessment

EIA Ref: Local Taxation and Benefits Discretionary Policies – 2020/21

### Discretionary Business Rate Relief Policy

Lead Officer:	Caroline Lee
People involved in completing EIA:	Adam Parsey
Is this the first time that this project, policy or proposal has had an EIA carried out on it? If no, please state date of original and append to this document for information.	The Discretionary Business Rate Relief Policy is updated each year when the policy is reviewed (the last time this was updated was March 2019)

### General Information

1a	Which service does this project, policy, or proposal relate to?	<b>Discretionary Rate Relief Policy</b>
1b	What is the project, policy or proposal?	<p>As part of its role in the administration of Business Rates (BR) (also known as Non Domestic Rates) the Council has several options where it can exercise its discretion to provide reductions to the amounts due.</p> <p>The policy outlines the areas of local discretion and the Council’s approach to the various awards. This approach has regard to the impact:</p> <ul style="list-style-type: none"> <li>• Of granting Discretionary Reliefs on the Council’s wider financial position and Council tax payers;</li> <li>• On the organisations and businesses that currently receive or may apply for discretionary Non-Domestic Rates relief in the future.</li> </ul>
1c	What are the main aims of the project, policy or proposal?	<p>The Discretionary Business Rate Relief (DRR) policy aims to ensure that there is an equitable approach to the consideration of applications for DRR and by setting out a transparent guidance. The amendments to the DRR policy provides clarity about</p> <ul style="list-style-type: none"> <li>• the Retail Discount and its application (which is in line with government guidance)</li> <li>• Pub Relief and Local Newspaper Relief</li> <li>• the need to apply for Revaluation Relief in the final year of the scheme now that Government funding to support this relief has been reduced.</li> </ul>

1d	Who, potentially, could this project, policy or proposal have a detrimental effect on, or benefit, and how?	It is not considered that the amendments to the DRR policy will have a detrimental impact on ratepayers. The widening of relief to support retail businesses is beneficial given the current economic climate for the high street. The Council has the power to offer discretionary discounts for any reason should it wish to do so. Changes to the procedure for approving applications should accelerate the decision making process
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1e. Does the project, policy or proposal have the potential to disproportionately impact on any of the following groups? If so, is the impact positive or negative?

	None	Positive	Negative	Not sure
Disabled people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Particular ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Men or women (include impacts due to pregnancy / maternity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People on low incomes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People in particular age groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groups with particular faiths and beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?				
Business Ratepayers occupying a property with an RV up to £51,000 will be positively impacted.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

1f. What do you think that the overall NEGATIVE impact on groups and communities will be?	<b>None / Minimal</b>	<b>Significant</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	None	

1g	Using the screening and information in questions 1e and 1f, should a full assessment be carried out on the project, policy or proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
1h	How have you come to this decision?	<ul style="list-style-type: none"> <li>Current recipients of Discretionary Rate Relief and Discretionary Hardship Relief will be unaffected by the proposed changes.</li> </ul>
1i	Review date	February 2021

## Appendix 7 – Equality Impact Assessment

### EIA Ref: **Local Welfare Provision Scheme (LWP)**

Lead Officer:	Caroline Lee
People involved in completing EIA:	Adam Parsey
Is this the first time that this project, policy or proposal has had an EIA carried out on it? If no, please state date of original and append to this document for information.	<p>The Local Welfare Provision (LWP) scheme has been in operation since 2013. An original EIA was carried out when the scheme was first established in 2013/14. A further EIA was completed in the report submitted to Cabinet on 30 March 2015 requesting approval to extend the scheme.</p> <p>The EIA was reviewed in January 2019 and approved by Cabinet in March 2019. This was to specify within the policy, Care leavers as an eligible group for support.</p> <p>No amendments to the policy are proposed for 2020/21, however the EIA has been reviewed as part of the annual review process.</p>

#### General Information

1a	Which service does this project, policy, or proposal relate to?	<b>Local Welfare Provision Scheme</b>
1b	What is the project, policy or proposal?	<p>The Welfare Reform Act 2012 ended the provision of Community Care Grants and Crisis Loans for living expenses under the Discretionary Social Fund administered by the Department for Work and Pensions (DWP).</p> <p>Funding was transferred from the DWP to Local Authorities (LA's) from 1<sup>st</sup> April 2013 to provide a locally administered scheme to help vulnerable residents in the Borough.</p> <p>There was no statutory duty requiring LAs to deliver a scheme but Oldham Council considered it to be in the best interests of the residents of the Borough to operate a scheme and, therefore, the Local Welfare Provision scheme has been operating since 1<sup>st</sup> April 2013.</p> <p>The Local Welfare Provision Scheme is designed to:</p> <ul style="list-style-type: none"> <li>• To meet short term emergency/immediate support needs of vulnerable residents.</li> <li>• To assist vulnerable residents to establish or maintain a home in the community.</li> </ul>

1c	What are the main aims of the project, policy or proposal?	The proposal is that there is no change following the annual review of the policy
1d	Who, potentially, could this project, policy or proposal have a detrimental effect on, or benefit, and how?	There will be no detrimental impact on current recipients.

1e. Does the project, policy or proposal have the potential to disproportionately impact on any of the following groups? If so, is the impact positive or negative?

	None	Positive	Negative	Not sure
Disabled people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Particular ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Men or women (include impacts due to pregnancy / maternity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People on low incomes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People in particular age groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groups with particular faiths and beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?				
No , Care Leavers are already supported by the LWP scheme		<input type="checkbox"/>	<input type="checkbox"/>	

1f. What do you think that the overall NEGATIVE impact on groups and communities will be?	<b>None / Minimal</b>	<b>Significant</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
None		

1g	Using the screening and information in questions 1e and 1f, should a full assessment be carried out on the project, policy or proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
1h	How have you come to this decision?	The policy change does not change the current operation of the system and the support provided to residents
1i	Review date	February 2021

## Appendix 8 – Equality Impact Assessment

### EIA Ref: Discretionary Housing Payments (DHP)

Lead Officer:	Caroline Lee
People involved in completing EIA:	Adam Parsey
Is this the first time that this project, policy or proposal has had an EIA carried out on it? If no, please state date of original and append to this document for information.	<p>The Discretionary Housing Payments (DHP) scheme has been in operation since 2001. Equalities data relating to the DHP scheme is included in the Council's annual Equality Report.</p> <p>The EIA and policy were last reviewed in January 2019 and a report submitted to Cabinet in March 2019. This was to specify Care leavers as a group that would be eligible for support.</p> <p>The EIA and policy are reviewed on an annual basis</p>

### General Information

1a	Which service does this project, policy, or proposal relate to?	<b>Discretionary Housing Payments Policy</b>
1b	What is the project, policy or proposal?	The DHP scheme gives local authorities power to make top-up payments to assist those in receipt of Housing Benefit or the Housing element of Universal Credit with paying their rent.
1c	What are the main aims of the project, policy or proposal?	No suggested amendments to the policy are proposed.
1d	Who, potentially, could this project, policy or proposal have a detrimental effect on, or benefit, and how?	There will be no detrimental impact on current recipients

1e. Does the project, policy or proposal have the potential to <u>disproportionately</u> impact on any of the following groups? If so, is the impact positive or negative?				
	<b>None</b>	<b>Positive</b>	<b>Negative</b>	<b>Not sure</b>
Disabled people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Particular ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Men or women (include impacts due to pregnancy / maternity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People on low incomes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People in particular age groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groups with particular faiths and beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?				
No , Care Leavers are already supported by the LWP scheme.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

1f. What do you think that the overall NEGATIVE impact on groups and communities will be?	<b>None Minimal</b> / <b>Significant</b>
	<input checked="" type="checkbox"/> / <input type="checkbox"/>
	None

1g	Using the screening and information in questions 1e and 1f, should a full assessment be carried out on the project, policy or proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
1h	How have you come to this decision?	The proposal is that there is no change to scheme following an annual review of the policy.
1i	Review date	February 2021