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24 November 2023

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **CABINET** will be held at these offices (Council Chamber) on Monday 4 December 2023 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Democratic Services on (01304) 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white background.

Chief Executive

Cabinet Membership:

K Mills	Leader of the Council
J L Pout	Deputy Leader of the Council and Portfolio Holder for Transport, Licensing and Environmental Services
S H Beer	Portfolio Holder for Finance, Governance, Climate Change and Environment
E A Biggs	Portfolio Holder for Planning and Built Environment
P M Brivio	Portfolio Holder for Housing, Skills and Education
C D Zosseder	Portfolio Holder for Community and Corporate Property

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST** (Page 5)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

3 **RECORD OF DECISIONS** (Pages 6-16)

The decisions of the meeting of the Cabinet held on 6 November 2023 numbered

CAB 39 to CAB 49 (inclusive) are attached.

4 **ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES**

To consider any issues arising from Overview and Scrutiny or other Committees not specifically detailed elsewhere on the agenda.

a Dover Town Centre Regeneration - Camden Crescent, Dover (Page 17)

To consider the attached recommendation of the Overview and Scrutiny Committee.

EXECUTIVE - KEY DECISIONS

5 **EXCLUSIVE RIGHT OF BURIAL** (Pages 18-19)

To consider the attached report of the Strategic Director (Place and Environment).

Responsibility: Portfolio Holder for Community and Corporate Property

EXECUTIVE - NON-KEY DECISIONS

6 **NON-DOMESTIC RATES (BUSINESS RATES) DISCRETIONARY RELIEF POLICY** (Pages 20-135)

To consider the attached report of the Strategic Director (Finance and Housing).

Responsibility: Portfolio Holder for Finance, Governance, Climate Change and Environment

7 **DAMP AND MOULD POLICY** (Pages 136-163)

To consider the attached report of the Head of Property Assets.

Responsibility: Portfolio Holder for Housing, Skills and Education

8 **STRATEGIC PERFORMANCE DASHBOARD - SECOND QUARTER 2023/24** (Pages 164-222)

To consider the attached report of the Head of Corporate Services and Democracy.

Responsibility: Portfolio Holder for Finance, Governance, Climate Change and Environment

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Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.



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Our ref: KBS/CABRCD
Your ref:
Date: 8 November 2023

TO: ALL MEMBERS OF THE COUNCIL

Dear Councillor

CABINET: RECORD OF DECISIONS

Please find attached the Record of Decisions of the Cabinet meeting held on 6 November 2023. Unless otherwise indicated within the schedule, these decisions may be called in for scrutiny, provided notice is given to me in writing by **10.00am** on **Tuesday, 14 November 2023**.

The call-in procedures are set out at paragraph 18 of the Overview and Scrutiny Procedure Rules. Call-in may be activated by the Chairman of the Overview and Scrutiny Committee, the Controlling Group Spokesperson of the Overview and Scrutiny Committee or any three non-executive Members. The reasons for calling in an item must be given.

Yours sincerely

A handwritten signature in black ink that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Kate Batty-Smith
Democratic Services Officer

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Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 6 November 2023 at 6.00 pm

Present:

Chairman: Councillor J L Pout (Vice-Chairman in the chair)

Councillors: S H Beer
E A Biggs
P M Brivio
C D Zosseder

Also Present: Mr Tom Pinnington (The Sports Consultancy)*
Councillor T J Bartlett
Councillor D R Friend
Councillor N S Kenton
Councillor M P Nee
Councillor O C de R Richardson
Councillor C A Vinson

Officers: Chief Executive
Strategic Director (Finance and Housing)
Strategic Director (Place and Environment)
Head of Licensing and Legal Services
Head of Place and Growth
Head of Property Assets
Community Services Manager
Strategic Project Manager
Climate Change Officer
Democratic Services Officer

* Attended remotely via Teams

The formal decisions of the executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 39 6.11.23 Open Key Decisions No Call-in to apply Yes Implementation Date 14 November 2023	<u>APOLOGIES</u> It was noted that an apology for absence had been received from Councillor K Mills.	None.	To note any apologies for absence.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 40 6.11.23 Open Key Decisions No Call-in to apply Yes Implementation	<u>DECLARATIONS OF INTEREST</u> There were no declarations of interest.	None.	To note any declarations of interest.	

Date 14 November 2023				
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 41 6.11.23 Open Key Decisions No Call-in to apply Yes Implementation Date 14 November 2023	<u>RECORD OF DECISIONS</u> It was agreed that the decisions of the meeting held on 2 October 2023, as detailed in decision numbers CAB 32 to CAB 38, be approved as a correct record and signed by the Vice-Chairman.	None.	Cabinet is required to approve the Record of Decisions of the Cabinet meeting held on 2 October 2023.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 42 6.11.23 Open Key Decisions Yes Call-in to apply Yes	<u>CHARGES FOR PARKING DURING CHRISTMAS PERIOD (FREE FROM THREE)</u> It was agreed that free parking be offered in the Council's car parks from 3.00pm from Monday to Friday throughout December 2023.	None.	In order to provide support for local businesses by encouraging residents to shop locally, it is proposed to offer free parking in the Council's car parks	

Implementation Date 14 November 2023			at certain times during December.	
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 43 6.11.23 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 14 November 2023</p>	<p><u>TIDES LEISURE CENTRE</u></p> <p>It was agreed:</p> <p>(a) That the findings from the RIBA Stage 2 detailed feasibility summary report, and the challenges posed to the viability of the project by the wider economic climate, be noted.</p> <p>(b) That Officers be asked to explore whether there are any alternative solutions or sources of external funding that might provide a possible phased way forward for the project.</p> <p>(c) That the additional spend of up to £20,000 from the existing Tides Replacement capital project to support this work be approved.</p>	None.	<p>At its meeting held on 4 July 2022, Cabinet agreed that the replacement of Tides Leisure Centre should progress to the next stage of development (CAB 20). However, since that time the financial climate has deteriorated significantly which has affected the viability of the project.</p> <p>The report updates Cabinet on the current situation and seeks permission to explore alternative options and funding</p>	

			in order to move the project forward.	
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 44 6.11.23 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 14 November 2023</p>	<p><u>RENOVATION OF FORMER HAIR SALON TO PROVIDE EXTENDED FACILITIES FOR CROSSLINKS COMMUNITY HUB - SHERIDAN ROAD, DOVER</u></p> <p>It was agreed:</p> <p>(a) That the use of £80,000 from the Special Reserve Fund for Corporate Assets Repairs and Maintenance for works at 9 and 13 Sheridan Road be approved.</p> <p>(b) That the transfer of two disused housing stores adjoining 13 Sheridan Road for use by the Crosslinks Community Hub be approved.</p> <p>(c) That the grant of a lease for 13 Sheridan Road to Crosslinks Community Hub for a 5-year term, and the early renewal of the lease for 9 Sheridan Road to Crosslinks Community Hub, to align with the above term, be approved.</p> <p>(d) That the Strategic Director (Place and Environment) be authorised to agree the terms of the leases.</p>	<p>None.</p>	<p>The renovation of 13 Sheridan Road will bring a vacant unit back into use and extend the facilities of the Crosslinks Community Hub which provides on-site activities and outreach programmes for youngsters in an area which has suffered from anti-social behaviour.</p> <p>Works will also be carried out to 9 Sheridan Road, the lease for which is due to expire in 2024. This will be renewed early in order to align it with the new lease for no. 13.</p>	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 45 6.11.23 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 14 November 2023</p>	<p><u>DEAL BEACH MANAGEMENT STUDY AND BUSINESS CASE</u></p> <p>It was agreed:</p> <p>(a) That a study and business case be conducted on the Walmer to Deal coastal frontage.</p> <p>(b) That the expenditure of the capital grant funding from the Environment Agency to the sum of £80,000 be approved.</p> <p>(c) That the East Kent Engineering Partnership be instructed to undertake a study in consultation with Dover District Council.</p>	<p>None.</p>	<p>Funded by the Environment Agency, the Council has maintained the coastal frontage from Oldstairs Bay to Sandown Castle as part of its 5-year beach management plan. That plan has now expired and a study and business case will be needed if the Council is to secure further funding from the Environment Agency.</p>	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 46 6.11.23 Open</p> <p>Key Decisions</p>	<p><u>ESTABLISHMENT OF CLIMATE AND NATURE FORUM</u></p> <p>It was agreed that the Climate Change Project Advisory Group be disbanded and a Climate and Nature Forum be established in its place.</p>	<p>None.</p>	<p>The Climate Change Project Advisory Group was established in 2019 and has</p>	

<p>No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 14 November 2023</p>			<p>proved a useful forum for informing Members about the Council's actions in addressing climate change. However, it is now felt that a wider range of interested parties should be involved and that a Climate and Nature Forum would be a more appropriate forum for consultation.</p>	
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 47 6.11.23 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date Immediate</p>	<p><u>EXCLUSION OF THE PRESS AND PUBLIC</u></p> <p>That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and the public be excluded during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Local Government Act 1972.</p>	<p>None.</p>		

Decision Status	Record of Decision	Alternative options	Reasons for Decision	Conflicts of interest
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		considered and rejected (if any)		(if any) declared by decision maker(s) or consultees (if any)
<p>CAB 48 6.11.23 Exempt</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 14 November 2023</p>	<p><u>DOVER TOWN CENTRE REGENERATION - BENCH STREET (WESTSIDE), DOVER</u></p> <p>It was agreed:</p> <p>(a) That a project to carry out a viability and feasibility assessment to consider a variety of regeneration options for Bench Street (Westside) in Dover be approved.</p> <p>(b) That the Strategic Director (Place and Environment), in consultation with the Leader of the Council, be authorised to take all necessary decisions, actions and steps required to identify and recommend a viable development option, and to undertake the procurement of a suitable joint-venture delivery partner for the regeneration of Bench Street (Westside) including (but not limited to) appointing professional advisers.</p>	None.	<p>The Council is committed to the regeneration of Dover town centre as identified in its Corporate Plan, emerging Local Plan and growth strategies.</p> <p>Approval is sought to explore options for the potential mixed-use development of Bench Street (Westside).</p>	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 49 6.11.23 Exempt</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p>	<p><u>DOVER TOWN CENTRE REGENERATION - CAMDEN CRESCENT, DOVER</u></p> <p>It was agreed:</p> <p>(a) That a project to carry out a viability and feasibility assessment to consider a variety of regeneration options for Camden Crescent in Dover be approved.</p>	None.	<p>The Council is committed to the regeneration of Dover town centre as identified in its Corporate Plan, emerging Local Plan and growth strategies.</p>	

<p>Implementation Date 14 November 2023</p>	<p>(b) That the Strategic Director (Place and Environment), in consultation with the Leader of the Council, be authorised to take all necessary decisions, actions and steps required to identify and recommend a viable development option, and to undertake the procurement of a suitable joint-venture delivery partner for the regeneration of Camden Crescent including (but not limited to) appointing professional advisers.</p>		<p>Approval is sought to explore options for the potential mixed-use development of Camden Crescent.</p>	
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The meeting ended at 6.47 pm.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

DOVER TOWN CENTRE REGENERATION – CAMDEN CRESCENT, DOVER

Responsibility: Leader of the Council

Report of: Head of Place and Growth

Decision Route

Cabinet	6 November 2023	CAB 49
Overview and Scrutiny Committee	13 November 2023	Minute No 64
Cabinet	4 December 2023	

Overview and Scrutiny Committee Recommendations

The Overview and Scrutiny Committee, at its meeting held on 13 November 2023, considered Cabinet decision CAB 49 and made the following recommendation:

RESOLVED: That it be recommended to the Cabinet that the list of project risks to be included within the detailed risk assessment include risks related to other organisations and partners.

Cabinet Decision CAB 49 was as follows:

- (a) That a project to carry out a viability and feasibility assessment to consider a variety of regeneration options for Camden Crescent in Dover be approved.
- (b) That the Strategic Director (Place and Environment), in consultation with the Leader of the Council, be authorised to take all necessary decisions, actions and steps required to identify and recommend a viable development option, and to undertake the procurement of a suitable joint-venture delivery partner for the regeneration of Camden Crescent including (but not limited to) appointing professional advisers.

Subject:	EXCLUSIVE RIGHT OF BURIAL
Meeting and Date:	Cabinet – 4 December 2023
Report of:	Roger Walton, Strategic Director (Place and Environment)
Portfolio Holder:	Councillor Charlotte Zosseder, Portfolio Holder for Community and Corporate Property
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report:	To seek approval for a reduction in the period for which Exclusive Right of Burial is granted at Council-owned cemeteries.
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Recommendation:	To change the period for Exclusive Right of Burial from 100 to 50 years.
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1. Summary

1.1 The Council currently offers Exclusive Right of Burial for a period of 100 years in graves at DDC-owned cemeteries. This is the maximum period as set out in legislation, but many authorities offer a shorter period. It is proposed that the number of years be reduced to a period more closely aligned with that used in neighbouring authorities.

2. Introduction and Background

2.1 By virtue of section 214 of the Local Government Act 1972, district councils are defined as burial authorities. The Act confers a power (but not a duty) to provide cemeteries either within or outside of the district. Where councils do provide cemeteries, management is governed by the Local Authorities' Cemeteries Order 1977 ("the Order").

2.2 Article 10 of the Order allows Councils to grant exclusive rights of burial, up to a maximum of 100 years. Under Dover District Council's current arrangements, a Deed of Grant of Exclusive Right of Burial ("ERB") can be purchased at the time of burial, or later, for a period of 100 years.

2.3 Cemetery space is limited, particularly in the Dover urban area, therefore consideration should be given to changing practices, where possible, to make best use of the existing provision. In the past people have purchased ERB in Council-owned cemeteries, then they or their beneficiaries have moved away from the area, without providing the Council with a forwarding address. This has resulted in valuable burial spaces remaining unusable for an excessive period of time.

2.4 It proposed that ERB be reduced to a period of 50 years. At the end of that time the owner or their beneficiaries, if they can be contacted, would be offered a further 50 years. For context, Canterbury City Council offers 50 years of ERB, while Thanet District Council offers 50 or 75 years, Gravesham offers 60 years and Folkestone and Hythe Council offers 100 years.

2.5 In the past, residents were able to pre-purchase ERB in empty graves. Pre-purchase requests are still received, even though this service ceased more than 15 years ago. No further change is recommended. On a few occasions, owners who no longer wish to use their pre-purchased empty space have sold it back to the Council for the original

sum paid. But, overall, pre-purchasing resulted in a higher proportion of graves remaining unused.

3. Identification of Options

3.1 Option 1: The Deed of Grant of Exclusive Right of Burial to be reduced to 50 years with an option to renew after 50 years. This would only be applied to new plots sold.

3.2 Option 2: No change and the Deed of Grant of Exclusive Right of Burial would remain at 100 years.

4. Evaluation of Options

4.1 Option 1: This is the preferred option because it would enable better use of existing cemetery provision.

4.2 Option 2: This is not recommended because valuable grave space will continue to be left unused for 100 years.

5. Resource Implications

5.1 If Option 1 is selected the Council will be able to make better use of existing resources, without incurring any additional expense.

6. Climate Change and Environmental Implications

6.1 If Option 1 is selected the Council will be able to make better use of existing resources. Where possible cemeteries are managed in a way that balances maintaining access for relatives with promoting biodiversity and moderating the use of fuel for mowing.

7. Corporate Implications

7.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comments. (JS)

7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

7.3 Comment from the Equalities Officer: This report seeking approval for a reduction in the period for which Exclusive Right of Burial is granted at Council owned cemeteries, does not specifically highlight any equality implications. However in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

7.4 Other Officers (as appropriate):

8. Background Papers

Burial records

Contact Officer: Emma-Jane Allen

Subject:	NON-DOMESTIC RATES (BUSINESS RATES) DISCRETIONARY RELIEF POLICY
Meeting and Date:	Cabinet – 4 December 2023
Report of:	Mike Davis, Strategic Director (Finance and Housing)
Portfolio Holder:	Councillor Susan Beer, Portfolio Holder for Finance, Governance, Climate Change and Environment
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report: To approve a revised Business Rates Discretionary Relief Policy and decision-making process.

Recommendation:

- (a) Approve a revised business rates discretionary relief policy, in two volumes.
- (b) Approve the automatic award of relief to certain business types.
- (c) Approve a revised process for making decisions on relief applications in non-automatic award cases, on a case-by-case basis, via a scoring matrix procedure.

1. Summary

1.1 Businesses are currently able to apply for discretionary relief (including hardship relief) to alleviate the burden of business rates in certain circumstances. There are currently two policies covering the decision-making process on such applications – one policy dates from 2016, and another from 2018 (which covers additional reliefs introduced in 2017). The 2016 policy also includes discretionary relief for council tax, which should not be included in a business rates policy. This is a legacy issue from EK Services. The current decision-making process is not transparent to applicants.

1.2 In addition, the government has introduced various new reliefs which local authorities were, in essence, obliged to give businesses meeting the relevant criteria as set out in government guidance. The proposal in this report is to create two ‘volumes’ for the overall Discretionary Relief policy;

Volume 1 containing the discretionary reliefs that local authorities are effectively obliged to award to businesses, and

Volume 2 covering what I shall refer to as ‘true ‘discretionary’ relief.

This will make the overall policy clearer, more transparent to applicants, and easier to update when government either removes a relief or announces a new relief scheme.

1.3 Awards made under Volume 2 will include the granting of automatic relief to businesses in certain categories. All other applications will go through a scoring regime, whereby relief may be awarded based on the business contribution towards the Council’s corporate priorities.

1.4 Lastly, all reference to discretionary relief for council tax is removed in the draft revised policy, as a standalone policy for awarding discretionary relief for council tax was approved and published in April 2021.

2. Introduction and Background

2.1 The Local Government Finance Act 1988 provides, under Sections 44A, 47, and 49, for relief from business rates to be granted to businesses in certain circumstances. The number of reliefs has been increased since 2017. Section 69 of the Localism Act 2011 allows local councils to create their own discretionary relief schemes outside of the confines of the Local Government Finance Act 1988.

2.2 The local policy from 2016 (attached as Appendix 1) covered the following reliefs: discretionary relief, Hardship relief, Section 44A (partly occupied) relief, Enterprise Zone relief, Retail relief, Re-occupation relief. This policy also includes reference to Council Tax discretionary relief, as originally a single policy covered both council tax and business rates discretionary reliefs.

In 2017, as a result of the business rates revaluation exercise, more reliefs were introduced by government as follows; supporting small business relief (Government guidance on issue), pub relief (Government guidance on issue) and local discretionary relief scheme (local scheme).

2.3 As a result of those additional reliefs a supplementary policy for the consideration and granting of those reliefs was created and approved – this is the 2018 policy attached at Appendix 2.

2.4 As more reliefs were included for businesses, having two separate policies in place became unwieldy and not immediately transparent for business customers. It was also confusing for council tax payers to see discretionary relief for council tax ‘mixed in’ with a policy covering businesses.

2.5 So, to start the rationalisation process, in April 2021 a standalone council tax discretionary relief policy was approved. However, the process for commensurately revising the business rates side of this was not dealt with at the same time. A draft set of revised policy guidelines, including a proposal to implement a transparent ‘scoring matrix’ for applications was put forward and approved in October 2019, but its implementation was postponed due to the COVID-19 pandemic, and the associated heavy increase in workload supporting local businesses via various business grant schemes and new reliefs. Now that the business rates function has reverted to normal workloads this is now being addressed.

3. Proposed Changes to Current Policies

3.1 Remove all references to council tax, as there is now a separate policy covering council tax discretionary awards.

1. Consolidate the two current business rate relief policies into one discretionary relief policy, but separate the policy into two volumes covering reliefs that the government obliges local authorities to award (Volume 1), and awards where the local authority has true discretion over the decision (Volume 2)
2. Introduce an automatic award for certain types of organisation (see para 4.6.2 of policy Volume 2), and also introduce a more objective decision-making approach in relation to reliefs where full guidance is not provided by Government on the awards (see a, b, and c below). This will enable workload to be spread more evenly and create resilience in the decision-making process:
 - a. Discretionary rate relief Top-Up of up to 20% (recipients of mandatory relief inc. Charities and Community Amateur Sports Clubs [CASCs])
 - b. Up to 100% discretionary rate relief (not for profit organisations, Community Interest Companies [CICs])

c. Discretionary rural rate relief

3.2 Other changes to the policy:

- Section added for Subsidy Control (formerly State Aid)
- Section added for discretionary relief awarded under the Localism Act 2011
- Inclusion of provision for any new reliefs introduced by Central Government under Section 47 to be awarded, where full guidance on qualification and funding is provided by DLUHC, BEIS or other relevant departments.
- Outline of the approval route for decision making
- Outline backdating rules to apply from 1 April 2024 once the NDR Rating Bill removes the current complicated compulsory backdating rules.

3.3 A number of changes are proposed to relief qualification, within Volume 2:

- Creation of classification for clusters / groups such as Cubs, Girl Guides, Trustees of Parish Councils, Community Projects etc where they would be automatically considered for relief (para 4.6.2 of policy Volume 2 refers)
- Additional qualification guidance / criteria used for decision making. A scoring matrix introduced, which informs the decision on the amount of relief to be awarded based on how the organisation aligns to the council's priorities and Corporate Objectives.

4 Practical Impacts

4.1 Currently all decisions on 100% discretionary relief, 20% discretionary 'top-up' relief, Section 44A relief and hardship relief are made via a recommendation, by the Business Rates Manager or the Senior Business Rates Officer, to the Head of Shared Service, as the officer with delegated authority for discharging the business Rates function. The implementation of a scoring matrix will allow for the workload to be shared amongst Business Rates Officers, whilst still allowing for review by senior officers, and final decision-making by the Head of Shared Service or relevant Section 151 officer using the existing approval process.

4.2 How decisions are reached will be more transparent for ratepayers. When a decision is reached the outcome can be clearly communicated to the ratepayer, and the decision-making process can be seen to be more objective when set against the revised policy and the scoring matrix.

4.3 If approved, the new policy and scoring matrix will allow for a complete review of all current discretionary reliefs to be undertaken. This review will allow for total consistency across all businesses and will remove any extant anomalies that may be present since 2016.

5 Ratepayer Impacts

5.1 Overall, the majority of ratepayers in receipt of discretionary relief will continue to receive it, post review. The proposed scoring methodology aims to provide a more transparent view of how a decision on a relief application is arrived at. As there are now 'automatically included' groups, all others will be assessed in line with the new methodology.

5.2 **No changes will be felt by ratepayers immediately. They have received notice of at least 1 year that their existing relief is to be removed.** As part of the review, they

will be invited to re-apply to receive relief from 1 April 2024, and their application will be assessed using the new scoring criteria.

6. Proposed Review Process

- 6.1
- Letters were issued, on 28 and 29 March 2023 to all ratepayers in receipt of top-up relief or discretionary relief, advising them that the discretionary relief scheme was under review and that they would potentially need to re-apply for relief once a new policy was approved. The letter advised them that their existing relief will end on 31 March 2024.
 - If the revised policy is approved, a further letter will be issued inviting the ratepayer to re-apply for relief if they want to receive it from 1 April 2024 onwards. The letter will give the ratepayer the appropriate period of time within which to apply, and advise them that if no application is made then an adverse inference will be taken.
 - For any ratepayers who re-apply; Business Rates Officers will review applications using the new qualification guidelines and put forward proposals for decisions to the council.
 - An officer of the council then reviews the proposed decision and informs the Business Rates team of the outcome
 - A Business Rates Officer then advises the ratepayer of the council's decision, and administers the award of relief in line with that decision

Any new applications for relief received, following approval of new policy and operating guidelines, would be considered under the new procedure and therefore not require inclusion in the first review.

Periodic reviews of the relief caseload would be conducted. Any ratepayers considered 'automatic qualifiers' (as set out in Volume 2) would be excluded from review.

7. Proposed Scoring Matrix

- 7.1 Essentially a number of points are allocated according to how the business performs against 5 measures: alignment to the council's corporate priorities, access to services and affordability, service provision and availability of alternatives, resident participation, and finally financial status and funding.
- 7.2 Each measure is scored up to a total of 8 points, and then to the total score allows for a percentage award of relief. The details for this can be seen at Appendix 4.
- 7.3 There will be a small number of categories where those businesses are automatically awarded discretionary relief – these are described at para 4.6.2 of Volume 2.

8. Identification of Options

- 8.1 Option 1 - Do nothing - leave current policies as they are.
- 8.2 Option 2 - Revise policies as per the proposals
- 8.3 Option 3 – Revise the policy but use a different methodology for assessing and awarding discretionary relief.

9. Evaluation of Options

- 9.1 Option 1 – does nothing to correct the current position of having two policies when there should be just one, and does nothing to remove the rogue council tax elements contained in the 2016 policy. Also does nothing to make the overall policy clearer, and does not make any future policy updates simpler. Not recommended.

- 9.2 Option 2 – provides for the implementation of a single policy and the removal of any council tax elements. Allows for a fully transparent decision-making process and also allows for the workload to be shared amongst officers on a wider scale than currently. Having the overall policy in two volumes allows for simpler amendments in light of future government announcements. This is the recommended option.
- 9.3 Option 3 – would need to be developed from scratch. Timescale for implementing the review of existing cases (i.e. before 1 April 2024) would not be met. Not recommended.

10. Resource Implications

- 10.1 If approved, operation of the revised policy can be contained within the existing service contract provision with Civica. There are no additional budget implications.
- 10.2 It is important to note that all reliefs contained within Volume 1 are fully funded by central government. Those reliefs contained within Volume 2 are funded on a 50/40/9/1 percentage basis (Central government/ District council/ County council/Fire authority). Therefore Dover will fund 40% of all Volume 2 reliefs awarded.
- 10.3 The current annual cost of reliefs covered by Volume 2 of this policy is approximately £300k. Dover's share of this is £120k. Initial modelling undertaken indicates that the changes proposed by this revised policy are not likely to significantly alter that sum. It is, however, recognised that any large scale revaluations undertaken by the Valuation Office Agency (VOA) could potentially create a spike in relief applications, and therefore monthly monitoring of expenditure under this policy will be undertaken, and reported to the councils Section 151 officer.

11. Climate Change and Environmental Implications

- 11.1 No implications.

12. Corporate Implications

- 12.1 Comment from the Director of Finance (linked to the MTFP): The S151 Officer has been consulted in the production of this report and has no additional comments. (MD)
- 12.2 Comment from the Solicitor to the Council: The Strategic Director (Corporate & Regulatory) has been consulted during the preparation of this report and has no further comment to make.
- 12.3 Comment from the Equalities Officer: This report on the revised Non-Domestic Rates (Business Rates) Discretionary Relief Policy does not specifically highlight any equality implications however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/section/149>.
- 12.4 Other Officers (as appropriate): None.

13. Appendices

Appendix 1 – 2016 policy

Appendix 2 – 2018 supplementary policy

Appendix 3 – Policy review letter issued to ratepayers on 28 and 29 March 2023.

Appendix 4 – Proposed scoring methodology and tables

Appendix 5 – Proposed policy document (in Volumes 1 & 2) for 2024-25

Background Papers

None.

Contact Officers: Mark Gillmore, Revenues & Benefits Manager, Civica.
Sadie Furner, Business Rates Manager, Civica,

EK SERVICES POLICIES AND PROCEDURES

DISCRETIONARY AND HARDSHIP RELIEF POLICY

Canterbury City Council, Dover District Council and Thanet District Council have entered into a shared service agreement to allow joint working in the Customer Services, ICT, Benefits, Council Tax and Business Rates sections.

Where 'EK Services' and 'EKS' are mentioned this refers to the shared service between Canterbury City Council, Dover District Council and Thanet District Council

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1.0 Introduction and purpose of policy document

- 1.1 For the purpose of clarity, any reference to 'EK Services' within this document should be taken to mean EK Services working on behalf of participating authorities to deliver the shared priorities and objectives. Any reference to 'we' refers to EK Services.
- 1.2 This power to award discretionary relief for Business Rates and Council Tax has been fully delegated to EK Services and the power is allowed under the following Regulations;
- **Business Rates** – Sections 44A, 47 and 49 of the Local Government Finance Act 1998, Section 69 of the Localism Act 2011.
 - **Council Tax** – Section 13A of the Local Government Finance Act 1992
- 1.3 This policy has been agreed by authorities participating in EK Services to ensure that all customers making application for relief are treated in a fair, consistent and equal manner.
- 1.4 This policy has been written to;
- Set guidelines for the factors that should be considered when making a decision to award or refuse relief;
 - Set out the delegated authority to award relief in appropriate circumstances;
 - Establish an appeals procedure for customers dissatisfied with EK Services decision;
 - Safeguard the interest of the local taxpayers by ensuring that funds that are allocated for the award of relief are used in the most effective and economic way.

2.0 Business Rates – Relief for Charities, Not for Profit Organisations, Community Amateur Sports Clubs (CASC) and Rural properties

2.1 Legal Requirements

- 2.1.1 Section 47 of the Local Government Finance Act 1988 provides the discretion to award relief.
- 2.1.2 Registered Charities and CASC's are entitled to Mandatory Relief of 80%. EK Services has the discretion to award further rate relief of up to 20%, which is commonly referred to as a 'top-up'.
- 2.1.3 Rural properties are entitled to Mandatory Relief of 50% providing the qualifying criteria are met. EK Services has the discretion to award a further rate relief of up to 50%.
- 2.1.4 The award of the 80% mandatory relief to charities and CASC's, and the award of 50% relief for qualifying rural properties are administered in accordance with legislation. This policy explains how the 20% and 50% top-ups are administered.
- 2.1.5 The amount of relief awarded is entirely at the discretion of EK Services.

2.2 Legal Requirements – State Aid

- 2.2.1 European Union competition rules restrict Government subsidies to businesses. Relief from taxes, including business rates, could be considered as state aid.
- 2.2.2 Rate relief for charities and non-profit making bodies is not normally considered state aid because the recipients are not in market competition with other businesses. However, if they are engaged in commercial activities, compete with commercial bodies or have a commercial partner, rate relief could constitute state aid. In such cases it would be unlikely that the customer would be considered for rate relief.

2.3 Financial Impact

- 2.3.1 The funding arrangements for relief changed when the Business Rates retention scheme was introduced in April 13.
- 2.3.4 EK Services aims to spend no more than the budgeted amount. If the budget is likely to be exceeded then EKS staff will discuss this with the clients at the affected Council. It is to be noted that awarding Discretionary Relief on a first come, first served basis i.e. refusing applications once the annual budget is used up, is not permitted. In the event that the annual budget proves to be insufficient, then each Local Authority must either increase the annual budget or re-visit this policy to amend the criteria for granting such relief. The budget will be monitored closely throughout the year and reports on successful and unsuccessful applications will be passed to the Councils monthly. EKS will report to Single Grants Gateway for CCC cases where the award is likely to take them over the annual budget.

2.4 Persons who can make application

- 2.4.1 Applications must be made by the ratepayer.
- 2.4.2 Where the ratepayer is an organisation the application must be made by a person with the authority to act on behalf of the organisation. EK Services may ask for evidence that the person making the application is entitled to act in that capacity.

2.5 The Decision Making Process

- 2.5.1 Although there is no statutory necessity to complete a formal application form, it is recommended that a form be completed, as it will form a checklist of criteria to be met or questions to be answered. This will assist in speeding up the application process.
- 2.5.2 All applications will be considered on an individual basis. Consideration for awarding Discretionary Relief is based on the organisations ability to meet its Business Rate liability. Therefore, copies of the last 3 years audited accounts are to be submitted with the application form. Where audited accounts are not available, financial statements prepared by, or approved by, an appropriate representative shall

be acceptable. For a new organisation 12 months projected cash flow forecast are required.

- 2.5.3 Where an organisation has retained funds, or built up reserves, for a purpose related to the aims and objectives of the organisation, provided that the works are realistically expected to be completed within three years of the date of application, those funds/reserves may be disregarded for the purposes of the award of relief. It is accepted that funds may have to be accrued over many years to fund major projects i.e. replacing an ageing building and consideration to this will be given on an individual basis.
- 2.5.4 Relief is likely to be awarded where it is clear that the activities of the applicant are of direct benefit to the local community and the other criteria mentioned in this policy are met.
- 2.5.5 Relief may be refused or capped if it is considered that the financial cost to each Local Authority or the local community outweighs the benefits generated through the award of relief.
- 2.5.6 Organisations with unallocated reserves or substantial assets (taken to mean 6 months or more of operating costs) will be excluded from qualification if it is determined that those reserves or assets could reasonably be used to provide financial support.
- 2.5.7 To ensure there is a fair and consistent approach to the award of Discretionary Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.
- 2.5.8 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application.
- 2.5.9 EK Services will notify the applicant of the decision in writing and where less than the maximum amount of relief is granted or the relief is refused, an explanation of the reasons why will be given.
- 2.5.10 EK Services will not consider applications where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.

2.5.11 Where an application has been refused either initially or through an appeal, further applications will not be considered within the same financial year unless;

- The use of the property changes; or
- The objectives of the organisation change; or
- There have been other changes that may affect EK Services' decision i.e. where an organisation has taken action to address an issue which had previously precluded an award of relief

2.5.12 There is no time limit for an organisation to make application for Discretionary Relief. EK Services must determine applications within six months after the end of the financial year (between 1 April and 30 September) for which the application for relief is made, after this time applications are invalid.

2.6 Period of Rate Relief

2.6.1 Discretionary Rate Relief will be awarded for one financial year (From 1 April to 31 March) except in circumstances where consideration is being given to awarding relief for a previous financial year within the qualifying timescales outlined in paragraph 2.5.12.

2.6.2 Customers receiving relief will be contacted and invited to reapply for relief on an annual basis or as specified by EK Services.

2.7 Calculation of relief

2.7.1 Relief will be calculated as a percentage of the Business Rates bill. Should the Business Rates bill reduce within the period Discretionary Rate Relief is granted, the relief will be reduced proportionately.

2.7.2 If the Business Rates bill increase within the period Discretionary Rate Relief is granted i.e. an increase in rateable value, the amount awarded will not automatically be increased. In such cases, EK Services, upon request of the customer, will reconsider the application and may award additional relief.

2.8 Authority to process applications and award Relief

2.8.1 In the interests of efficiency, the authority to consider applications is delegated as set out below;

Thresholds – Value of relief	Position of Authority	Counter Authority
Up to £10,000	Council Tax / Business Rates Officer	Senior Council Tax Officer
£10,001 to £30,000	Council Tax / Business Rates Officer	Senior Council Tax Officer
Over £30,000	Council Tax / Business Rates Officer Revenues Officer to make recommendation & Council Tax Team Leader to approve application	Income Manager
Where relief applied will exceed annual budget	Council Tax / Business Rates Officer to make recommendation & Inc Council Tax Team Leader to approve application (for CCC the Income Manager will make a recommendation via the Client Officer to the SGG Panel)	Income Manager to approve and refer for Executive / Cabinet decision. For CCC the SGG Panel will recommend and refer to the Executive.

2.9 Special Provisions

2.9.1 The full 20% 'top up', discretionary relief may be applied to charity shops and other premises but will normally only be awarded if the charity is a local one, not a national one (a local charity is defined to be one who only operates in the particular Council area or who are part of a national Charity but whose accounts and finances are specific to a local area). If the premises are operated by a national charity that does not exist to wholly or mainly benefit the residents of the local area, then discretionary relief will not normally be awarded to 'top up' the 80% mandatory award.

- 2.9.2 EK Services will consider the contribution and benefit that the charity has to the local community.
- 2.9.3 Charity shops that sell wholly or mainly donated goods may be granted a higher amount of relief than those that sell mainly bought in (new) goods.
- 2.9.4 Discretionary Relief for clubs will not normally be granted if the organisation operates a bar. Membership must be active rather than social membership and wholly or mainly benefit the residents of the local area. Consideration to award relief will only be given if the club is able to fully demonstrate that the bar is not the primary or significant attraction for the majority of the members.
- 2.9.5 Schools with Academy status will not normally be awarded Discretionary Relief to top up the mandatory award.

2.10 Backdating Applications

- 2.10.1 The law allows claims received between 1 April and 30 September in any year to be backdated to 1 April of the previous year. Requests for a backdated award of relief i.e. for the previous year will be dealt with in the same way as applications for the current year.
- 2.10.2 Applications outside of the qualifying period in 2.9.1 will not be backdated beyond 1 April of the year in which it is awarded.

3.0 Business Rates - Relief for properties that are partially unoccupied for a temporary period (Section 44A)

3.1 Legal Requirements

- 3.1.1 Under section 44A of the Local Government Finance Act 1988 a Local Authority has the discretion to allow rate relief where a property is partly occupied for a temporary period.

- 3.1.2 The definition of a 'temporary period' is not prescribed with the law and therefore EK Services, using delegated authority, have discretion to decide the period relief should be awarded.
- 3.1.3 Partially occupied rate relief (also referred to as Section 44A Relief) is not intended to be used where part of a property is temporarily not used. The intention is aimed at situations where there are practical difficulties in occupying or vacating part of the property.

3.2 Financial Impact

- 3.2.1 Following the introduction of the Business Rates Retention scheme 2013/2014 there will be a cost to each Local Authority.
- 3.2.2 EK Services recognises that awarding this relief is beneficial to local businesses, therefore Section 44A Relief will be awarded as set out below in all cases that meet the statutory requirements. Thanet District Council and Canterbury City Council have amended their decisions to award up to £10,000, and will consider other applications in exceptional circumstances. Dover District Council has now amended their decision to award up to £10,000, and will consider other applications in exceptional circumstances.
- 3.2.3 Thanet District Council revised their decision on the 15.02.2015, that any applications received for Thanet Council, will be considered up to £10,000. Exceptional circumstances will be considered if the RV is over £10,000 by the S151 Officer and the Portfolio Holder for Finance.
- 3.2.4 Canterbury City Council revised their decision on the 24.04.2015, that any applications received for Canterbury Council, will be considered up to £10,000. Exceptional circumstances will be considered if the RV is over £10,000 by the S151 Officer and the Portfolio Holder for Finance.
- 3.2.5 Dover District Council revised their decision on the 19th October 2015, that any applications received for Dover Council, will be considered up to £10,000. Exceptional circumstances will be considered if the RV is over £10,000 by the S151 Officer and the Portfolio Holder for Finance.

3.3 Persons who can make application

- 3.3.1 Applications must be made by the ratepayer.
- 3.3.2 EK Services will require a written application and the ratepayer must supply a plan of the property, with the unoccupied portions clearly identified.

3.4 The decision making process

- 3.4.1 There are no restrictions in the provisions of a Section 44A Relief, regarding the type of property or circumstances in which relief can be awarded, except for the financial conditions that Thanet District Council and Canterbury City Council and Dover Council have now agreed locally to their authority area.
- 3.4.2 Once EK Services has received an application, providing the application meets the qualifying criteria, relief will be awarded, in respect of the above conditions.
- 3.4.3 EK Services will require accompanied access to the property during normal working hours to verify the application. Further access will be required on at least one occasion each month, during normal office hours, during the period for which relief is being awarded.
- 3.4.4 Relief will not be awarded under any circumstance where it is not possible to verify the application.
- 3.4.5 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application.
- 3.4.6 EK Services will notify the applicant of the decision in writing and where the relief is refused, an explanation of the reasons why will be given.
- 3.4.7 EK Services will not consider applications where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.

3.4.8 To ensure there is a fair and consistent approach to the award of Section 44a Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.

3.5 Period of Section 44A Relief

3.5.1 Section 44A Relief will only be applied to a property that is partly occupied for a temporary period.

3.5.2 Section 44A Relief will end under the following circumstances;

- At the end of a financial year, regardless of the date relief was applied;
- Where all or part of the unoccupied area becomes occupied;
- The person liable for Business Rates changes.

3.5.3 A new application may be submitted immediately by the customer if relief ends for any of the reasons outlined in 3.5.2.

3.6 Calculation of Section 44A Relief

3.6.1 Where EK Services agrees to award a Section 44A Relief, we will notify the Valuation Officer to seek a reduction in the rateable value.

3.6.2 The amount of relief is calculated on a statutory basis based on the rateable value of the empty portion of the property. The appropriate rateable value is provided to EK Services by the Valuation Office Agency. The amount awarded by Thanet District Council, Canterbury City Council and Dover District Council will not exceed £10,000 as detailed above.

3.7 Authority to Award Section 44A Relief

3.7.1 In the interests of efficiency, the authority to consider applications is delegated to EK Services' Business Rates Officers, other than the applications that are above £10K

for Thanet District Council, Canterbury City Council and Dover District Council which will now be considered by the S151 and the Portfolio Holder for Finance.

3.8 Backdating Section 44A Applications

- 3.8.1 Where a backdated application is received, the customer will be required to produce evidence to prove the area was unoccupied for the period the relief relates to. Acceptance of such evidence is at the discretion of EK Services.

4.0 Business Rates - Hardship Relief

4.1 Legal Requirements

- 4.1.1 Section 49 of the Local Government Finance Act 1988 provides a Local Authority with the discretion to reduce or remit payment of rates under the grounds of hardship.
- 4.1.2 EK Services, using delegated authority, can reduce or remit the payment of rates where it is satisfied that the customer would sustain hardship if we did not do so and that it is reasonable award relief, having taken into account the interests of the Council Tax payers.
- 4.1.3 There is no statutory definition of 'hardship' and it is for EK Services to decide on the facts of each case as to whether to exercise our discretion. EK Services may adopt rules for the consideration of hardship but are unable to adopt a blanket policy and each case will be considered individually.
- 4.1.4 It is the Governments guidance that remission of Business Rates on the grounds of hardship is the exception rather than the rule.

4.2 Legal Requirements – State Aid

- 4.2.1 European Union competition rules restrict Government subsidies to businesses. Relief from taxes, including business rates, could be considered as state aid.

4.2.2 Hardship Relief for customers engaged in commercial activities, which compete with commercial bodies or have a commercial partner, could constitute state aid. In such cases it would be unlikely that the customer would be considered for Hardship Relief.

4.3 Financial Impact

4.3.1 The funding arrangements for relief changed when the Business Rates retention scheme was introduced in April 13. Relief awarded is now funded by the Government, local Council and County Council.

4.4 Persons who can make application

4.4.1 Applications must be made in writing by the ratepayer or their agent.

4.4.2 Applications for hardship relief must be accompanied by the following;

- The most recent accounts and the last audited accounts; and
- An up to date trading statement showing the current financial position of the business; and
- Details of the amount of relief being requested and the period of time it is being requested for; and
- An explanation of the benefits to the community arising from an award of hardship relief.

4.5 The Decision Making Process

4.5.1 Although there is no statutory necessity to complete a formal application form, it is recommended that a form be completed, as it will form a checklist of criteria to be met or questions to be answered. This will assist in speeding up the application process.

4.5.2 All applications will be considered on an individual basis and decisions will be made in accordance with this policy. The following examples indicate circumstances where it may be appropriate to award Hardship Relief. They are included in this policy in the form of broad, general guidelines and are not intended to be prescriptive;

- The customer will suffer hardship if the relief is not granted;
- There is a direct benefit to the ratepayer or the community or no adverse impact to other ratepayers or the community as a result of awarding relief;
- The cost to local Council Tax payers is proportional to the benefits of the community;
- The ratepayer's business has been detrimentally affected by circumstances beyond the ratepayers control and that do not constitute part of the normal risks in running a business i.e. a natural disaster or an unusual or uncontrollable event in the neighbourhood of the business
- By refusing to award the relief may result in the loss of the business. The impact on local amenities must be considered if the business is the sole provider of a service in the local area i.e. the only village shop;
- By refusing to award the relief may result in the loss of the business. The impact on employment prospects in the local area must be considered i.e. if the closure results in a large number of redundancies, the social aspect of increasing unemployment and the possible negative impact in attracting further investment in the area must be considered;

4.5.3 EK Services will only grant Hardship Relief for a period where there is clear evidence of hardship for the ratepayer concerned. This will ordinarily be for short period of time and not on an ongoing basis.

4.5.4 Hardship Rate Relief may not be awarded if there are alternative facilities within the area or if the business is situated in an area with adequate public transport links to alternative businesses. The granting of relief should be in the interests of the community as a whole although the legislative "test" is that the business itself has to be suffering from "hardship". If the decision is that it is not in the interests of the community as a whole to grant Hardship Relief, then the decision will be final with no rights to appeal.

4.5.5 EK Services will also consider applications from new businesses as well as established businesses. We recognise that a new business could also be the sole provider of a service in our local area who contributes to the health and quality of life of the Council Tax payers generally.

- 4.5.6 EK Services recognises that there may be occasional circumstances in which the use of this power is beneficial to either an individual ratepayer or the community. However, in accordance with Government guidelines it accepts that this power should be used sparingly and only in the most exceptional of circumstances.
- 4.5.7 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application.
- 4.5.8 EK Services will notify the applicant of the decision in writing and where less than the maximum amount of relief is granted or the relief is refused, an explanation of the reasons why will be given.
- 4.5.9 EK Services will not consider applications on the grounds of hardship where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.
- 4.5.10 To ensure there is a fair and consistent approach to the award of Hardship Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.

4.6 Period of Hardship Relief

- 4.6.1 EK Services will normally only award Hardship Relief retrospectively. However, where the applicant can show that the circumstances will remain the same for a period up to the end of the current financial year, relief may be award for the remainder of the year.
- 4.6.2 In all cases Hardship Relief will end in the following circumstances;
- At the end of a financial year;
 - A change of liable person;
 - The property becomes empty or unoccupied;
 - The customer enters any form of Insolvency proceedings;
 - The customer's financial circumstances change. The customer must inform EK Services if their circumstances change.

4.7 Calculation of Hardship Relief

- 4.7.1 Hardship Relief will be calculated as a percentage of the Business Rates bill. Should the Business Rates bill reduce within the period Hardship Rate Relief is granted, the relief will be reduced proportionately.
- 4.7.2 If the Business Rates bill increase within the period Hardship Relief is granted, i.e. an increase in rateable value, the amount awarded will not automatically be increased. In such cases, EK Services, upon request of the customer, will reconsider the application and may award additional relief.

4.8 Authority to process applications and award relief

- 4.8.1 In the interests of efficiency, the authority to consider applications is delegated as set out below;

Thresholds – Value of award	Position of Authority	Counter Authority
Up to £10,000	Council Tax / Business Rates Officer	Senior Council Tax Officer
£10,001 to £30,000	Council Tax / Business Rates Officer	Senior Council Tax Officer
Over £30,000	Council Tax / Business Rates Officer Revenues Officer to make recommendation & Council Tax Team Leader to approve application	Income Manager
Where relief applied will exceed annual budget	Council Tax / Business Rates Officer to make recommendation & Council Tax Team Leader to approve application	Income Manager to approve and refer for Executive / Cabinet decision.

4.9 Backdating Applications

- 4.9.1 The law allows claims received between 1 April and 30 September in any year to be backdated to 1 April of the previous year. Customers requesting hardship relief to be backdated i.e. for the previous year will be dealt with in the same way as applications for the current year.
- 4.9.2 Applications outside of the qualifying period in 4.9.1 will not be backdated beyond 1 April of the year in which it is awarded.

5.0 Local Business Rates discounts

Section 69 of the Localism Act 2011 amends section 47 of the Local Government Finance Act 1988 to replace the limited circumstances in which local authorities can currently give discretionary relief with a power to grant relief in any circumstances. This is subject to the condition that, except in the limited circumstances specified, the local authority may only grant relief if it would be reasonable to do so having regard to the interests of council tax payers in its area. The amendments also require a local authority to have regard to any relevant guidance issued by the Secretary of State.

Periodically, the Government will ask local authorities to consider exercising their powers under the Localism Act for exceptional circumstances (for example the 2014 flooding which affected some businesses and is covered by a separate financial grant from Government). Where this happens EK Services will have due regard to the relevant guidance issued by the Secretary of State and award this relief as appropriate.

This new power was introduced in December 2011 and enacted from 1 April 2012. The Government has not issued guidance in respect of English local authorities but councils do have to ensure that the reliefs they allow do not transgress state aid rules. Any relief granted will have to be funded locally and the Government expects local councils to work closely with the county council on the use of the power.

5.1 Retail relief scheme

The Government announced in the Autumn Statement on 5 December 2013 that it will provide a relief of up to £1,000 to all occupied retail properties with a rateable value of £50,000 or less in each of the years 2014-15 and 2015-16.

The Government have not introduced legislation to cover these reliefs. Instead Councils are instructed to use their discretionary relief powers, introduced by the Localism Act (under section 47 of the LGFA 1988) to grant relief. Central Government will fully reimburse local authorities for the local share of the discretionary relief.

Full details of which businesses qualify for this relief for 2014/15 and 2015/16 are contained in Appendix I

EK Services will award this relief automatically to all businesses who clearly fall into one of the approved “business types” outlined in Appendix I for the financial years 2014/15 and 2015/16. Those that cannot be easily identified will be contacted for further information and the relief awarded as appropriate. EK Services reserves the right to make decisions on awards for businesses that do not readily fall into the Government categories on a “best match” basis.

5.2 Business Rates – Enterprise Zone relief

The Non-Domestic Rating Contributions (England) (Amendment) Regulations 2012 allow local authorities to fund a 100% business rates discount for up to 5 years for businesses that move into Enterprise Zones before April 2015. The discount is awarded using Section 47 Local Government Finance Act 1988 powers and is a matter for the local authority. The total level of discount awarded is subject to state aid de minimis limits.

There is only one Enterprise Zone in East Kent – the Discovery Park in Sandwich. All businesses that are situated within the official zone boundary are eligible to receive the discount regardless of the type of business and regardless of whether the accommodation is occupied or not. Relief awarded to companies that exist in name only and who do not physically occupy the relevant property will be discussed with the Council first and approval received prior to awarding the relief.

5.3 Business Rates – Re-occupation relief

50% relief awarded for 18 months to occupied property that:

- When previously in use was used for retail use.
- Had been empty for 12 months or more before re-occupation.
- Becomes re-occupied for any use between 01.04.14 to 31.03.16
- Is being used for any use except:
 - Betting shops
 - Payday loan shops
 - Pawn brokers

EK Services will always look at each application for relief individually and decide whether the property is wholly occupied and bona fide within the spirit of the guidance.

Relief will not be granted where it is believed that the occupation of the property/business is contrived so as to mitigate the impact of empty property charges. Examples of this may be where businesses have just installed Bluetooth transmitting equipment or insubstantial amounts of boxes etc. for storage purposes.

6.0 Council Tax - Reduction in Council Tax Liability (Section 13A)

6.1 Legal Requirements

6.1.1 Section 13A(1)(c) of the Local Government Finance Act 1992 inserted by Section 76 of the Local Government Act 2003 provides a local authority with the discretion to reduce Council Tax.

6.1.2 EK Services, under delegated authority, can further reduce the payment of Council Tax where it is satisfied that the customer is liable to pay Council Tax.

6.1.3 EK Services has the discretion to choose whether to reduce Council Tax on a case by case basis or to specify a class of use. A class of use is where several people who pay Council Tax fall into a group because their circumstances are similar i.e. customers who have had to leave their homes due to flooding.

- 6.1.4 Applications will only be granted in exceptional circumstances and where other eligible discounts, reliefs and exemptions have been considered. EK Services will give consideration to reducing Council Tax liability for any customer within the local area.
- 6.1.5 For taxpayers within the Canterbury City Council boundary special provision has been made under this legislation to award a local discount if the following criteria apply:
- a) A property has been empty and substantially unfurnished for 2 years or more; and is subject to the “long term empty premium”
 - b) The property itself is “sheltered” housing – the definition of which is a privately owned property which is designed and occupied exclusively by people aged over 60; and
 - c) The property is currently empty due to the long term illness or death of the taxpayer and is for sale at market value

The amount of local discount granted in these circumstances is limited to the value of the additional 50% long term empty premium which would normally apply

- 6.1.6 There is a separate policy and set of rules for Council Tax Reductions under the published Council Tax Reduction Scheme which replaced Council Tax Benefit and these are not covered by this policy.

6.2 Financial Impact

- 6.2.1 The cost of any reduction awarded under Section 13A(1)(c) must be met by each Local Authority.

6.3 Persons who can make application

- 6.3.1 Application for reduction of Council Tax liability can be made by the Council Tax payer, an appointee or an authorised third party acting on the customer’s behalf.
- 6.3.2 Applications must be made in writing and be accompanied by the following;

- The circumstances for which the reduction is being requested including any hardship or personal circumstances relating to the application;
- A full income and expenditure breakdown for the applicant and all other persons residing in the property;
- Details of the amount of reduction being requested and the period of time it is being requested for;

6.3.3 EK Services may request evidence that is relevant to the application. No costs will be borne by EK Services in the provision of this evidence.

6.4 The decision making process

6.4.1 There is no statutory necessity to complete a formal application form.

6.4.2 All applications will be considered on an individual basis and decisions will be made in accordance with this policy. EK Services will consider the following before awarding any reduction;

- The customer must demonstrate in their application that they have taken all reasonable steps to resolve their own situation prior to making application;
- Whether there is an entitlement to Council Tax Support under the Council Tax Reduction Scheme;
- All other discounts./reliefs have been awarded to the customer where there is entitlement;
- Where appropriate, any entitlement to Discretionary Housing Payments;
- The customer does not have access to other assets that could be used to pay the Council Tax;
- Where the criteria applying only to Canterbury City Council “sheltered housing” residents applies then the discount will normally be awarded.
- The financial circumstances of the customer at the time the Council Tax charge or arrears accrued;
- If the customers Council Tax account is in arrears for previous financial years, EK Services must be satisfied that non-payment was not due to refusing to make payment or not prioritising the payment of Council Tax.

- 6.4.3 There must be clear evidence of hardship or personal circumstance that justifies a reduction in Council Tax liability. This will ordinarily be for a short period of time and not on an ongoing basis.
- 6.4.4 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application
- 6.4.5 EK Services will notify the applicant of the decision in writing and where less than the maximum reduction amount or the reduction is refused, an explanation of the reasons why will be given.
- 6.4.6 EK Services will not consider applications to reduce Council Tax liability where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.
- 6.4.7 To ensure there is a fair and consistent approach to the award of Section 13A(1)(c) reduction, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.

6.5 Period of Section 13(A)(1)(c) reduction

- 6.5.1 EK Services will normally only award Section 13A(1)(c) reduction retrospectively. However, where the applicant can show that the circumstances will remain the same for a period up to the end of the current financial year, a reduction may be awarded for the remainder of the year.
- 6.5.2 In all cases a Section 13A(1)(c) reduction will end in the following circumstances;
- At the end of a financial year;
 - A change of liable person;
 - The property becomes empty or unoccupied;
 - The customer enters any form of Insolvency proceedings;
 - The customer's financial circumstances change. The customer must inform EK Services if their circumstances change.

In the case of the discount awarded to Canterbury City Council “sheltered housing” taxpayers the reduction will continue all the time the 50% long term empty premium is still being charged and will end automatically if the premium ends.

6.6 Calculation of 13A(1)(c) Reduction

- 6.6.1 EK Services will not set percentage discounts or reductions to be applied, as each individual case will have different circumstances. The amount of remission or reduction awarded will take into account the level of arrears or Council Tax charge and the extent to which the criteria or guidelines are met.
- 6.6.2 Should the Council Tax bill reduce within the period that Section 13A(1)(c) reduction has been applied; the reduction will be reduced proportionately. If the Council Tax bill increases within the period the reduction is applied, i.e. discount is removed, the amount of relief awarded will not automatically increase. In such cases, EK Services, upon request of the customer, will reconsider the application and may award an additional reduction.

In the case of the discount awarded to Canterbury City Council “sheltered housing” taxpayers the reduction will be to the same financial value as the extra 50% premium added by the “long term empty property premium”

6.7 Authority to process applications and award Section 13A(1)(c) relief

- 6.7.1 In the interests of efficiency, the authority to consider applications is delegated as set out below;

Thresholds – Annual Cost to EK Services	Position of Authority	Counter Authority
Up to £2,000 *	Council Tax Officer	Senior Council Tax Officer
£2,001 to £6,000	Senior Council Tax Officer	Council Tax Team Leader

Over £6,000	Council Tax Team leader to make recommendation	Income Manager
Where relief applied will exceed annual budget	Council Tax Team Leader to make recommendation	Income Manager to approve and refer for Cabinet decision.

* In the case of applications from Canterbury City Council “sheltered housing” taxpayers all decisions will be made by the Council Tax Team Leader or more senior officer regardless of the financial value involved.

6.8 Backdating Applications

6.8.1 Customers requesting Section 13A(1)(c) reduction to be backdated i.e. for the previous year will be dealt with in the same way as applications for the current year.

6.9 Fraudulent claims

6.9.1 If a reduction has been made as a result of a false or fraudulent claim EK Services reserves the right to withdraw the award granted.

6.9.2 EK Services will consider prosecuting any applicant who makes a false statement or provides fraudulent evidence to support their application.

7.0 Council Tax and Business Rates Discretionary Relief - Right of Appeal

7.1 Overview

7.1.1 There is no statutory right of appeal against a decision regarding discretionary relief made by EK Service. However, EK Services recognises that customers should be entitled to have a decision reviewed objectively, if they are dissatisfied with the outcome.

- 7.1.2 EK Services will give consideration to all appeals in accordance with this policy and agrees to abide by the following appeals process. Aggrieved customers should make an appeal in accordance with the process.
- 7.1.3 Customers will be notified of the appeals process by EK Services in writing at the time that they are notified of the outcome of their request for discretionary relief.
- 7.1.4 Appeals against decisions to award discretionary relief will not be considered by the same Officers administering the application for relief and will normally be considered by a Senior Council Tax Officer or the Business Rates Team Leader.
- 7.1.5 Decisions made after the appeals process has been followed will be final. Submitting an appeal does not affect the appellant's legal rights to challenge a decision made by the Council through the Judicial Review process

7.2 Persons that can appeal

- 7.2.1 Appeals may only be made by the original applicant. An appellant may appoint a third party to act on their behalf and in such cases EK Services will require written authorisation from the appellant.
- 7.2.2 Customers may appeal against the decision to award or not award relief or against the level of relief awarded. An appeal must be made within four weeks of the issue of the letter notifying them of EK Services' decision.
- 7.2.3 Any appeals received outside of the 4 week period will only be considered if EK Services are satisfied that exceptional circumstances led to the delay in submitting the appeal.

7.3 Applications for appeal

- 7.3.1 Appeals must be in writing and include the following;
- The reasons why it is believed the decision should be amended;
 - Any new or additional information relevant to the decision making process.

7.3.2 The appellant does not have a right to appear in person but may make a request to present evidence in person. Such requests will be considered at the discretion of EK Services, as appropriate.

7.3.3 EK Services can request a meeting with the customer to hear evidence in person.

7.4 Notification of the final decision following appeal

7.4.1 EK Services will consider appeal applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in the consideration of the appeal.

7.4.2 EK Services will notify the applicant of the final decision in writing within the 21 days period and whether an appeal is refused or accepted, a full explanation of the decision making process will be given. A written record will be kept on file of the decisions and factors considered in the process.

7.4.3 For Business Rates, both Discretionary Relief and Hardship Relief is the subject of separate applications. Should an EK Services Officer decide to reject the appeal in respect of Discretionary Relief they cannot offer Hardship Relief as an alternative. However, the applicant can be invited to make a separate application.

7.5 Discontinuation of Applications or Appeals

7.5.1 If EK Services have requested further evidence from the customer and this has not been received within the specified time given, the appeal will not be considered.

7.5.2 Customers will be advised in writing the reason why their application has been discontinued.

7.6 Cancellation of relief

7.6.1 Relief will be cancelled if;

- The applicant ceases to be the ratepayer or taxpayer;
- The property becomes empty or becomes occupied, or all or part of the unoccupied area becomes occupied;

- The use of the property changes;
- The aims or objectives of the ratepayer / taxpayer change;
- The financial circumstances for a customer changes.

7.6.2 Where relief is cancelled for any of the reasons above, a new application may be made by customers straight away.

8.0 Action to recover unpaid Business Rates or Council Tax whilst a decision is pending

- 8.1 Once an application for discretionary relief is received, no action will be taken to recover any unpaid Business Rates or Council Tax until after the decision has been notified to the customer.
- 8.2 In the case where the customer has been notified of a decision and they exercise their rights to appeal, payment cannot be withheld pending an appeal decision. In the event that an appeal is successful, any overpayment will be refunded.
- 8.3 For circumstances where an application is being discontinued, recovery action will commence after the ratepayer has been notified of the discontinuation in writing.

9.0 Promotion of the availability of relief

- 9.1 EK Services will proactively promote the availability of discretionary relief, in the following ways;
- All Business Rates and Council Tax Bills will have include accompanying information explaining the availability of relief;
 - EK Services Officers who deal with enquiries from customers will be trained in all aspects of this policy and will actively promote the availability of relief when responding to customers enquiries;
 - EK Services will work in partnership with other organisations to promote the availability of relief;
 - Information regarding the availability of relief's will be published on our web site;
 - A copy of this policy will be placed on our website and printed copies will be made available to ratepayers and other stakeholders on request.

10.0 Equalities Statement

EK Services are committed to delivering a service that is accessible and fair to all of the communities that we serve. We will ensure that all people are treated with respect and dignity.

The Equality Act 2010 sets us an “Equality Duty” to:

1. eliminate discrimination, harassment and victimisation;
2. promote equality of opportunity between different groups in the community; and
3. foster good relations within the local community

We give careful consideration to equality issues in our new and existing policies, strategies and services to see what effect they will have on different groups within our communities, including those with protected characteristics.

The protected characteristics covered by the Equality Duty are:

- age;
- disability;
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination);
- pregnancy and maternity;
- gender reassignment;
- race – this includes ethnic or national origins, colour or nationality;
- religion or belief – this includes lack of belief;
- sex (gender);
- sexual orientation.

We also recognise that socio-economic status can be a significant barrier to equality of opportunity.

We identify potential consequences for these groups and ensure any negative impacts are eliminated or reduced. We also identify opportunities to eliminate discrimination and promote positive relations between groups and throughout our communities.

11.0 Policy Review

This policy will be reviewed on an annual basis, or where significant legislation changes in order to ensure it remains valid, effective and relevant.

Appendix I

Retail relief scheme – qualifying properties

Properties that will benefit from the relief will be occupied hereditaments with a rateable value of £50,000 or less, that are wholly or mainly being used as shops, restaurants, cafes and drinking establishments.

We consider shops, restaurants, cafes and drinking establishments to mean:

i. Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licence, 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)

Hereditaments that are being 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
- DVD/ video rentals
- Tool hire
- Car hire

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

To qualify for the relief the hereditament should be wholly or mainly being used as a shop, restaurant, cafe or drinking establishment. 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. However, it is intended to be a guide for authorities as to the types of uses that government considers for this purpose to be retail. Authorities should determine for themselves 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 should not be eligible for the relief.

Retail relief scheme – non qualifying properties

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

- 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

Hereditaments that are not reasonably accessible to visiting members of the public

EK SERVICES POLICIES AND PROCEDURES

POLICY FOR THE GRANTING OF DISCRETIONARY BUSINESS RATES RELIEF, SUPPORTING SMALL BUSINESSES RELIEF AND PUB RELIEF

Canterbury City Council, Dover District Council and Thanet District Council have entered into a shared service agreement to allow joint working and make savings in the Benefits, Council Tax and Business Rates sections.

Where 'EK Services' and 'EKS' are mentioned this refers to the shared service between Canterbury City Council, Dover District Council and Thanet District Council.

Where references are made to 'EK Services Officers' these services are now being delivered by Civica UK Limited. Civica UK Limited provides benefit services, income collection services, council tax and business rates administration and collection services and customer contact services to the Council.

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of Discretionary Business Rates Relief to be granted to certain defined ratepayers within the Partnership Councils' area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires each Council to grant discretionary relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where a Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where a Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the all Councils are obliged to grant relief to premises, which fall within the mandatory category, the Partnership Councils also have powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met.
- 1.5 This document outlines the following areas:
 - Details of the criteria for receiving an award under the Discretionary Business Rates Relief Scheme;
 - The EK Service's general policy for granting of all types of Discretionary Reliefs;
 - Guidance on granting and administering the reliefs;
 - European Union requirements including provisions for State Aid; and
 - The Partnership Councils' Scheme of Delegation.
- 1.6 This document covers all aspects of the new Discretionary Business Rates Relief scheme which is available from 1st April 2017. Where businesses apply for relief they will be granted (or not granted) relief in line with the following policy.

2.0 Discretionary Relief - Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top' up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years, and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and has been developed by both the Council and Central Government to address certain issues with business rates.
- 2.4 Unlike mandatory relief, ratepayers are obliged to make a written application to EK Services. EK Services will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information, evidence, certificates etc. as required in order to determine whether relief should be awarded .
- 2.5 EK Services is obliged to consider carefully every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority's area. There is no statutory appeal process or Tribunal against any decision made by EK Services, although as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The granting of discretionary relief falls broadly into the following categories:
 - a. Discretionary Relief - Charities who already receive mandatory relief;
 - b. Discretionary Relief - Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts or premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes recreation;
 - c. Discretionary Relief - Granted under the Localism Act 2011 provisions;
 - d. Local Newspaper Relief (from 1st April 2017 for a period of two years);
 - e. Local Public House Relief (from April 2017 for a one year period);
 - f. Supporting Small Businesses Relief (from 1st April 2017 for a period of five years or until business pay their full rate charge or their transitional rate charge (calculated in accordance with the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016); and

- g. Discretionary Business Rates Relief Scheme (from 1st April 2017 for a period of up to four years).

2.7 This policy document purely covers the granting of awards under e., f., and g. above. The decision to grant or not to grant discretionary relief is a matter purely for each Council. The EK Services policy for granting other reliefs can be found on the each of the partnership Councils' websites.

EK Services' general approach to granting Discretionary Relief

2.8 In deciding which organisations should receive discretionary rate relief, EK Services has considered the following factors and priorities:

- a. That any award should support business, organisations and groups that help to retain services in any partnership Councils' area and not compete directly with existing businesses in an unfair manner;
- b. It should help and encourage business, organisations, groups and communities to become self-reliant;
- c. Awarding discretionary relief should not distort competition or significantly change the provision of services within any of EK Services' areas;
- d. Local organisations will be given priority over national organisations. Where requested, the organisation will need to supply the partnership with clear evidence of all financial affairs including, and most importantly, the amounts of monies raised, used and invested locally. This will be essential where the organisation is national in nature;
- e. To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of each Council, which, without granting discretionary relief they would be unable to do;
- f. To assist each Council in delivering services which could not be provided otherwise;
- g. To enable each Council to determine the level of rate change in comparison with the organisation's financial situation; and
- h. To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it.

2.9 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 where hardship is proven, then there will be no requirement to grant Discretionary Rate Relief for that amount.

2.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

The EK Services' approach to granting Government led Discretionary Relief schemes

- 2.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance if often provided. EK Services are keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximising any grants receivable. However, EK Services reserves the right to vary its approach where thought appropriate.
- 2.12 In the case of the Discretionary Business Rate Relief scheme, Central Government is keen that individual Councils develop their own scheme to meet local needs. Government has allocated funds to each Council using a particular methodology, but it has been keen to point out that this should have no bearing on the actual scheme adopted.

3.0 Effect on the Partnership Councils' Finances

- 3.1 The granting of discretionary relief will, in the main, potentially involve a cost to each Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 3.2 Any amounts granted prior to 1st April 2013 and continuing since that date will be included in the Councils' baseline within the Business Rates Retention Scheme. Any amounts granted for similar cases after 1st April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 40% by each Partnership Council and 10% by Kent County Council This also applies where mandatory relief is granted.
- 3.3 In March 2017, Central Government announced that it would make available a discretionary fund of £300 million over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Government determined that Councils would be best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.
- 3.4 Where Central Government leads an initiative such as the Discretionary Business Rates Relief Scheme, grants are often made available. This is not automatic and Central Government will look to each Council to adopt any recommended criteria when granting in these areas to ensure that any grant is paid.
- 3.5 Every authority within England is to be provided with a share of the fund to support their local businesses. This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988. The full effects of the financial allocation are shown below.
- 3.6 The allocation of monies to authorities and the methodology of the funding award is completely separate to the scheme itself and Government believes that local authorities are best placed to judge the particular circumstances of local ratepayers and direct the funding where it is most needed to support local economies .
- 3.7 The funding is not provided equally over the four-year period but in the following approximate proportions:
- | | |
|------------------|-----|
| Year 1 (2017/18) | 58% |
| Year 2 (2018/19) | 28% |
| Year 3 (2019/20) | 12% |
| Year 4 (2020/21) | 2% |
- 3.8 Councils will be compensated for any relief granted under section 31 of the Local Government Act 2003. The Government has stated that any underspend cannot be 'vired' from one year to the next.

3.9 Key criteria of reimbursement will be that all Billing Authorities will consult with major precepting authorities when formulating their schemes.

3.10 The financial effects to each Council of the Discretionary Business Rates Relief Scheme are shown in the following table

Council Amount of discretionary fund awarded (£000s)

	2017-18	2018-19	2019-20	2020-21
Canterbury City Council	425	206	85	12
Dover District Council	232	113	46	7
Thanet District Council	330	160	66	9

3.11 The above is to be awarded up to the maximum level set by Central Government. It is possible for the Council to grant more relief than that allocated by grant. However, once the maximum grant level has been reached, any additional amount granted is borne 40% by each Council, 10% by Kent County Council and 50% by Central Government.

4.0 Discretionary Relief - EU State Aid requirements

- 4.1 European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. Any Council must bear this in mind when granting discretionary rate relief.
- 4.2 Rate relief for charities and non-profit making bodies is not generally considered to be state aid, because the recipients are not in market competition with other businesses. However, where other bodies receive relief and are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid.
- 4.3 Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/20 13)¹. 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).
- 4.4 Where the relief to any one business is greater than the De Minim is level, then permission will need to be obtained from the European Commission. In such cases the matter will be referred to the Department for Communities and Local Government (DCLG) for advice and then referred back to the Council for consideration. It will be for the ratepayer to provide confirmation as to whether the State Aid provisions apply to them.
- 4.5 In all cases, where discretionary relief is to be granted or where liability is to be reduced, when making an application, ratepayers will be required to provide EK Services with sufficient information to determine whether these provisions are applicable in their case.

5.0 Administration of Discretionary Relief - General approach

- 5.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief and reduction. This is essentially laid down by legislation 2

Applications and Evidence

- 5.2 All reliefs must be applied for. Application forms are produced by EK Services both in hard copy and electronic format. The relevant application form is included within Appendix A of this policy. EK Services will specify how applications are to be received and this may vary from time to time.
- 5.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts, financial statements etc. necessary to allow EK Services to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 5.4 Applications should initially be made to the Revenues Section and will be determined in accordance with this policy.
- 5.5 EK Services will provide this service and guidance free of charge. Ratepayers are encouraged to approach the relevant Council direct and not pay for such services through third parties.

Granting of relief

- 5.6 In all cases, EK Services will notify the ratepayer of decisions made.
- 5.7 Where an application is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
 - If relief has been granted for a specified period, the date on which it will end;
 - The new chargeable amount;
 - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
 - A requirement that the applicant should notify EK Services of any change in circumstances that may affect entitlement to relief.
- 5.8 Where relief is not granted then the following information is provided, again in writing:
- An explanation of the decision within the context of each Councils' statutory duty; and
 - An explanation of the appeal rights (see below).

The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 5.9 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, EK Services may backdate its decision.
- 5.10 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, EK Services reserves the right to grant relief for any other period as appropriate. In relation to the Discretionary Business Rate Relief scheme, awards will, in the main be granted from 1st April 2017.
- 5.11 A fresh application for discretionary relief will be necessary for each financial year or at such time-period as EK Services determines.

Variation of a decision

- 5.12 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in a Council's decision which increases the award - this will apply from the date the Council as appropriate;
 - Where the amount is to increase for any other reason it will take effect at the expiry of a financial year, and so that at least one year's notice is given;
 - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
 - Where the amount is to be reduced for any other reason, it will take effect at the expiry of a financial year, and so that at least one year's notice is given.
- 5.13 A decision may be revoked at any time, however, a one year period of notice will be given and the change will take effect at the expiry of a financial year.

6.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 6.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by each Council to Cabinet, Committees, Sub-Committees or Officers.
- 6.2 The Partnership Councils' scheme of delegation allows for the EK Services Income Manager to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature will be subject to consultation with the S151 Officer of the Council, and/ or the relevant Executive member prior to final determination.
- 6.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 6.4 The policy for granting relief will be reviewed annually or sooner where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

Appeals

- 6.5 Where any Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the EK Services Income Manager. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 6.6 Where the ratepayer continues to be aggrieved by the decision, the case will be referred to the section 151 Officer for review. Where appropriate, cases of this nature may also be referred to the Executive member as appropriate.
- 6.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although EK Services will endeavour to explain any decision fully and openly with the ratepayer.

7.0 Consultation

- 7.1 EK Services has consulted with the major preceptors in relation to this scheme and has taken their comments into account when determining the eligibility criteria. This is an essential part of the Discretionary Business Rates Relief Scheme and is in line with the grant determination issued by the Department of Communities and Local Government (DCLG) No.31 /3071.
- 7.2 The grant determination states that a condition of the fund is that consultation is undertaken with 'relevant authorities'. Relevant authorities for the purposes of this scheme means:
- a. Any major precepting authority; and
 - b. Any combined authority.
- 7.3 In the case of Partnership Council's only the major precepting authorities have been consulted namely:
- a. Kent County Council;
 - b. The Police and Crime Commissioner for Kent; and
 - c. The Kent Fire and Rescue Service.

8.0 Decisions by EK Services under this scheme

- 8.1 Decisions by EK Services are made directly in line with the Scheme of Delegation as outlined within section 6 of this policy. Any decision to award relief under this scheme will follow the core principles of each Council's discretionary relief policy as defined by section 2.8.
- 8.2 It should be noted that, whilst the funding from Central Government for Discretionary Business Rate Relief Scheme is limited, the decision of EK Services whether to award any relief under this scheme cannot take account of any level of funding.

Applications for relief under this scheme

- 8.3 EK Services is keen to identify ratepayers who may qualify for the relief and as such will look to encourage certain ratepayers to apply. Each Council will look to simplify the application process wherever possible, but it will expect any ratepayers to provide such information as is required by the Council to support their application.
- 8.4 Each Council has decided that relief under the scheme will be awarded using the following criteria:
- a. The scheme is designed to assist ratepayers who have suffered significant increases in rate liability due to the revaluation and the subsequent increase to their Rateable Value;
 - b. Relief will not be awarded where mandatory relief is granted;
 - c. In assessing any potential entitlement to an award under this scheme, each Council will compare the following:
 - i. The rate liability of the ratepayer at 31st March 2017 after any reliefs and reductions; and
 - ii. The rate liability of the ratepayer at 1st April 2017 taking into account any transitional relief or discretionary relief within this policy;
 - d. Relief will be awarded where the calculation above would result in an increase;
 - e. Relief will only be given to premises which are liable for occupied rates. No relief within this scheme will be granted for unoccupied premises;
 - f. Relief will only be granted to ratepayers who were in occupation at 31st March 2017 and in occupation on 1st April 2017 and for each day subsequently.
 - g. Ratepayers taking up occupation after the 1st April 2017 will not be eligible for relief on the basis that new ratepayers would not have suffered from increases due to a revaluation;

- h. Relief will be targeted to local businesses and not those businesses that are national or multi-national in nature. Local businesses are, for the purposes of this scheme, those which have premises wholly in Kent;
 - i. Relief may be awarded for more than one premises as long as all other criteria are met;
- j. Relief will not be awarded where:
 - i. the hereditament has a Rateable Value of greater than £275,000;
 - ii. the hereditament is a Prescribed Education Establishments;
 - iii. the hereditament is an excepted one (occupied by any Billing or Precepting Authority);
 - iv. mandatory relief is awarded;
 - v. where the ratepayer has applied for a reduction under S44a of the Local Government Finance Act 1988; or
 - vi. the hereditament has an increase in Rateable Value after the 1st April 2017 which increases the rate charge above the 1st April 2017 value

Amount of Relief

8.5 The amount of relief is tapered and will be calculated as follows:

2017/18

Award = the following% age of the increase:

Council	%age of increase awarded as a relief
Canterbury City Council	55%
Dover District Council	70%
Thanet District Council	85%

2018/19

Award = 2017/18 award x 50% (for clarity this will be half of the relief awarded in 2017/18)

2019/20

Award = 2018/19 award x 50% (for clarity this will be half of the relief awarded in 2018/19)

2020/21

Award = 2019/20 award x 10% (for clarity this will be 10% of the relief awarded in 2019/20)

Variation and amendment of relief under the scheme

- 8.6 As with all reliefs, the amount of relief awarded under the Discretionary Businesses Rates relief scheme will be recalculated in the event of a change of circumstances. In effect relief is calculated on a daily basis in line with the ratepayer's liability on that day. This will include, for example, a backdated change to the rateable value of the hereditament. This change of circumstances could arise during the year in question or during a later year.
- 8.7 The Non -Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059) requires the Council to provide ratepayers with at least one year's notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect. Such a revocation or variation of a decision can only take effect at the end of a financial year. But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria or rules for calculating relief which allow the amount of relief to be amended within the year to reflect changing circumstances.

9.0 Reporting changes in circumstances

- 9.1 Where any award is granted to a ratepayer, EK Services will require any changes in circumstances which may affect the relief to be reported as soon as possible and in any event not more than 21 days from the happening of the event. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Partnership as eligible for relief.
- 9.2 Where a change of circumstances is reported, the relief will, if appropriate be revised or cancelled. Where any award is to be reduced, EK Services will look to recover the amount from the date the change of circumstances occurred.

10.0 Fraud

- 10.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

11.0 Supporting Small Businesses Relief

General Explanation

- 11.1 Central Government has increased the thresholds for Small Business Rate Relief from 1 April 2017 to £12,000 for the 100% relief and £15,000 for the tapered relief. They have also allowed rural rate relief to be granted up to 100% using S47 of the Local Government Finance Act 1988 as a top up to the mandatory level of 50%, albeit that the rateable value limits have not been changes in respect of rural hereditaments. Unfortunately, despite these changes, some small businesses and businesses in rural areas may lose their entitlement to the relief due to increases in Rateable Value through the revaluation on 1st April 2017.
- 11.2 The transitional relief scheme (provided under the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016 No. 1265) does not provide support in respect of changes in reliefs. Therefore, those ratepayers who have lost some or all of their small business or rural rate relief may face large percentage increases in bills from 1 April 2017.
- 11.3 In view of this, Central Government announced that a new scheme of relief would be made available to those ratepayers facing large increases as a result of the loss of small business or rural rate relief due to the revaluation. All authorities are encouraged to grant the relief in accordance with the guidelines laid down by Central Government and if granted strictly in accordance with guidance, each Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.
- 11.4 The relief is known as the 'Supporting Small Businesses Scheme'

Who is eligible for the relief and how much relief will be available?

- 11.5 The Supporting Small Businesses relief will help those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their small business or rural rate relief and, as a result, are facing large increases in their bills.
- 11.6 To support these ratepayers, the Supporting Small Businesses relief will ensure that the increase per year in the bills of these ratepayers is limited to the greater of:
- a. a percentage increase per annum. of 5%, 7.5%, 10%, 15% and 15% 2017/18 to 2021/22 plus inflation. (Unlike the transitional relief scheme under the Chargeable Amount regulations), for the first year of the scheme the percentage increase is taken against the bill for 31 March 2017 after small business rate relief or rural rate relief; or
 - b. a cash value off 600 per year (£50 per month).
- 11.7 This cash minimum increase ensures that those ratepayers paying nothing or very small amounts in 2016/17 after small business rate relief are brought into paying something.

- 11.8 In the first year of the scheme, this means all ratepayers losing some or all of their small business rate relief or rural rate relief will see the increase in their bill capped at £600. The cash minimum increase is £600 per year thereafter. This means that ratepayers who in 2016/17 paid nothing under small business rate relief and are losing all of their entitlement to relief (i.e. moving from £6,000 rateable value or less to more than £15,000) would under this scheme be paying £3,000 in year 5.
- 11.9 The Government has also decided that those on the Supporting Small Businesses relief scheme whose 2017 rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief while they are eligible for the Supporting Small Businesses relief scheme.
- 11.10 Ratepayers will remain in the Supporting Small Businesses relief scheme for either 5 years or until they reach the bill they would have paid without the scheme (this would be the charge payable as their true rates payable or the charge calculated under the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016).
- 11.11 A change of ratepayer will not affect eligibility for the Supporting Small Businesses relief scheme but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.
- 11.12 The rules for state aid (as detailed in section 4 of this policy) shall apply when considering Supporting Small Businesses Relief.

Recalculation of relief

- 11.13 The amount of relief awarded under the Supporting Small Businesses relief scheme will be recalculated in the event of a change of circumstances including the following:
- This could include, for example, a backdated change to the rateable value or the hereditament; or
 - The awarding of another relief.
- 11.14 EK Services will, in effect, calculate the award on a daily basis taking into account the above, and the relief will be re-calculated if the rateable value changes.

Other Reliefs

- 11.15 Hereditaments eligible for charity or Community Amateur Sports Club relief or hereditaments which are unoccupied are not eligible for Supporting Small Businesses Relief. Likewise, the same principle applies to properties for which a Section 44A certificate has been granted (apportionment of rateable values for partly occupied properties). The presence of a section 44A certificate will not further reduce the bill found under the Supporting Small Business scheme.
- 11.16 In accordance with Central Government guidelines, all other discretionary reliefs, will be considered after the application of Supporting Small Businesses relief.
- 11.17 Each partnership Council has decided that EK Services can grant relief strictly in accordance with Central Government guidelines

12.0 Public House Relief

General Explanation

- 12.1 This is a temporary relief for 2017-18 and the Government is not changing the legislation around the reliefs available to premises. Central Government will reimburse local authorities that use their discretionary relief powers (under section 47(3)) of the Local Government Finance Act 1988) to grant £1000 relief in line with the eligibility criteria set out in guidance to be produced by Central Government.
- 12.2 Central Government guidelines have been issued and it has been established that any amount granted will be reimbursed by a section 31 grant.

Eligibility criteria

- 12.3 EK Service's policy, in line with Central Government requirements, will provide a relief of £1,000 relief for one year only (1st April 2017 to 31st March 2018) for all eligible public houses who have a rateable value of less than £100,000 on 1st April 2017.
- 12.4 The definition of a 'Public House' means any premises as defined in the Licensing Act 2003, which has a premises license authorising sale by retail of alcohol for consumption on the premises. In addition, the premises must be used principally for retail sales of alcohol to members of the public for consumption on the premises, and sales must not be subject to the condition that buyers reside at or consume food on the premises.
- 12.5 It will be for EK Services to decide whether any premises falls within the definition give in the above paragraph. No relief shall be given where the premises are unoccupied.

Other Reliefs

- 12.6 Pubic House relief will be granted after applying any other mandatory reliefs and reductions

Public House Relief- the Council's policy for granting discretionary relief

- 12.7 Each partnership Council has decided to allow EK Services to grant relief strictly in accordance with Central Government guidelines.

13.0 Equalities Statement

EK Services are committed to delivering a service that is accessible and fair to all of the communities that we serve. We will ensure that all people are treated with respect and dignity.

The Equality Act 2010 sets us an “Equality Duty” to:

1. eliminate discrimination, harassment and victimisation;
2. promote equality of opportunity between different groups in the community;
and
3. foster good relations within the local community

We give careful consideration to equality issues in our new and existing policies, strategies and services to see what effect they will have on different groups within our communities, including those with protected characteristics.

The protected characteristics covered by the Equality Duty are:

- age;
- disability;
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination);
- pregnancy and maternity;
- gender reassignment;
- race – this includes ethnic or national origins, colour or nationality;
- religion or belief – this includes lack of belief;
- sex (gender);
- sexual orientation.

We also recognise that socio-economic status can be a significant barrier to equality of opportunity.

We identify potential consequences for these groups and ensure any negative impacts are eliminated or reduced. We also identify opportunities to eliminate discrimination and promote positive relations between groups and throughout our communities.

14.0 Policy Review

This policy will be reviewed on an annual basis and when changes dictate in order to ensure it remains valid, effective and relevant.

Appendix 3 – review notification letter to ratepayers

Dear

Discretionary Rate Relief

Business Rates account number:

Property:

I am writing to you as your organisation currently receives Discretionary Rate Relief to reduce their business rates bill. Eligibility for this relief is currently based upon the circumstances at the time of your last application and periodically these circumstances need to be reviewed.

In accordance with the Government regulations, I am giving you 12 months notice that this relief will cease from 31 March 2024.

In order to continue receiving relief from 1 April 2024, a new application for relief will be required, which will be assessed against the guidelines within the Council's Discretionary Rate Relief Policy. During the 2023/24 financial year (April 2023 to March 2024) we will write to you again to provide details on how to re-apply for the relief.

Please DO NOT reapply for relief now. Please wait until you receive the second letter, inviting you to reapply. If you complete a relief form now, this will be completed with no action and you will need to complete another form at a later date.

If you do not want relief to continue after 31 March 2024, then there is no need to do anything further and relief will automatically be removed when we send your new year bill in March 2024.

Yours sincerely,

Mrs S Furner
Business Rates Team Manager

Appendix 4 - Proposed scoring methodology for awarding business rates discretionary relief to charities and non profit-making organisations

Methodology and scoring

In the interests of transparency the following criteria and scoring matrix will be used, to determine the level of either Discretionary or Top-up Discretionary Relief. A judgment will be made against 5 different measures, as set out below, and a score given for each of those 5.

Each of the measures carries a maximum of 8 points and an application receiving a certain level of points will qualify for a fixed percentage of Discretionary rate relief, as follows:-

Scoring Values	Discretionary Relief	Top-up Discretionary Relief
More than 36 points	100% Awarded	20% Awarded
Between 30 to 34 points	75% Awarded	15% Awarded
Between 20 to 30 points	50% Awarded	10% Awarded
Between 10 to 20 points	25% Awarded	5% Awarded
Less than 10 points	0% Awarded	0% Awarded

The only exceptions to cases subject to the criteria are the 'Included' categories, as stated previously. These cases will be granted the additional "top up" of 20% discretionary relief, automatically.

Measure 1 – Alignment to relevant corporate priorities

How is it measured?

The organisation must demonstrate its alignment to the relevant corporate priorities, through the application form, its constitution, aims, objectives and physical delivery to the community.

Description	Measure	Points
How do the organisation's objectives link into the Corporate priorities.	Significantly aligned	8
	Mostly aligned	6
	Partially aligned	4
	Limited alignment	2
	No alignment	0

Measure 2 – Access to services & affordability

How is it measured?

The organisation must demonstrate its access to services, any charging policies, and concessionary rates, through the application form, its website, its constitution or any other evidence.

Description	Measure	Points
Open to all	Free service provision and / or positive discrimination to enable affordability to less well-off groups	8
Open to most	Majority of service provision is free and any charges are affordable to all groups	6
Open to some	Elements of free service provision and some concessions for less well-off groups and any membership fees are affordable.	2
Closed Members only	Annual membership with no concessions for citizens of different groups	0

Measure 3 – Service provision & availability of alternatives

How is it measured?

The organisation must demonstrate how its service provision compliments or substitutes for Council Services and whether there are any other service providers within the area that deliver the same or similar services, through the application form, its constitution, aims, objectives and physical delivery to the community.

Description	Measure	Points
Sole provider	Sole provider of services that meet the needs of the Council and its residents	8
Two providers	Two organisations providing the same services to meet the needs of the Council and its residents	6
Three Providers	Three organisations providing the same services to the Council's residents	4
Four or more Providers	Multiple providers giving the same services to the Council's residents.	2

Measure 4 – Residents Participation

How is it measured?

The organisation must demonstrate what proportion of the Council’s community is benefitting from the service provision, through the application form, its website or other collateral and specific group feedback within the community.

Description	Measure	Points
Exclusive to the Council Area	90% or more of service users live within the Council area.	8
Primarily within the Council Area	Between 50% and 90% of the service users reside within the Council area.	6
Open to some	Between 25% and 50% of the service users reside within the Council area.	4
Open to few	< 25% of the service users reside within the Council area	2

Measure 5 – Financial Status & Funding

How is it measured?

The organisation must demonstrate where its funding streams come from, through the application form, accounts, Charity Commission or an initial income forecast if recently created.

Description	Measure	Points
Annual surplus is less than the Business Rates payable or making a loss	The expenditure on activities is either equal to or greater than the annual unrestricted income. All funding is received through grants or donations.	8
Annual surplus is more than the Business Rates payable but less than £10k per annum.	The expenditure on activities is less than the annual unrestricted income. All funding is received through grants or donations.	6
Annual surplus is more than the Business Rates payable and is £10k - £20k per	The expenditure on activities is less than the annual unrestricted income. Funding is received through	4

annum.	grants, donations or income generation.	
Annual Surplus is more than the Business Rates payable and greater than £20k per annum	The expenditure on activities is less than the annual unrestricted income. Funding is received through membership fees or income generation.	2
Annual Surplus is more than the Business Rates payable, greater than £20k per annum or restrictive membership practices.	The majority of funding is received through membership fees, income generation or from a bar.	0

POLICY FOR THE GRANTING OF DISCRETIONARY BUSINESS RATES RELIEF UNDER SECTION 47 OF LOCAL GOVERNMENT FINANCE ACT 1988

Canterbury City Council, Dover District Council and Thanet District Council have entered into a shared service agreement to allow joint working and make business efficiencies in the Benefits, Council Tax, Business Rates, and Customer Service teams.

Where 'EK Services', and 'EKS' are mentioned this refers to the shared service between Canterbury City Council, Dover District Council and Thanet District Council.

Where references are made to 'EK Services Officers' these services are now being delivered by Civica UK Limited. Civica UK Limited provides benefit services, income collection services, council tax and business rates administration and collection services and customer contact services to the Council.

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of Discretionary Business Rates Relief to be granted to certain defined ratepayers within the Councils' area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires each Council to grant discretionary relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where a Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen to assist businesses in other specified cases. These reliefs are usually outlined at a fiscal event and guidance on the administration of these reliefs is provided to Local Authorities. Local Authorities are expected to award these reliefs using their powers under discretionary powers contained within Section 47 of The Local Government Finance Act 1988. In these cases, and where a Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003 to fund the award of these reliefs and discounts.
- 1.4 Whilst all Councils are obliged to grant relief to premises which fall within the mandatory categories, the Councils also have powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met.
- 1.5 This document outlines the following areas:
- Details of the criteria for receiving an award under schemes introduced by Government during a fiscal event;
 - Guidance on granting and administering the reliefs;
 - Subsidy Control limitations on granting relief
 - The Partnership Councils' Scheme of Delegation.
- 1.6 This document covers all aspects of the Discretionary Business Rates Relief schemes which are available from 1st April 2023. Where businesses are eligible for or request relief they will be granted (or not granted) in line with this policy.

2.0 Discretionary Relief - Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top up' cases where ratepayers already receive mandatory relief.

- 2.2 Over recent years, and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and has been developed by both the Council and Central Government to address certain issues with business rates.
- 2.4 Unlike mandatory relief, ratepayers are obliged to make an application for discretionary relief. This policy will set out scenarios where an automatic award may be made and ratepayers required to 'opt out' of relief when they do not qualify.
- 2.5 Applications are to be carefully considered under their own merits. Where Central Government provides guidelines under which to consider awards, standard criteria may be applied in line with these guidelines.
- 2.6 There is no statutory appeal process or Tribunal against any decision made by the Council, although as with any decision of a public authority, decisions can be reviewed by Judicial Review. However, the local authority will, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.7 The granting of discretionary relief broadly falls into the following categories:
- a. Discretionary Relief 'top up' - Charities and Community Amateur Sports Clubs (CASCs) who already receive mandatory relief;
 - b. Discretionary Relief - Premises occupied by organisations not established or conducted for profit, whose main objectives are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts, or premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes of recreation;
 - c. Discretionary Relief - granted under the Localism Act 2011 provisions;
 - d. Discretionary reliefs - granted under section 47 of the LGFA 1988 following announcements made by the Government at a fiscal event.

This policy relates specifically to category d.

Approach to granting Government led Discretionary Relief schemes

- 2.8 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The local authority is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximising any grants receivable. However, we reserve the right to vary our approach where thought appropriate.
- 2.9 In the case where there is a scheme introduced without full guidance and where there is a discretionary element, Local Councils will need to develop their own

scheme to meet local needs (for example, Local Discretionary Discount and Covid-19 Additional Relief Fund [CARF]). A separate decision will be made in addition to the guidelines in this policy on the allocation of central government funding for the operation of such schemes.

3.0 Effect on the Partnership Council's Finances

- 3.1 The granting of discretionary relief will, in the main, potentially involve a cost to each Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 3.2 Any amounts granted prior to 1st April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. For any amounts granted for similar cases after 1st April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share, namely 50% borne by Central Government, 40% by each Council and 10% by Kent County Council. This also applies where mandatory relief is granted.
- 3.3 Each scheme introduced by Central Government will come with its own funding mechanisms. In the main, schemes introduced where Councils are required to use their powers under section 47 of the Local Government Finance Act 1988 will be fully funded by Central Government. Compensation for relief awarded will be granted under section 31 of the Local Government Act 2003. In some cases, where local discretionary elements of a scheme are included, a separate, fixed funding pot may be provided to each Council for distribution based on local priorities.
- 3.4 Where there is a fixed funding pot for a specific discretionary scheme, the Council will distribute funding up to and not exceeding the funding provided. It is possible for the Council to grant more relief than that allocated by grant. However, once the maximum grant level has been reached, any additional amount granted is borne by each Council, County Council and Central Government, based on retention arrangements at that time.

4.0 Administration of Discretionary Relief - General Approach.

- 4.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief and reduction.
- 4.2 All reliefs must be applied for. Where specific information is required in order to assess eligibility, the Council will make an electronic application form available on the Council's website. Application may also be by 'opt out'. In some cases, officers will have sufficient information to make an assumption on eligibility for a relief. Where this happens, the Council will communicate how ratepayers are able to opt out of receiving relief based on choice or eligibility.

- 4.3 Where a relief can be carried over from one financial year to the next without reapplication, information will be made available to tell ratepayers how to decline further relief.
- 4.4 Where a formal application is required, applicants will need to ensure that all requested information is provided. If the required information is not provided within the timescales specified, the application will be marked as incomplete and an award of relief will not be considered.
- 4.5 The Council will provide advice and assistance to ratepayers applying for relief. Ratepayers are encouraged to approach the relevant council direct and not pay for such services through third parties.
- 4.5 Where an application is provided, the Council will notify the ratepayer of decisions made. This can be in writing in the form or letter or email, by telephone (with calls diary noted on the relevant business rates account) or by the issuing of a new business rates bill showing the relief award.
- 4.6 Where no application is provided and an automatic award made, details of how to opt out of relief will be made available on the Council website and where necessary, signposted by separate letter, email, secure message or on the reverse of the bill.
- 4.7 Where relief is not granted following an application, then the decision to refuse relief will be notified to the ratepayer. The ratepayer will be told:
- Why the decision has been made to refuse relief
 - What the ratepayer can do if they disagree with the decision
 - If relating to a relief where guidance has been provided by Central Government, a link to the relevant guidance on the Government website.

The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 4.8 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the decision may be backdated.
- 4.9 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, we reserve the right to grant relief for any other period as appropriate.
- 4.10 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in a Council's decision which increases the award. This will apply from the date the Council deems appropriate;
 - Where the amount is to be increased for any reason it will take effect at the expiry of a financial year (with financial year meaning 1 April in one year to 31 March of the next) and so that at least one year's notice is given;
 - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief

or exemption this will apply from the date of the decrease in rate charge;
and

- Where the amount is to be reduced for any other reason, it will take effect at the expiry of a financial year, and so that at least one year's notice is given.

4.11 A decision may be revoked at any time, however, a one year period of notice will be given and the change will take effect at the expiry of a financial year.

4.12 Where a decision to award relief is in line with Central Government guidance and the relief awarded only applies in respect of a single financial year, relief will automatically end at the end of that financial year.

5.0 Retail Discount

General Explanation

5.1 This is a temporary relief for 2022/23 and the Government is not amending the primary legislation around the reliefs available to premises. Central Government will reimburse Local Authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 to grant relief in line with the eligibility criteria set out in guidance produced by Central Government.

5.2 Central Government guidelines have been issued and it has been established that any amount granted in line with these guidelines will be reimbursed by a section 31 grant.

Background

5.3 In 2019/20 Government announced that eligible retailers with a rateable value below £51,000 will receive a one third discount on their business rates bills. This scheme will run in 2019/20 and 2020/21, and adopts the same definition of 'retail' following the previous retail relief scheme in 2014/15 and 2015/16.

5.4 In 2020/21, in response to the Covid-19 pandemic, Central Government expanded Retail Discount to include the Hospitality and Leisure sectors and increased the discount to 100% of the charge for all qualifying businesses. There was no cap on relief and no maximum Rateable Value (RV) and State Aid limits did not apply. A list of qualifying retail, hospitality and leisure businesses was provided by Central Government.

5.5 In 2021/22, the Expanded Retail Discount came in two parts; 100% relief for all eligible qualifiers for 1 April 2021 to 30 June 2021, with no impact on Subsidy Controls. This relief was then reduced to 66% for qualifying businesses, up to a maximum award of £105,000 per economic actor. Relief awarded from 1 July 2021 was subject to Subsidy Controls. A list of qualifying retail, hospitality and leisure businesses was provided by Central Government.

5.6 In 2022/23, Retail Discount of 50% awarded to those in the Retail, Hospitality and Leisure sectors. A list of qualifying retail, hospitality and leisure businesses

was provided by Central Government. Relief was capped at £110,000 per economic actor and subject to Subsidy Controls.

2023/24 Retail Discount

- 5.7 The Council's policy, in line with Central Government requirements, will grant relief at 75% of the chargeable amount to qualifying businesses for the 2023/24 financial year only.
- 5.8 Relief will only be granted for one financial year to which the scheme relates.
- 5.9 Relief will be calculated on a daily basis and will be awarded up to a maximum of £110,000 per business. Ratepayers that occupy more than one property which satisfy the criteria will be entitled to relief for each of their eligible properties subject to the relevant cash cap level. No ratepayer can exceed the cash cap. A ratepayer will be treated as having a qualifying connection with another ratepayer if:
- a. both ratepayers are companies, and
 - i. one is a subsidiary of the other, or
 - ii. both are subsidiaries of the same company; or
 - b. where only one ratepayer is a company, the other ratepayer has such an interest in that company as would, if the second ratepayer were a company, result in its being the holding company of the other.
- 5.10 Qualifying properties can be found in Appendix 1. Full details of businesses qualifying for this relief for 2023/24 can be found at gov.uk.
- 5.11 It will be up to the Council to decide if businesses fall under the qualification criteria in Appendix 1. This list is not exhaustive and it will be for the Council to decide whether or not a business operates in a similar nature to any other listed, or falls among the broader scheme criteria and therefore qualifies for relief.
- 5.12 Relief cannot be granted in respect of unoccupied properties.
- 5.13 Retail discount will place under the following hierarchy when awarding relief:
- Transitional Relief
 - Mandatory reliefs
 - S. 47 Discretionary reliefs in the following order:
 - I SSBR
 - II Charitable, CASC and rural relief top up, not for profit relief
 - III other discretionary relief, including Freeport relief
 - IV 2023/24 Retail, Hospitality and Leisure relief scheme
 - V Other locally funded schemes (such as hardship)

- 5.14 Ratepayers have the right to refuse relief. Relief must be refused by 30 April 2024. Once a ratepayer has refused relief, they are unable to opt back in and request relief for the same period. Refusal of relief places them outside of the scope of the scheme. If a ratepayer opts out, relief will immediately be removed from the account and an adjusted Demand notice will be issued, without relief.
- 5.15 Retail Discount will be automatically awarded in most cases. For 2023/24 it will automatically be awarded to those businesses previously receiving Retail Discount in 2022/23. Some effort will be made to identify businesses that will exceed the cash cap and these will not be allocated relief.
- 5.16 If a ratepayer is not automatically granted relief they are able to request relief be awarded. A contact form should be completed on the relevant Council website and their request will be considered in line with this policy and the Government guidance.
- 5.17 If a ratepayer is not eligible for relief but it has been awarded, they should tell the Council straight away. This can be done by email or by completing the relevant online form on the Council website. Relief will be removed immediately and a revised Demand issued without relief.
- 5.18 Properties that are subject to splits, mergers or other changes during the 2023/24 billing year will be considered afresh based on their new daily liability.
- 5.19 No discount will be given under this scheme to properties owned by the Council, a precepting Authority or a functional body, within the meaning of the Greater London Authority Act 1999.

Circumstances under which an award will be terminated

- 5.20 In addition to the circumstances outlined above under which no award will be made under these schemes; awards will be terminated early under the following circumstances:
- the organisation ceases from activities which the Council deems to meet the above eligibility criteria. The organisation is required to advise the Council of any such change as soon as possible in writing.
 - The organisation ceases trading

Subsidy

- 5.21 Retail discount is considered subsidy and subject to the UK's domestic and international subsidy control obligations. General subsidy information is available in section 9 of this policy.
- 5.22 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g. a holding company and its subsidiaries) to receive up to £315,000 in a 3-year period (consisting of the 2023/24 year and the 2 previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of 'Minimal or SPEI financial assistance'.

Expanded Retail Discount granted in 2021/22 does not count towards the £315,000 allowance but BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement will be counted.

- 5.23 In those cases where it is clear to the Council that the ratepayer is likely to breach the cash cap or the MFA limit then we will automatically withhold the relief. Otherwise, the Council will include the relief in bills and ask ratepayers on a self-assessment basis, to inform the Council if they are in breach of the cash caps or MFA limit.
- 5.24 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council needs to include details of the subsidy on the subsidy control database.

6.0 Supporting Small Business Relief

General Explanation

- 6.1 This is a temporary relief for 2022/23, 2023/24 and 2024/25 financial years and Central Government is not amending the primary legislation around the reliefs available to premises. Central Government will reimburse Local Authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 to grant relief in line with the eligibility criteria set out in guidance produced by Central Government.
- 6.2 Central Government guidelines have been issued and it has been established that any amount granted in line with these guidelines will be reimbursed by a section 31 grant.

Background

- 6.3 Central Government increased the thresholds for Small Business Rate Relief from 1 April 2017 to £12,000 for the 100% relief and £15,000 for the tapered relief. They also allowed rural rate relief to be granted up to 100% using S47 of the Local Government Finance Act 1988 as a top up to the mandatory level of 50%, albeit that the rateable value limits have not been changed in respect of rural hereditaments. Unfortunately, despite these changes, some small businesses and businesses in rural areas lost their entitlement to the relief due to increases in Rateable Value through the revaluation on 1st April 2017.
- 6.4 The transitional relief scheme (provided under the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016 No. 1265) did not provide support in respect of changes in reliefs. Therefore, those ratepayers who lost some or all of their small business or rural rate relief faced large percentage increases in bills from 1 April 2017.
- 6.5 In view of this, Central Government provided a new scheme of relief that would be made available to those ratepayers facing large increases as a result of the loss of

small business or rural rate relief due to the 2017 revaluation. All local authorities are encouraged to grant the relief in accordance with the guidelines laid down by Central Government and if granted strictly in accordance with guidance, each Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.

6.6 The relief is known as the 'Supporting Small Businesses Scheme'

Supporting Small Business Relief (SSBR) 2023

6.7 The SSBR 2023 scheme will help those ratepayers who as a result of the change in their rateable value at the 2023 revaluation are losing some or all of their small business or rural rate relief and, as a result, are facing a large increase in their bills.

6.8 To support these ratepayers, the SSBR will ensure that the increase per year in the bills of these ratepayers is limited to £600.

6.9 In the first year of the scheme, this means all ratepayers losing some or all of their small business rate relief or rural rate relief will see the increase in their bill capped at £600. For each subsequent year, the increase in their bill will be capped at a further £600 per year.

6.10 Central Government has also decided that those in receipt of SSBR scheme whose 2023 rateable values are £51,000 or more will not be liable to pay the supplement (1.3 pence per £ of RV) to fund small business rate relief while they are eligible for the SSBR scheme.

6.11 Ratepayers will remain in the SSBR scheme for either 3 years or until they reach the bill they would have paid without the scheme. The following exclusions to this apply:

- Those ratepayers receiving 2017 SSB in 2022/23, any eligibility for 2023 SSBR will end on 31 March 2024. Relief will be withdrawn on 31 March 2024 without further notice.
- Ratepayers who during 2022/23 lost SBRR due to second property, but continued to receive SBRR for 12 months, will be eligible for SSBR until the end of their 12 month run-on. They will then lose the relief.

6.12 A change of ratepayer will not affect eligibility for SSBR scheme, but eligibility will be lost if the property becomes vacant or is occupied by a charity or CASC (Community Amateur Sports Club).

6.13 SSBR will place under the following hierarchy when awarding relief:

- Transitional Relief
- Mandatory reliefs
- S. 47 Discretionary reliefs in the following order:

I SSBR

II Charitable, CASC and rural relief top up, not for profit relief

III other discretionary relief, including Freeport relief

IV 2023/24 Retail, Hospitality and Leisure relief scheme

V Other locally funded schemes (such as hardship)

- 6.14 The amount of relief awarded under the SSBR scheme will be recalculated in the event of a change of circumstances including the following:
- This could include, for example, a backdated change to the rateable value or the hereditament; or
 - The awarding of another relief.
- 6.15 The award will be calculated on a daily basis, taking into account the above and the relief will be re-calculated if the rateable value changes. This change of circumstances could arise during the year in question or during a later year.
- 6.16 Hereditaments eligible for charity or CASC relief or hereditaments which are unoccupied are not eligible for SSBR.
- 6.17 The presence of a section 44A certificate will not further reduce the bill found under the SSBR scheme.
- 6.18 Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, local authorities may still make decisions which are conditional upon eligibility criteria. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.
- 6.19 Relief will only be awarded providing the property continues to remain eligible for relief. If the use of the property changes so that it is no longer eligible for relief, the relief will be recalculated or removed and a new Demand notice issued.

Subsidy control

- 6.20 SSBR is considered a subsidy and is subject to the UK's domestic and international subsidy control obligations. General subsidy information is available in section 9 of this policy.
- 6.21 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g. a holding company and its subsidiaries) to receive up to £315,000 in a 3-year period (consisting of the 2023/24 year and the 2 previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of 'Minimal or SPEI financial assistance'.
- BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement will be counted under the £315,000 allowance.
- 6.22 In those cases where it is clear to the Council that the ratepayer is likely to breach the cash cap or the MFA limit then we will automatically withhold the relief. Otherwise, the Council will include the relief in bills and

ask ratepayers on a self-assessment basis, to inform the Council if they are in breach of the cash caps or MFA limit.

- 6.23 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council needs to include details of the subsidy on the subsidy control database.

7.0 Heat Network Relief

General explanation

- 7.1 In October 2021, the government announced a 100% relief for eligible low-carbon heat networks that have their own rates bill to begin on 1 April 2023.
- 7.2 At the Spring Statement 2022, the Chancellor announced that the heat network relief would be brought forward and would apply from 1 April 2022. For the 2022/23 financial year, this relief has been delivered using existing local government discretionary relief powers and funded by Central Government. This will continue for 2023/24.
- 7.3 The Heat Network Relief scheme will be administered by the Council and applied directly to business rate accounts.

Heat Network relief 2023/24

- 7.4 In order to be eligible for Heat Network Relief the rating assessment must be:
- a. wholly or mainly used for the purposes of a heat network, and
 - b. The heat is expected to be generated from a low carbon source (irrespective of whether that source is located on the hereditament or on a different hereditament) over the next 12 months.
- 7.5 For these purposes, a heat network is defined as:
A facility, such as a district heating scheme, which supplies thermal energy from a central source to consumers via a network of pipes for the purposes of space heating, space cooling or domestic hot water.
- 7.6 A low carbon source is a source of which at least:
- a. 50% is renewable
 - b. 50% is waste heat
 - c. 75% is cogeneration heat (where cogeneration means the simultaneous generation in one process of thermal energy and electrical or mechanical energy), or
 - d. 75% is a combination of the sources above.

- 7.7 For a source to be considered renewable, it must be one of the sources listed in Class1(e) of the Schedule to the Valuation for Rating (Plant and Machinery) (England) Regulations 2000 (SI 2000 No. 540) as inserted by regulation 2(b) of SI2022 No. 405
- 7.8 Hereditaments wholly or mainly providing heat for a different purpose (such as industrial process) are not eligible.
- 7.9 The test will be applied to the property as a whole and relief will not be granted in respect of part of a rating assessment. Where a heat network forms part of another rating assessment, such as the heating system in a multi-occupied building or estate, relief will not be granted.
- 7.10 Properties comprising a power station and a heat recovery and network system will not qualify for relief. The purpose of generating electricity does not count towards meeting the wholly or mainly test. If a heat recovery and network system is separately rated to the power station, then it may still qualify, depending on meeting the other eligibility criteria.
- 7.11 Where heat is being taken from an incinerator or Energy from Waste (EfW) Plant, it will not qualify for relief. This is because the heat network is likely to be a by product of the main purpose of the property, the incineration of waste or generation of power. Only if the heat network has been specifically designed as a heat network, will it qualify, providing the other eligibility criteria are met.
- Waste heat includes heat or coolth unavoidably generated as a by-product of another process, which would be wasted if not used for the purposes of a district heating network.
- 7.12 Heat network relief will place under the following hierarchy when awarding relief:
- Transitional Relief
 - Mandatory reliefs
 - Heat network relief
 - Other discretionary reliefs
- 7.13 The amount of relief awarded under the Heat Relief scheme will be recalculated in the event of a change of circumstances including the following:
- This could include, for example, a backdated change to the rateable value or the hereditament; or
 - The awarding of another relief.
- 7.14 The award will be calculated on a daily basis, taking into account the above and the relief will be re-calculated if the rateable value changes. This change of circumstances could arise during the year in question or during a later year.
- 7.15 Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with

international agreements). But within these regulations, local authorities may still make decisions which are conditional upon eligibility criteria. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.

- 7.16 Relief will only be awarded providing the property continues to remain eligible for relief. If the use of the property changes so that it is no longer eligible for relief, the relief will be recalculated or removed and a new Demand notice issued.

8.0 Local Newspaper Relief

General explanation

- 8.1 Local Newspaper Relief was introduced from 1 April 2017 following a Central Government Consultation into providing relief from business rates for local newspapers. This formed part of the Conservative Party Manifesto to support the print industry and to allow local newspapers to adapt to new technology and changing circumstances.
- 8.2 Relief was originally introduced to be awarded for 2017/18 and 2018/19 only. This was subsequently extended by a further 5 years until 2025..

Award of relief

- 8.3 On 16 March 2016 the Chancellor announced at the Budget that Central 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.
- 8.4 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).
- 8.5 The criteria for relief:
- a) The relief is to be specifically for local newspapers and by that we mean what would be considered to be a “traditional local newspaper.”
 - b) The relief will not be available to magazines.
 - c) The hereditament must be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.
 - d) The amount of relief is limited to a maximum of one discount: - per newspaper title (e.g. per newspaper name) and per hereditament.
- 8.6 On Monday 27 January 2020, the Financial Secretary to the Treasury made a Written Ministerial Statement announcing additional business rates measures that will apply from 1 April 2020. This included the extension of Newspaper Relief up to and including 31 March 2025.
- 8.7 Local Newspaper relief will place under the following hierarchy when awarding relief:

- Transitional Relief
- Mandatory reliefs
- Local Newspaper relief
- Other discretionary reliefs

8.8 The award will be calculated on a daily basis. Should there be a change in circumstances, such as a change in the use of the property which means that the ratepayer is no longer eligible for the relief, the relief will be recalculated or removed and a new Demand notice issued. This change of circumstances could arise during the year in question or during a later year.

8.9 Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, local authorities may still make decisions which are conditional upon eligibility criteria. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.

9.0 Rural Rate relief

9.1 During the 2016 Autumn Statement, Central Government announced that the amount of Rural Rate relief for eligible properties would double from 50% to 100% from 1 April 2017. This is because, under the current legislation, eligibility for 50% rural rate relief prevents some rural businesses from benefiting from 100% small business rates relief.

9.2 In the absence of any amendment to primary legislation, Local Councils are required to use their discretionary powers under section 47 of the Local Government Finance Act 1988 to grant the additional relief, based on the guidance issued by Central Government. It is the Government's intention to amend the primary legislation, so this measure is temporary.

9.3 All local authorities are encouraged to grant the relief in accordance with the guidelines laid down by Central Government and if granted strictly in accordance with guidance, each Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.

Mandatory relief - eligibility

9.5 Eligible businesses can qualify for rural rate relief if their business is in a rural area with a population below 3,000; they are the only village shop or post office, with a rateable value of up to £8,500, or the only public house or petrol station, with a rateable value of up to £12,500.

9.6 Eligible businesses will receive a mandatory discount that equates to 50% of their business rates liability.

9.7 As rural rate relief is a mandatory relief, there is no further eligibility in respect of small business rate relief.

Discretionary relief - eligibility

- 9.8 Until primary legislation is amended, where a ratepayer is eligible for 50% mandatory rural rate relief, they will automatically be eligible for an additional 50% discretionary relief. No additional qualification criteria will be required.
- 9.9 Rural rate relief will place under the following hierarchy when awarding relief:
- Transitional Relief
 - Mandatory rural rate relief
 - Discretionary rural rate relief
- 9.9 The award of relief will be calculated on a daily basis. Should there be a change in circumstances, such as a change in the use of the property which means that the ratepayer is no longer eligible for the relief, the relief will be recalculated or removed and a new Demand notice issued. This change of circumstances could arise during the year in question or during a later year.
- 9.10 Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, local authorities may still make decisions which are conditional upon eligibility criteria. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.
- 9.11 Local councils can also give relief of up to 100% to other rural businesses (for properties with a rateable value under £16,500). This relief is not covered by this policy.

10.0 Review / Reconsideration Process

- 10.1 Rate Reliefs made under the local authority's discretionary powers have no formal right of appeal. However, applicants dissatisfied with the authority's decision may request a review/ reconsideration under the following circumstances:
- Additional information that is relevant to the application and that was not available at the time the decision was made becomes available; or
 - There are good grounds to believe the application or supporting information was not interpreted correctly at the time the decision was made.
- 10.2 Where any Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Business Rates Manager. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 10.3 Where the ratepayer continues to be aggrieved by the decision, the case will be referred to the section 151 Officer for review. Where appropriate, cases of this nature may also be referred to the Executive member as appropriate.

- 10.4 Ultimately the formal appeal process for the ratepayer is Judicial Review although EK Services will endeavour to explain any decision fully and openly with the ratepayer.

11.0 Discretionary Relief - Subsidy Controls

- 11.1 The discretionary reliefs within this policy, unless specifically stated otherwise are considered subsidy and subject to the UK's domestic and international subsidy control obligations.
- 11.2 Ratepayers eligible for relief will need to fulfil any requirements in place to ensure compliance with those obligations in advance of, during and after claiming relief. It is important that ratepayers claiming discretionary relief maintain records of all subsidies received, as these can be requested by the Council at any time.
- 11.3 BEIS issued guidance for public authorities containing information for the [new UK subsidy control regime](#) from 4 January 2023. The reliefs in this policy will be administered in line with these controls or any later controls introduced by Central Government.

12.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 12.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by each Council to Cabinet, Committees, Sub-Committees or Officers.

13.0 Equalities Assessment

- 13.1 The Council is committed to delivering a service that is accessible and fair to all of the communities that we serve. We will ensure that all people are treated with respect and dignity.

The Equality Act 2010 sets us an "Equality Duty" to:

1. eliminate discrimination, harassment and victimisation;
2. promote equality of opportunity between different groups in the community; and
3. foster good relations within the local community

We give careful consideration to equality issues in our new and existing policies, strategies and services to see what effect they will have on different groups within our communities, including those with protected characteristics.

The protected characteristics covered by the Equality Duty are:

- age;
- disability;
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination);
- pregnancy and maternity;
- gender reassignment;
- race – this includes ethnic or national origins, colour or nationality;
- religion or belief – this includes lack of belief;
- sex (gender);
- sexual orientation.

We also recognise that socio-economic status can be a significant barrier to equality of opportunity.

We identify potential consequences for these groups and ensure any negative impacts are eliminated or reduced. We also identify opportunities to eliminate discrimination and promote positive relations between groups and throughout our communities.

14.0 Policy Review

- 14.1 This policy will be reviewed on an annual basis and when changes dictate in order to ensure it remains valid, effective and relevant.

Appendix 1

Retail Discount Scheme - 2023/24 Qualifying properties

Hereditaments that meet the eligibility for Retail, Hospitality and Leisure scheme will be occupied hereditaments which meet all of the following conditions for the chargeable day:

(a) they are wholly or mainly being used:

- i. as shops, restaurants, cafes, drinking establishments, cinemas or live music venues,
- ii. for assembly and leisure; or
- iii. as hotels, guest & boarding premises or self-catering accommodation

1. We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:

- Hereditaments that are being 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)

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

Hair and beauty services (such as: hairdressers, 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

Tool hire

Car hire

- 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

- Hereditaments which are being used as cinemas
- 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. Although we would expect this would be clear in most circumstances, guidance on this may be found in Chapter 16 of the statutory guidance

2. We consider assembly and leisure to mean:

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

Sports grounds and clubs

Museums and art galleries

Nightclubs

Sport and leisure facilities

Stately homes and historic houses

Theatres

Tourist attractions

Gyms

Wellness centres, spas, massage parlours

Casinos, gambling clubs and bingo halls

ii. Hereditaments that are being used for the assembly of visiting members of the public.

Public halls

Clubhouses, clubs and institutions

3. We consider hotels, guest & boarding premises and self-catering accommodation to mean:

i. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:

Hotels, Guest and Boarding Houses

Holiday homes

Caravan parks and sites

- The list below sets out the types of uses that the government does not consider to be an eligible use for the purpose of this discount. Again, it is for local authorities to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the discount under their local scheme.

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

Financial services (e.g. banks, building societies, cash points, bureaux de change, short-term loan providers, betting shops)

Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)

Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, employment agencies, estate agents, letting agents)

Post office sorting offices

EKS

Business Rates Discretionary Rates Relief Schemes 2024 / 2025

**Working in partnership with Canterbury City Council,
Dover District Council and Thanet District Council.**

Canterbury City Council, Dover District Council and Thanet District Council have entered into a shared service agreement to allow joint working in the Customer Services, ICT, Benefits, Council Tax and Business Rates sections.

Where 'EK Services' and 'EKS' are mentioned this refers to the shared service between Canterbury City Council, Dover District Council and Thanet District Council.

Where references are made to 'EK Services Officers' these services are now being delivered by Civica UK Limited. Civica UK Limited provides benefit services, income collection services, council tax and business rates administration and collection services, and customer contact services to the council.

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Appendix 1. Operational Scoring Guidelines

1.0 Background

1.1.1 Discretionary Relief guidelines have been developed by EK Services, and approved by Canterbury City Council, Dover District Council and Thanet District Council, to assist organisations who may need support beyond any standard Government Reliefs, such as Transitional Relief, Small Business Rates Relief, Empty Property Relief and Mandatory Charitable Relief. This is to provide a reduction in the Business Rates liability.

- Support will be considered under Sections 44A, 47 and 49 of the Local Government Finance Act 1998 and Section 69 of the Localism Act 2011.
- The guidelines are applied to ensure that all customers making application for relief are treated in a fair, consistent and equal manner

1.2.1 The main features of the guidelines are as follows:

- The operation of the Schemes will be at the total discretion of the Council, with the exception of Relief Schemes introduced by Central Government as a policy.
- The guidelines will be applied to each applicant by EK Services on behalf of the Council.
- The factors that must be considered when making a decision to award or refuse relief
- Sets out the delegated authority to award relief in appropriate circumstances, based upon the financial impact to the respective Council.
- Establishes an appeals procedure for customers dissatisfied with EK Services decision.
- Safeguards the interest of the local taxpayers by ensuring that funds that are allocated for the award of relief are used in the most effective and economic way.
- Further detailed guidance for Discretionary Relief and the associated scoring mechanisms are shown in Appendix 1.

2.0 Equalities

2.1 The creation of a Discretionary Rate Schemes guidance meets the Council's obligations under the Equality Act 2010.

3.0 Purpose of this guidance

3.1 The purpose of this guidance document is to specify how EK Services will operate the schemes, to detail the application process, and indicate a number of factors which will be considered when deciding if an award can be made.

3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally.

4.0 Relief for Charities, Not for Profit Organisations and Community Amateur Sports Clubs (CASC) and Rural properties not eligible for Mandatory Relief

4.1 Legal Requirements

- 4.1.1 Section 47 of the Local Government Finance Act 1988 provides the discretion to award relief.
- 4.1.2 Registered Charities and CASC's are entitled to Mandatory Relief of 80%. EK Services has the discretion to award further rate relief of up to 20%, which is commonly referred to as a 'top-up'.
- 4.1.3 Charity shops will be awarded 80% Mandatory Rate Relief, where the shop is selling solely or mainly donated goods. Where the shop is selling solely, or mainly new items or goods bought in under licence then no Mandatory Rate Relief will be awarded.
- 4.1.4 Rural properties are entitled to Mandatory Relief of 50% providing the qualifying criteria are met. Central Government has also stated that qualifying properties, below the Small Business Rates Relief (£12,000) threshold are to be topped up to 100% relief. This top up is fully funded. EK Services has the discretion to award a further rate relief of up to 50% in cases where the Rateable Value is between £12,000 and £16,500.
- 4.1.5 The award of the 80% mandatory relief to charities and CASC's, and the award of 50% relief for qualifying rural properties are administered in accordance with legislation. This guidance explains how the 20% and 50% top-ups are administered.
- 4.1.6 The amount of relief awarded is entirely at the discretion of EK Services.

4.2 Legal Requirements – Subsidy control

- 4.2.1 Since leaving the European Union the UK Government has introduced its own competition rules to restrict the amount of state subsidies available to businesses, ensuring trade can continue with other sovereign nations. Any relief from taxes such as business rates, could be considered as a qualifying subsidy and should be subject to the Government set limits.
- 4.2.2 Rate relief for charities and non-profit making bodies is not normally considered a qualifying subsidy because the recipients are not in market competition with other businesses. However, if the organisation is engaged in commercial activities, competes with commercial bodies or has a commercial partner then rate relief could constitute subsidy. In such cases it would be unlikely that the organisation would be considered for rate relief.

4.3 Financial Impact

- 4.3.1 The funding arrangements for relief changed when the Business Rates retention scheme was introduced in April 2013. Prior to this date the cost of any award was borne solely by Central Government, via a National Pool. Since April 2013 the cost of any award is shared between Central and Local Government and the Local share is funded by the Council Taxpayers.
- 4.3.2 Expenditure under this policy will be monitored by EK Services on a monthly basis, and will be reported to the councils Section 151 Officer. In the event that expenditure increases significantly then the council reserves the right to amend this policy to ensure it remains financially viable, and that the council can continue to offer an appropriate level of support to local businesses.

4.4 Persons who can make application

- 4.4.1 Applications must be made by the ratepayer or an individual or organisation working on behalf of the Ratepayer, who has a signed letter of authority to act on their client's behalf.
- 4.4.2 Where the ratepayer is an organisation the application must be made by a person with the authority to act on behalf of the organisation. EK Services may ask for evidence that the person making the application is entitled to act in that capacity.
- 4.4.3 Although there is no statutory requirement to complete a formal application form, the councils do require a form be completed, as it will provide a checklist of criteria to be met or questions to be answered. It will also ensure a consistent approach to decision-making

4.5 The Decision-Making Process

- 4.5.1 All applications will be considered on an individual basis. Consideration for awarding Discretionary Relief is based on the organisation's ability to meet its Business Rate liability. Therefore, copies of the last 3 years audited accounts are to be submitted with the application form. Where audited accounts are not available, financial statements prepared by, or approved by, an appropriate representative shall be acceptable. For a new organisation, 12 months projected cashflow forecast is required.
- 4.5.2 Where an organisation has retained funds, or built up reserves, for a purpose related to the aims and objectives of the organisation, provided that the works are realistically expected to be completed within three years of the date of application, those funds/reserves may be disregarded for the purposes of the award of relief. It is accepted that funds may have to be accrued over many years to fund major projects i.e. replacing an ageing building and consideration to this will be given on an individual basis.
- 4.5.3 Relief is likely to be awarded where it is clear that the activities of the applicant are of direct benefit to the local community and the other criteria mentioned in this policy are met.
- 4.5.4 Relief may be refused or capped if it is considered that the financial cost to each Local Authority or the local community outweighs the benefits generated through the award of relief.
- 4.5.5 Organisations with unallocated reserves or substantial assets (taken to mean 6 months or more of operating costs) may be excluded from qualification or receive a reduced award if it is determined that those reserves or assets could reasonably be used to provide financial support. This will be factored into the decision making process.
- 4.5.6 To ensure there is a fair and consistent approach to the award of Discretionary Relief, all applications will be considered within the guidelines and a written record will be kept on file of the decisions and factors considered in the process. The decision record will be available free of charge to the applicant on request.
- 4.5.7 EK Services will consider applications within 21 days of the application and all supporting information being received. Where there is a delay in the notification of the outcome and the customer cannot be notified within 21 days of application, EKS will notify the customer that there be a delay in processing the application.

- 4.5.8 EK Services will notify the applicant of the decision in writing and where less than the maximum amount of relief is granted or the relief is refused, an explanation of the reasons why will be given. Where full relief is granted, the revised bill showing the award of relief will be considered sufficient notification of the award.
- 4.5.9 EK Services will not consider applications where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused. If the customer requires additional time to provide supporting documentation they should request an extension to the timescales to avoid the claim being refused.
- 4.5.10 Where an application has been refused either initially or through an appeal, further applications will not be considered within the same financial year unless;
- The use of the property changes; or
 - The objectives of the organisation change; or
 - There have been other changes that may affect EK Services' decision i.e. where an organisation has taken action to address an issue which had previously precluded an award of relief
 - The claim has been refused due to insufficient information and the organisation has provided the missing information within 28 days of the claim refusal.
- 4.5.11 There is no time limit for an organisation to make an application for Discretionary Relief. However, the maximum period for which the council will consider awarding relief is the start of the preceding financial year. For example: relief application received on 8 June 2024 – the maximum period of award that could be considered would be back to 1 April 2023

4.6 Automatic maximum awards - 'clusters'

- 4.6.1 It is recognised that there are certain classes of occupier and property that should be automatically eligible for the maximum amount of top up relief and the guidelines have been amended to take this into consideration.
- 4.6.2 The following types of organisations which provide a significant benefit to the local community and meet the corporate priorities or policy intent would automatically be considered for the 20% top up.
- Trustees of Village Halls or playing fields.
 - Uniformed youth and children's groups (such as Scouts or Girl Guides).
 - Local Groups running Community Centres.
 - Eligible organisations managing divested functions on behalf of the Council.
 - Locally affiliated branches of National Charities eg Citizens Advice Bureau, which have their own registered Charity number and specifically serve members of the local community.
 - Hospices caring for terminally ill residents of the Council where the primary funding is not from the NHS.

Where an organisation does not fall into one of these clusters, they will be assessed based on scoring criteria in Annex 1.

4.7 Period of Rate Relief

- 4.7.1 Discretionary Rate Relief will be awarded for one financial year (From 1 April to 31 March) except in circumstances where consideration is being given to awarding relief for a previous financial year within the qualifying timescales outlined in paragraph 4.5.11.
- 4.7.2 Customers receiving relief will be contacted and invited to reapply for relief on an annual basis or as specified by EK Services. EK Services will write to eligible ratepayers to advise them of the process for reapplying, as an alternative application form may be required.

4.8 Calculation of relief

- 4.8.1 Relief will be calculated as a percentage of the Business Rates bill. Should the Business Rates bill reduce within the period Discretionary Rate Relief is granted, the relief will be reduced proportionately.
- 4.8.2 If the Business Rates bill increases within the period Discretionary Rate Relief is granted i.e. an increase in rateable value, the amount awarded will not automatically be increased. In such cases, EK Services, upon request of the customer, will reconsider the application and may award additional relief.
- 4.8.3 In the interests of transparency the following criteria will be used, to determine the levels of either Discretionary or Top up Discretionary Relief.

- **Alignment to relevant corporate priorities**

The organisation must demonstrate its alignment to the relevant corporate priorities, through the application form, its constitution, aims, objectives and physical delivery to the community

- **Access to services and affordability**

The organisation must demonstrate its access to services, any charging policies, and concessionary rates, through the application form, its website, its constitution or any other evidence

Organisations that provide free services to all members of the community or positively discriminate citizens on low income / Welfare Benefits will score highly. However, organisations that are members only or have limited or no concessions will not score highly.

- **Service provision and availability**

The organisation must demonstrate how its service provision compliments or substitutes for Council Services and whether there are any other service providers within the area that deliver the same or similar services, through the application form, its constitution, aims, objectives and physical delivery to the community

Where there is a single organisation that provides these services to all members of the community it will score highly. However where multiple organisations are providing the same service they will not score as highly.

- **Residents participation**

The organisation must demonstrate what proportion of the Council’s community is benefitting from the service provision, through the application form, its website or other collateral and specific group feedback within the community

Scoring will be based upon the % of local service users with a higher score being allocated where the % of local residents benefitting is the highest.

- **Financial status and funding**

The organisation must demonstrate where its funding streams come from, through the application form, accounts, Charity Commission or an initial income forecast if recently created

Organisations that have the majority or all of their income received through grants, donations or self-funding and is used for expenditure providing the services will score highly. However organisations that have significant operating surpluses and the means to pay the Business Rates due will not score highly.

4.9 Authority to process applications and award Relief

4.9.1 In the interests of efficiency, the authority to consider applications is delegated and shown below

Thresholds – Value of relief	Position of Authority	Counter Authority
Up to £10,000	Business Rates Officer	Senior Business Rates Officer and Client Officer
£10,001 to £30,000	Senior Business Rates Officer	Business Rates Manager and Client Officer
Over £30,000	Business Rates Manager	Business Rates Manager and Client Officer
Where relief applied will exceed annual budget	Business Rates Manager	Business Rates Manager to review and Client Officer to approve and refer for Executive / Cabinet decision.

4.10 Special Provisions

4.10.1 The full 20% ‘top up’, discretionary relief may be applied to charity shops and other premises but will normally only be awarded if the charity is a local one, not a national one (a local charity is defined to be one who only operates in the particular Council area or who are part of a national Charity but whose accounts and finances are specific to a local area). If the premises are operated by a national charity that does not exist to wholly or mainly benefit the residents of the local area, then discretionary relief will not normally be awarded to ‘top up’ the 80% mandatory award.

4.10.2 EK Services will consider the contribution and benefit that the charity has to the local community.

4.10.3 Charity shops that sell wholly or mainly donated goods may be granted a higher amount of relief than those that sell mainly bought-in (new) goods.

4.10.4 Discretionary Relief for clubs will not normally be granted if the organisation operates a bar and the majority of the income into the organisation is from bar takings. Membership must be active rather than social membership and wholly or mainly benefit the residents of the local area. Consideration to award relief will only be given if the club is able to fully demonstrate that the bar is not the primary or significant attraction for the majority of the members.

4.10.5 Schools with Academy status will not normally be awarded Discretionary Relief to top up the mandatory award.

4.11 Backdating Applications

4.11.1 Applications from 1 April 2024 will be considered in line with paragraph 4.5.11

4.11.2

5.0 Relief for properties that are partially occupied for a temporary period (Section 44A)

5.1 Legal Requirements

5.1.1 Under section 44A of the Local Government Finance Act 1988 a Local Authority has the discretion to allow rate relief where a property is partly occupied for a temporary period.

5.1.2 The definition of a 'temporary period' is not prescribed with the law and therefore EK Services, using delegated authority, have discretion to decide the period relief should be awarded.

5.1.3 Partially occupied rate relief (also referred to as Section 44A Relief) is not intended to be used where part of a property is temporarily not used. The intention is aimed at situations where there are practical difficulties in occupying or vacating part of the property. Rate relief will not be awarded in respect of partly occupied property where the partial occupation of the property may be considered to arise due to the ordinary day-to-day nature of the business (for example the operation of a warehouse).

5.1.4 Partially occupied rate relief cannot be granted retrospectively. Applications will only be considered if partial occupation exists at the time the application is made.

5.2 Financial Impact

5.2.1 Following the introduction of the Business Rates Retention scheme 2013/2014 there is a cost to each Local Authority in every award of relief.

5.2.2 EK Services recognises that awarding this relief is beneficial to local businesses, particularly when creating jobs and growth within the Council's geographical areas. The application will be considered favourably where the following criteria are met.

- Where the award would stimulate Economic gains to the Local area, measured by job creation

- Where a company is considering moving to the area and will be taking occupation of the premises in a phased approach, such as a disused factory premises, which is subject to redevelopment

5.2.3 EKS will work closely with the client officers and the individual Council's Economic Development Teams to understand the impact of the Business to the Council area and to ensure all avenues of support are made available to the organisation.

5.2.4 Applications for relief will not be considered under the following conditions:

- Where the premises are being refurbished or re-stocked
- Where the Ratepayer is moving out of the EKS area, in a phased vacation
- Where the application is received after the period of temporary vacation has ceased (retrospective applications).
- 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.
- Where the Council deem that it may be appropriate to request the Valuation Officer to split the assessment.

5.3 Persons who can make application

5.3.1 Applications must be made by the ratepayer or an individual /company acting on the Ratepayer's behalf, with a signed letter of authority.

5.3.2 EK Services will require a written application, clearly stating the reasons for the relief award and the benefits to the local economy. In addition, the ratepayer must supply a plan of the property, with the unoccupied portions clearly identified and any timeline for reoccupation of the area.

5.4 The decision-making process

5.4.1 There are no restrictions in the provisions of a Section 44A Relief, regarding the type of property or circumstances in which relief can be awarded, however due regard must be made to the cost to the Local Taxpayer.

5.4.2 Once EK Services has received an application, the relief will be considered in line with the criteria set out in this policy.

5.4.3 EK Services may require accompanied access to the property during normal working hours to verify the application. Further access may be required under the same conditions during the period for which relief is being awarded.

5.4.4 Relief will not be awarded under any circumstance where it is not possible to verify the information submitted on the application.

5.4.5 EK Services will consider applications within 21 days of the application and all supporting information being received. Where there is a delay in the notification of the outcome and the customer cannot be notified within 21 days of application, EKS will notify the customer that there be a delay in processing the application.

5.4.6 EK Services will notify the applicant of the decision in writing and where the relief is refused, an explanation of the reasons why will be given.

- 5.4.7 EK Services will not consider applications where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.
- 5.4.8 To ensure there is a fair and consistent approach to the award of Section 44a Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.
- 5.4.9 Some examples of circumstances where relief may be considered appropriate are:
- Where full occupation is being phased in over a period of time. This may be due to relocation to the District.
 - Where there are difficulties fully occupying the property due to short-term practical or financial restraints.
 - Temporary occupation, for example due to remedial building or refurbishment works, fire damage or similar.
- 5.4.10 Partly occupied relief will not normally be considered where partial occupation of a property is down to mechanical failure of machinery.

5.5 Period of Section 44A Relief

- 5.5.1 Section 44A Relief will only be applied to a property that is partly occupied for a temporary period.
- 5.5.2 Section 44A Relief will end under the following circumstances:
- At the end of a financial year, regardless of the date relief was applied
 - Where all or part of the unoccupied area becomes occupied
 - The person liable for Business Rates changes
 - Where the whole of the property becomes unoccupied.
 - A new award is made which supersedes the previous award.
 - Where EKS are unable to verify, following reasonable notice, that the area remains unoccupied.
- 5.5.3 A new application may be submitted immediately by the customer if relief ends due to the end of a financial year, the person liable for Business Rates changes or where EKS are unable to verify the area remains unoccupied.

5.6 Calculation of Section 44A Relief

- 5.6.1 Where EK Services agrees to award a Section 44A Relief, we will notify the Valuation Officer to seek a reduction in the rateable value. EK Services cannot be held responsible for any delays in the Valuation Officer providing this information to the Council.

- 5.6.2 The amount of relief is calculated on a statutory basis based on the rateable value of the empty portion of the property. The appropriate rateable value is provided to EK Services by the Valuation Office Agency.
- 5.6.3 EKS will not apply to the Valuation Officer for a determination of relief amount until it has confirmed the eligibility for an award.

5.7 Authority to Award Section 44A Relief

- 5.7.1 In the interests of efficiency, the authority to consider applications is delegated and shown below:

Thresholds – estimated value of award	Position of Authority	Counter Authority
Up to £10,000	Business Rates Officer	Senior Business Rates Officer and Client Officer
£10,001 to £30,000	Senior Business Rates Officer	Business Rates Manager and Client Officer
Over £30,000	Business Rates Manager	Client Officer
Where relief applied will exceed annual budget	Business Rates Manager	Client Officer to approve and refer for Executive / Cabinet decision.

5.8 Backdating Section 44A Applications

- 5.8.1 Where a backdated application is received, the customer will be required to produce evidence to prove the area was unoccupied for the period the relief relates to. Acceptance of such evidence is at the discretion of EK Services as retrospective applications will not normally be accepted.

6.0 Hardship Relief (Section 49)

6.1 Legal Requirements

- 6.1.1 Section 49 of the Local Government Finance Act 1988 provides a Local Authority with the discretion to reduce or remit payment of rates under the grounds of hardship.
- 6.1.2 EK Services, using delegated authority, can reduce or remit the payment of rates where it is satisfied that the customer would sustain hardship if we did not do so and that it is reasonable award relief, having taken into account the interests of the Council Tax payers.
- 6.1.3 There is no statutory definition of 'hardship' and it is for EK Services to decide on the facts of each case as to whether to exercise our discretion. EK Services may adopt rules for the consideration of hardship but are unable to adopt a blanket policy and each case will be considered individually.
- 6.1.4 It is the Government's guidance that remission of Business Rates on the grounds of hardship is the exception rather than the rule.

6.2 Legal Requirements – Subsidy Control

- 6.2.1 Since leaving the European Union the UK Government has introduced its own competition rules to restrict the amount of state subsidies available to businesses, ensuring trade can continue with other sovereign nations. Any relief from taxes such as business rates, could be considered as a qualifying subsidy and should be subject to the Government set limits.
- 6.2.2 Hardship Relief for businesses engaged in commercial activities, which compete with other commercial bodies or have a commercial partner, would constitute a qualifying subsidy. In such cases it would be unlikely that the organisation would be considered for Hardship Relief.

6.3 Financial Impact

- 6.3.1 The funding arrangements for relief changed when the Business Rates retention scheme was introduced in April 13. The cost of any relief awarded is shared between Central and Local Government and is a direct cost to the local taxpayer.

6.4 Persons who can make application

- 6.4.1 Applications must be made in writing by the ratepayer or their agent, where the agent has a letter of authority to act on behalf of the ratepayer.
- 6.4.2 Applications for hardship relief must be accompanied by the following:
- The most recent accounts and the last audited accounts, and
 - An up to date trading statement showing the current financial position of the business; and
 - Details of the amount of relief being requested and the period of time it is being requested for; and
 - An explanation of the benefits to the community arising from an award of hardship relief.

6.5 The Decision Making Process

- 6.5.1 Although there is no statutory necessity to complete a formal application form, it is recommended that a form be completed, as it will form a checklist of criteria to be met or questions to be answered. This will assist in speeding up the application process. An application form is available on the Council's website.
- 6.5.2 All applications will be considered on an individual basis and decisions will be made in accordance with this policy. The following examples indicate circumstances where it may be appropriate to award Hardship Relief. They are included in these guidelines in the form of broad, general principles and are not intended to be prescriptive:
- The customer will suffer hardship if the relief is not granted
 - There is a direct benefit to the ratepayer or the community or no adverse impact to other ratepayers or the community as a result of awarding relief
 - The cost to local Council Taxpayers is proportional to the benefits of the community
 - The ratepayer's business has been detrimentally affected by circumstances beyond the ratepayer's control and that do not constitute part of the normal risks in running a business i.e. a natural disaster or an unusual or uncontrollable event in the neighbourhood of the business
 - By refusing to award the relief may result in the loss of the business. The impact on local amenities must be considered if the business is the sole provider of a service in the local area i.e. the only village shop
 - By refusing to award the relief may result in the loss of the business. The impact on employment prospects in the local area must be considered i.e. if the closure results in a large number of redundancies, the social aspect of increasing unemployment and the possible negative impact in attracting further investment in the area must be considered
- 6.5.3 EK Services will only grant Hardship Relief for a period where there is clear evidence of hardship for the ratepayer concerned. This will be for a short period of time and not on an ongoing basis.
- 6.5.4 Hardship Rate Relief may not be awarded if there are alternative facilities within the area or if the business is situated in an area with adequate public transport links to alternative businesses. The granting of relief should be in the interests of the community as a whole although the legislative "test" is that the business itself has to be suffering from "hardship". If the decision is that it is not in the interests of the community as a whole to grant Hardship Relief, then the decision will be final with no rights to appeal.
- 6.5.5 EK Services will also consider applications from new businesses as well as established businesses. We recognise that a new business could also be the sole provider of a service in our local area who contributes to the health and quality of life of the Council Taxpayers generally. Where a new business applies, the Council will want to see that adequate provision has been made in any business plan to cover the normal set up costs of that business.

- 6.5.6 EK Services recognises that there may be occasional circumstances in which the use of this power is beneficial to either an individual ratepayer or the community. However, in accordance with Government guidelines it accepts that this power should be used sparingly and only in the most exceptional of circumstances.
- 6.5.7 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application.
- 6.5.8 EK Services will notify the applicant of the decision in writing and where less than the maximum amount of relief is granted or the relief is refused, an explanation of the reasons why will be given. If full relief is awarded, a revised business rates bill showing the award of relief will be sufficient notification.
- 6.5.9 EK Services will not consider applications on the grounds of hardship where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.
- 6.5.10 To ensure there is a fair and consistent approach to the award of Hardship Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.

6.6 Period of Hardship Relief

- 6.6.1 EK Services will normally only award Hardship Relief retrospectively. However, where the applicant can show that the circumstances will remain the same for a period up to the end of the current financial year, relief may be awarded for the remainder of the year.
- 6.6.2 In all cases Hardship Relief will end in the following circumstances:
- At the end of a financial year
 - A change of liable person
 - The property becomes empty or unoccupied
 - The customer enters any form of Insolvency proceedings, including but not limited to winding up, liquidation, administration or bankruptcy.
 - The customer's financial circumstances change. The customer must inform EK Services if their circumstances change, failure to do so may result in a penalty being applied.

6.7 Calculation of Hardship Relief

- 6.7.1 Hardship Relief will be calculated as a percentage of the Business Rates bill. Should the Business Rates bill reduce within the period Hardship Rate Relief is granted, the relief will be reduced proportionately.
- 6.7.2 If the Business Rates bill increases within the period Hardship Relief is granted, i.e. an increase in rateable value, the amount awarded will not automatically be increased. In such cases, EK Services, upon request of the customer, will reconsider the application and may award additional relief.

6.8 Authority to process applications and award relief

6.8.1 In the interests of efficiency, the authority to consider applications is delegated and shown below:

Thresholds – Value of award	Position of Authority	Counter Authority
Up to £10,000	Business Rates Officer	Senior Business Rates Officer and Client Officer
£10,001 to £30,000	Senior Business Rates Officer	Business Rates Manager and Client Officer
Over £30,000	Business Rates Manager	Business Rates Manager and Client Officer
Where relief applied will exceed annual budget	Business Rates Manager	Business Rates Manager to review and Client Officer to approve and refer for Executive / Cabinet decision.

6.9 Backdating Applications

6.9.1 Applications from 1 April 2024 will be considered in line with 4.5.11

6.9.2

7.0 Discretionary Relief – Localism Act 2010

7.1 Legal Requirements

7.1.1 Section 69 of the Localism Act 2011 amends section 47 of the Local Government Finance Act 1988 to replace the limited circumstances in which local authorities can currently give discretionary relief with a power to grant relief in any circumstances. This is subject to the condition that, except in the limited circumstances specified, the local authority may only grant relief if it would be reasonable to do so having regard to the interests of council taxpayers in its area. The amendments also require a local authority to have regard to any relevant guidance issued by the Secretary of State.

7.1.2 Periodically, the Government will ask local authorities to consider exercising their powers under the Localism Act for exceptional circumstances (for example the 2014 flooding which affected some businesses and is covered by a separate financial grant from Government). Where this happens EK Services will have due regard to the relevant guidance issued by the Secretary of State and award this relief as appropriate.

7.1.3 This new power was introduced in December 2011 and enacted from 1 April 2012. The Government has not issued guidance in respect of English local authorities, but councils do have to ensure that the reliefs they allow do not transgress subsidy limits. Any relief granted will have to be funded locally and the Government expects local councils to work closely with the county council on the use of the power.

7.2 Legal Requirements – Subsidy Control

7.2.1 Since leaving the European Union the UK Government has introduced its own competition rules to restrict the amount of state subsidies available to businesses, ensuring trade can continue with other sovereign nations. Any relief from taxes such

as business rates, could be considered as state aid and should be subject to the Government set limits.

7.2.2 Discretionary Relief under the Localism Act would constitute a qualifying subsidy.

7.3 Financial Impact

7.3.1 The cost of any relief awarded is fully funded by the local taxpayer.

7.4 Persons who can make application

7.4.1 Applications must be made in writing by the ratepayer or their agent, where the agent has a letter of authority to act on behalf of the ratepayer.

7.4.2 Applications for relief must be accompanied by the following:

- The most recent accounts and the last audited accounts, and
- An up to date trading statement showing the current financial position of the business; and
- Details of the amount of relief being requested and the period of time it is being requested for; and
- An explanation of the benefits to the community arising from an award of this type of relief.

7.5 The Decision Making Process

7.5.1 Although there is no statutory necessity to complete a formal application form, it is recommended that a form be completed, as it will form a checklist of criteria to be met or questions to be answered. This will assist in speeding up the application process.

7.5.2 All applications will be considered on an individual basis and decisions will be made in accordance with this policy. The following examples indicate circumstances where it may be appropriate to award Relief. They are included in these guidelines in the form of broad, general principles and are not intended to be prescriptive:

- The organisation will create substantial employment in the local community
- The organisation is working with the Council to regenerate a significant proportion of the local area, creating wealth and opportunities
- It is in the wider interests of the local Council Taxpayers to support the organisation because of the inherent benefits to the community

7.5.3 EK Services will work with the individual authority's respective officers and provide advice and support relating to Business Rates. However any decision would be reviewed and determined by the client team because of the wider aspect of this relief and its implications.

7.5.4 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application.

- 7.5.5 EK Services will notify the applicant of the decision in writing and where less than the maximum amount of relief is granted or the relief is refused, an explanation of the reasons why will be given.
- 7.5.6 EK Services will not consider applications where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.
- 7.5.7 To ensure there is a fair and consistent approach to the award of this type of Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.

7.6 Period of Relief

- 7.6.1 EK Services will normally only award this relief for a period up to the end of the current financial year or for the period specified in any Government guidance issued.

7.7 Calculation of Relief

- 7.7.1 The Relief will be calculated as a percentage of the Business Rates bill. Should the Business Rates bill reduce within the period the Relief is granted, the relief will be reduced proportionately.
- 7.7.2 If the Business Rates bill increases within the period the Relief is granted, i.e. an increase in rateable value, the amount awarded will not automatically be increased. In such cases, EK Services, upon request of the customer, will reconsider the application and may award additional relief.

7.8 Authority to process applications and award relief

- 7.8.1 In the interests of efficiency, the authority to consider applications is delegated and shown below:

Thresholds – Value of award	Position of Authority	Counter Authority
Up to £10,000	Business Rates Manager	Business Rates Manager and Client Officer
£10,001 to £30,000	Business Rates Manager	Business Rates Manager and Client Officer
Over £30,000	Business Rates Manager	Business Rates Manager and Client Officer
Where relief applied will exceed annual budget	Business Rates Manager	Business Rates Manager to review and Client Officer to approve and refer for Executive / Cabinet decision.

8.0 Appeals

8.1 Overview

- 8.1.1 There is no statutory right of appeal against a decision regarding discretionary relief made by EK Services. However, EK Services recognises that customers should be

entitled to have a decision reviewed objectively, if they are dissatisfied with the outcome.

- 8.1.2 EK Services will give consideration to all appeals in accordance with this policy and agrees to abide by the following appeals process. Aggrieved customers should make an appeal in accordance with the process.
- 8.1.3 Customers will be notified of the appeals process by EK Services in writing at the time that they are notified of the outcome of their request for discretionary relief.
- 8.1.4 Appeals against decisions to award discretionary relief will not be considered by the same Officers administering the application for relief and will normally be considered by an independent Senior Officer or Manager.
- 8.1.5 Decisions made after the appeals process has been followed will be final. Submitting an appeal does not affect the appellant's legal rights to challenge a decision made by the Council through the Judicial Review process

8.2 Persons that can appeal

- 8.2.1 Appeals may only be made by the original applicant. An appellant may appoint a third party to act on their behalf and in such cases EK Services will require written authorisation from the appellant.
- 8.2.2 Customers may appeal against the decision to award or not award relief or against the level of relief awarded. An appeal must be made within four weeks of the issue of the letter notifying them of EK Services' decision.
- 8.2.3 Any appeals received outside of the 4 week period will only be considered if EK Services are satisfied that exceptional circumstances led to the delay in submitting the appeal.

8.3 Applications for appeal

- 8.3.1 Appeals must be in writing and include the following:
 - The reasons why it is believed the decision should be amended
 - Any new or additional information relevant to the decision making process.
- 8.3.2 The appellant does not have a right to appear in person but may make a request to present evidence in person. Such requests will be considered at the discretion of EK Services, as appropriate.
- 8.3.3 EK Services can request a meeting with the customer to hear evidence in person.

8.4 Notification of the final decision following appeal

- 8.4.1 EK Services will consider appeal applications within 28 days of the application and all supporting information being received and will notify the customer should there be a delay in the consideration of the appeal.
- 8.4.2 EK Services will notify the applicant of the final decision in writing within the 28 days period and whether an appeal is refused or accepted, a full explanation of the

decision making process will be given. A written record will be kept on file of the decisions and factors considered in the process.

- 8.4.3 For Business Rates, both Discretionary Relief and Hardship Relief is the subject of separate applications. Should an EK Services Officer decide to reject the appeal in respect of Discretionary Relief they cannot offer Hardship Relief as an alternative. However, the applicant can be invited to make a separate application.

8.5 Discontinuation of Applications or Appeals

- 8.5.1 If EK Services have requested further evidence from the customer and this has not been received within the specified time given, the appeal will not be considered.

- 8.5.2 Customers will be advised in writing the reason why their application has been discontinued.

8.6 Cancellation of relief

- 8.6.1 Relief will be cancelled if:

- The applicant ceases to be the ratepayer or taxpayer or
- The property becomes empty or becomes occupied, or all or part of the unoccupied area becomes occupied or
- The use of the property changes or
- The aims or objectives of the ratepayer / taxpayer change or
- The financial circumstances for a customer change

- 8.6.2 Where relief is cancelled for any of the reasons above, a new application may be made by customers straight away

9.0 Recovery whilst a decision is pending

- 9.1.1 Once an application for discretionary relief is received, no action will be taken to recover any unpaid Business Rates until after the decision has been notified to the customer.

- 9.1.2 In the case where the customer has been notified of a decision and they exercise their rights to appeal, payment cannot be withheld pending an appeal decision. In the event that an appeal is successful, any overpayment will be refunded.

- 9.1.3 For circumstances where an application is being discontinued, recovery action will commence after the ratepayer has been notified of the discontinuation in writing.

10 Promotion of the availability of Relief

- 10.1 EK Services will proactively promote the availability of discretionary relief, in the following ways:

- All Business Rates Bills will have accompanying information explaining the availability of relief. This may be accessible on the Council website rather than in printed form.

- EK Services Officers who deal with enquiries from customers will be trained in all aspects of this policy and will actively promote the availability of relief when responding to customers enquiries
- EK Services will work in partnership with other organisations to promote the availability of relief
- Information regarding the availability of reliefs will be published on the partner Council websites

11.0 Fraud

- 11.1 The Council is committed to protect public funds and ensure reductions are awarded to the people who are rightfully eligible to them.
- 11.2 Any applicant who tries to fraudulently claim an Discretionary relief by falsely declaring their circumstances, and/or providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 11.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

12.0 Complaints

- 12.1 The Council's 'Complaints Procedure' (available on the Councils website) will be applied in the event of any complaint received about the application of this scheme.

13.0 Publicity

- 13.1 The Councils will make a copy of this scheme available for inspection on their respective websites.

14.0 Scheme Review

- 14.1 This scheme will be reviewed on an annual basis and updated as appropriate to ensure it remains fit for purpose. However, a review may take place sooner should there be any significant changes in legislation.

Annex 1 - Operational Scoring Guidelines

Methodology and scoring

In the interests of transparency the following criteria and scoring matrix will be used, to determine the levels of either Discretionary or Top up Discretionary Relief.

Each of the criteria carries a maximum of 8 points and an application receiving a certain level of points will qualify for a fixed percentage of Discretionary rate relief, as follows:-

Scoring Values	Discretionary Relief	Top up Discretionary Relief
36 points or more	100% Awarded	20% Awarded
Between 30 to 34 points	75% Awarded	15% Awarded
Between 20 to 30 points	50% Awarded	10% Awarded
Between 10 to 20 points	25% Awarded	5% Awarded
Less than 10 points	0% Awarded	0% Awarded

The only exceptions to cases subject to the criteria are the 'Included' categories, as stated previously. These cases will be granted the additional "top up" of 20% discretionary relief, automatically.

Scoring Matrix Discretionary Relief for Charities & Non Profit making Organisations

Measure 1 – Alignment to relevant corporate priorities

How is it measured?

The organisation must demonstrate its alignment to the relevant corporate priorities, through the application form, its constitution, aims, objectives and physical delivery to the community.

Description	Measure	Points
How do the organisation's objectives link into the Corporate priorities.	Significantly aligned	8
	Mostly aligned	6
	Partially aligned	4
	Limited alignment	2
	No alignment	0

Measure 2 – Access to services & affordability

How is it measured?

The organisation must demonstrate its access to services, any charging policies, and concessionary rates, through the application form, its website, its constitution or any other evidence.

Description	Measure	Points
Open to all	Free service provision and / or positive discrimination to enable affordability to less well-off groups	8
Open to most	Majority of service provision is free and any charges are affordable to all groups	6
Open to some	Elements of free service provision and some concessions for less well-off groups and any membership fees are affordable.	2
Closed Members only	Annual membership with no concessions for citizens of different groups	0

Measure 3 – Service provision & availability of alternatives

How is it measured?

The organisation must demonstrate how its service provision compliments or substitutes for Council Services and whether there are any other service providers within the area that deliver the same or similar services, through the application form, its constitution, aims, objectives and physical delivery to the community.

Description	Measure	Points
Sole provider	Sole provider of services that meet the needs of the Council and its residents	8
Two providers	Two organisations providing the same services to meet the needs of the Council	6

	and its residents	
Three Providers	Three organisations providing the same services to the Council's residents	4
Four or more Providers	Multiple providers giving the same services to the Council's residents.	2

Measure 4 – Residents Participation

How is it measured?

The organisation must demonstrate what proportion of the Council's community is benefitting from the service provision, through the application form, its website or other collateral and specific group feedback within the community.

Description	Measure	Points
Exclusive to the Council Area	90% or more of service users live within the Council area.	8
Primarily within the Council Area	Between 50% and 90% of the service users reside within the Council area.	6
Open to some	Between 25% and 50% of the service users reside within the Council area.	4
Open to few	< 25% of the service users reside within the Council area	2

Measure 5 – Financial Status & Funding

How is it measured?

The organisation must demonstrate where its funding streams come from, through the application form, accounts, Charity Commission or an initial income forecast if recently created.

Description	Measure	Points
Annual surplus is less than the Business Rates	The expenditure on activities is either equal to or greater	8

payable or making a loss	than the annual unrestricted income. All funding is received through grants or donations.	
Annual surplus is more than the Business Rates payable but less than £10k per annum.	The expenditure on activities is less than the annual unrestricted income. All funding is received through grants or donations.	6
Annual surplus is more than the Business Rates payable and is £10k - £20k per annum.	The expenditure on activities is less than the annual unrestricted income. Funding is received through grants, donations or income generation.	4
Annual Surplus is more than the Business Rates payable and greater than £20k per annum	The expenditure on activities is less than the annual unrestricted income. Funding is received through membership fees or income generation.	2
Annual Surplus is more than the Business Rates payable, greater than £20k per annum or restrictive membership practices.	The majority of funding is received through membership fees, income generation or from a bar.	0

Subject:	DAMP AND MOULD POLICY
Meeting and Date:	Cabinet – 4 December 2023
Report of:	David Parish, Head of Property Assets
Portfolio Holder:	Councillor Pam Brivio, Portfolio Holder for Housing, Skills and Education
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report: To seek Cabinet approval for the draft Damp and Mould Policy attached as Appendix 1 for operational use.

Recommendation:

- (a) That Cabinet approves the proposed Damp and Mould Policy.
- (b) That Cabinet authorises the Head of Property Assets, in consultation with the Portfolio Holder for Housing, Skills and Education, to undertake any necessary minor amendments to the policy prior to the formal review date.

1. Summary

- 1.1 Dover District Council wants to ensure that all of its tenants and leaseholders live in a safe, healthy and comfortable environment, as well as protect the structure and quality of our properties.
- 1.2 This policy sets out how Dover District Council will address issues of damp, mould and condensation within the council’s tenanted and leasehold housing stock. Including how the council intends to comply with its legal responsibilities and the Housing Ombudsman’s recommendations contained within ‘The Spotlight on Damp and Mould’ report (October 2021).
- 1.3 An Equalities Impact Assessment has been produced and consideration is given to this within 10.2 of the Policy (Appendix 1).

2. Introduction and Background

- 2.1 Dover District Council is a stock-owning Local Authority with 4,525 units of accommodation within our Housing Revenue Account (HRA). The Council understands that issues arising from damp and mould can cause distress, be a nuisance and a risk to the health and wellbeing of our tenants and leaseholders.
- 2.2 As a social housing landlord, the Council has a responsibility to its tenants to ensure that its properties meet the Decent Homes Standard and the provisions in the Homes (Fit for Human Habitation) Act 2018, and the Social Housing (Regulation) Act 2023, in particular Awaab’s Law that aims to protect tenants from damp and mould hazards, and which amends legislation to require landlords to investigate and repair reported hazards within a specified timeframe. It is therefore important that the Council has a

dedicated policy which focuses on how and what will be done in damp and mould cases, and who is responsible.

- 2.3 The Council has implemented a robust process for dealing with damp and mould and now all visitors to Council properties (contractors, Housing and Property Assets staff) are encouraged to proactively look for signs of damp and mould (and any other defects). It also includes advice on the website, through tenant newsletters on how to report problems with damp and mould and also how to minimise the causes.
- 2.4 The process includes a thorough investigation of each report with any necessary works ordered. The works are then inspected at completion, and a series of follow-up inspections are carried out to ensure any problems have been resolved.
- 2.5 The process was implemented in 2022. To date we have had 416 reports of damp and mould. We have attended 392 of these (non-attendance is due to no access or response to communication). 627 works orders have been raised, as a result of which 587 have been completed and 40 outstanding. Reports are monitored through a case tracker by a dedicated in-house resource.
- 2.6 We have re-lettered all of the original properties to request contact from the tenant and ask if they have any ongoing issues and resent a copy of the condensation advice leaflet with all letters. To date we have seen little to no response back reporting any significant issues. Broadly speaking we don't have an issue with damp and mould, but we are not complacent about the small number of properties that do have issues, whether they are related to the building or just require information and advice. For properties with particular known issues we are actively contacting tenants and re-enforcing this in the tenant's new letter.

3. Identification of Options

- 3.1 Option 1 – To approve the content of the draft policy and its operational use by DDC
- 3.2 Option 2 – Not to approve the use of the policy.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as it provides a robust policy and process to ensure that all reports of damp and mould are dealt with quickly and thoroughly, taking into account Government recommendations and good practice.
- 4.2 Option 2 is not recommended as it leaves the council without an operational policy for the use in respect of Damp and Mould.

5. Resource Implications

- 5.1 The actions to be taken within the Damp and Mould Policy will be delivered within the existing resource for the Housing Revenue Account (HRA), however, where the policy is to be implemented, there will be staff resource and budget implications.
- 5.2 Property Assets have the staffing resource to meet the seasonal demand for inspections and a works budget heading has been included within the HRA budget.

6. Climate Change and Environmental Implications

6.1 The policy and processes involved within it will improve the living environment and health of tenants whose homes are affected by damp and mould.

7. **Corporate Implications**

7.1 Comment from the Director of Finance (linked to the MTFP): Accountancy have been consulted in the writing of this report and have no further comment to add. (AC)

7.2 Comment from the Solicitor to the Council: The Principal Lawyer – Litigation and Regulatory has been consulted in the preparation of this report. There are no further comments to make.

7.3 Comment from the Equalities Officer: The Equalities Officer has been consulted in the preparation of this report regarding the Damp and Mould Policy. It does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

7.4 Other Officers (as appropriate):

8. **Appendices**

Appendix 1 – Damp and Mould Policy

Appendix 2 – Damp and Mould Policy Equality Impact Assessment

9. **Background Papers**

Housing Ombudsman Service Report – Spotlight on: Damp and Mould – Oct 2021.

Social Housing (Regulation) Act 2023

[Understanding and addressing the health risks of damp and mould in the home - GOV.UK \(www.gov.uk\).](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/90422/Understanding_and_addressing_the_health_risks_of_damp_and_mould_in_the_home_-_GOV.UK_(www.gov.uk).pdf)

Contact Officer: Tim Goss – Property Asset Manager (Housing)

Damp and Mould Policy v0.4

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1. Introduction

- 1.1 Dover District Council (the “Council”) is a stock owning Local Authority with 4,525 units of accommodation within our Housing Revenue Account (HRA). The Council understands that issues arising from damp and mould can cause distress, be a nuisance and a risk to the health and wellbeing of our tenants and leaseholders. We consider all damp and mould cases to be very serious and will take quick and effective action to resolve them, including monitoring the effectiveness of remedial actions taken to resolve the issue.
- 1.2 This policy sets out the activities and responsibilities involved in the control of damp and mould within the Council’s Housing stock. The Council aims to provide a consistent high-quality repairs and maintenance service to ensure all properties within our HRA stock are well-functioning, habitable and safe.
- 1.3 This policy has been written to ensure that wherever possible, residents are not adversely affected by the causes of damp and mould. It also outlines how the Housing and Property Assets team will be proactive in taking the necessary action to manage the causes of damp and mould.
- 1.4 This policy is based on the 26 recommendations made in the Housing Ombudsman Service Report: [Spotlight on: Damp and Mould – Oct 2021](#) as well as the Government’s guidance on damp and mould: [Understanding and addressing the health risks of damp and mould in the home - GOV.UK \(www.gov.uk\)](#).

2. Scope

- 2.1 This policy applies to all the Council-owned properties including leasehold and temporary housing properties, and Council staff involved in statutory maintenance duties, residents’ contractors, other persons, and other stakeholders who may work on, occupy, visit, or use these premises.
- 2.2 The policy only applies to Leasehold properties where the causes of damp and mould are attributed to elements which are the responsibility of the landlord (the Council) to maintain, for example rising damp in walls, penetrating damp through the external walls, leaking windows, leaking external doors or water leaks through the roof and/or attached balconies.
- 2.4 This policy should be used by all Council staff and contactors working on the Council’s behalf to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants and leaseholders within their homes.

3. Aims

- 3.1 The policy aims are to ensure that the Council provides and maintains homes that are safe, healthy and provide a comfortable environment for our tenants, as well as protect the structure and quality of our properties. The key aims are to:
 1. Improve our understanding of the housing stock in relation to damp and mould and have proactive programmes for managing this issue.
 2. Focus on working partnership with tenants and leaseholders ensuring that a safe and healthy internal environment is provided.

3. Undertake effective investigations and implement reasonable remedial repair solutions and improvements to eradicate damp and mould, including advice for preventing, managing and controlling condensation.
4. Provide relevant training to operations staff to ensure that they can conduct their duties effectively.
5. Establish detailed procedures and agree accepted practices relating to the provision of the service and this policy.
6. Maximise the available budget to deal with damp and mould problems.

4. Legislation, guidance and associated documents

The following legislation, documents and terms have informed the development of this policy and should be read in conjunction with it.

National legislation & regulations

- Defective Premises Act 1972
- Health & Safety at Work Act 1974
- The Housing Act 1985
- Landlord and Tenant Act 1985 Section 11 - Repairs and Maintenance
- Environmental Protection Act 1990
- Right to Repair Regulations 1994
- The Housing Act 1996
- Housing Health and Safety Rating System (HHSRS)
- Decent Homes Standards
- Homes (Fitness for Human Habitation) Act 2018
- Housing Ombudsman Service Report – [Spotlight on: Damp and Mould Oct 2021](#).
- Social Housing (Regulatory) Act 2023
- Understanding and addressing the health risks of damp and mould in the homes guidance

Internal

- HRA Business Plan & Planned Maintenance Programme
- Tenancy Agreement
- Void Properties Policy
- Planned & Cyclical Repairs Policy
- Rechargeable Works Policy
- Complaints Policy
- Tenancy Management Policy
- Tenant Engagement Strategy 2022-2027
- Neighbourhood Management Policy

For Reference

- BRED 245 Rising Damp in Walls
- BS 6576 Diagnosis of rising damp in walls of buildings and installation chemical DPC
- BS 5250 + A1 2016 Examines the causes and effects of condensation.

5. Definitions

5.1 For the purposes of this policy:

- 'We', 'us' and 'ours' refers to Dover District Council ("the Council") as the landlord or freeholder.
- 'Resident' refers to both tenants and leaseholders of Council owned dwellings, or where the Council is the freeholder of a building and there has majority responsibility.
- The 'policy' refers to the Damp and Mould Policy and its provisions.

6. Definitions and causes of damp and mould

Definition of damp

6.1 Damp is generally taken to mean the presence of excess moisture that, if not addressed, is likely to result in unacceptable negative consequences – e.g., deterioration of building fabric, harm to occupants, or a significant reduction in thermal performance.

6.2 Generally, damp is categorised by its cause:

- a) **Condensation** occurs when warm air meets a colder surface like a wall, window, mirror etc, then condenses producing water droplets. It can also occur in places where the air is still, like the corners of rooms, behind furniture or inside wardrobes. It is the most common type of damp and can occur where penetration and rising damp are present as these defects will introduce excess moisture into a property. It is essential that penetrating and rising damp is properly investigated before concluding that the cause of the damp is just condensation.
- b) **Penetrating damp** is caused by moisture penetrating into the house through leaking or cracked pipework, a damaged roof, blocked guttering, gaps around window frames and cracked or defective rendering and brickwork. All these problems can be remedied.
- c) **Rising damp** is caused by moisture absorbed from the soil travelling upwards into the walls and floors. Common causes are blocked cavities, poor detailing, and soil higher than damp proof courses. Defective (or non-existent) damp proof courses can also cause rising damp however contrary to popular belief this is less likely to be the cause of rising damp.
- d) **Traumatic damp** can be caused by leaking water from waste and heating pipes, overflowing baths or sinks, burst pipes or defective water storage vessels inside the building. It can also originate from outside the property, for example from both building or from environmental flooding.

Definition of mould

- 6.3 Mould is a natural organic compound that develops in damp conditions and will only grow on damp surfaces. This is often noticeable and present in situations where condensation damp is present. Spores allow the mould to grow and if not treated correctly will spread to soft furnishings, stored cloths and personal belongings and can lead to health issues.
- 6.4 Mould can form on any surface where there is excessive moisture present (80% moisture content and above) and is common in all three causes of damp as listed above.

Health impacts of damp and mould

- 6.5 Damp and mould within the home can be harmful to the health of residents. Sufficient evidence has been found to link exposure to indoor mould with upper respiratory tract symptoms, coughing, and wheezing in otherwise healthy people. People living in homes with damp and mould may also experience depression and anxiety due to the conditions. Damp and mould related health outcomes may affect people regardless of age or current health; the elderly and children are most at risk.
- 6.6 The Council advises any resident(s) who are concerned about any symptoms they are experiencing which they believe to be a result of damp and mould exposure to consult a healthcare professional at the earliest opportunity.
- 6.7 There are a variety of housing conditions that put people at an increased risk of exposure to damp and mould. These include:
- Homes where residents feel unable to open windows due to concerns about security, noise, or high outdoor pollution.
 - Homes that are poorly or inadequately insulated.
 - Homes with inefficient or ineffective and expensive to run heating systems.
 - Homes that are poorly ventilated.
 - Homes without adequate damp proof courses.
 - Homes that are poorly maintained.
 - Homes that are overcrowded.

7. Policy statements

Our approach

- 7.1 In accordance with 3.6.2 of the Tenancy Agreement, tenants must let us know of any repair needed or damage caused to the property within a reasonable time of them becoming aware of this, however, the Council will continue to adopt a proactive approach to identifying properties with damp and mould and to reduce the reliance on residents to report damp and mould issues. These include:
1. Expect residents to report damp and mould directly to the Council's Housing and Property Assets teams ([Damp and Mould \(dover.gov.uk\)](https://www.dover.gov.uk)) as an alternative to directly contacting our Responsive Repairs contractor

2. Engage with residents periodically and promote the message of looking for and reporting damp and mould as soon as possible. This could be via social media, tenant newsletters and information on our website.
3. Engage with our contractors to report to the Council any significant and obvious presence of damp and mould in the locality of areas they have been commissioned to attend, and have a system in place for them to report cases to the Council where it is discovered.
4. Ensure that when renewing relevant maintenance contracts, included within the terms and conditions is for the contractor to be responsible to report damp and mould directly to the Council when they are in a resident's home carrying out maintenance and servicing work.
5. Make it the responsibility of all Housing and Property Assets team staff, no matter their role, that when visiting a resident's home, to proactively look for signs for damp and mould, and any other defect(s) which may be a potential health and safety concern to the resident(s) and report them to the Property Assets team. By 'visiting' a resident's home, this includes but is not limited to:
 - i. Stock condition surveys
 - ii. Tenancy visits
 - iii. Capital works surveys
 - iv. Response repairs, pre- and post-inspections
6. Conduct an analysis of data on an annual basis, looking at historic repairs, historic damp and mould cases and property archetypes to identify commonality, trends and defects which could lead to future damp and mould cases. The results will provide essential information to inform the capital works programme and proactive property surveys.
7. Use feedback from our Maintenance Inspectors, Planned Works Surveyors, Housing Management staff who will report damp and mould problems discovered during home visits, property inspections and when carrying out repairs'.
8. The stock condition data is being constantly verified to determine the scope of a full Stock Condition Survey to start in 2024.

Operational processes

7.2 The Council will ensure that our processes for dealing with damp and mould will include the following:

1. In conjunction with the Councils Responsive Repairs Term Maintenance Contractor, regularly review all reports of damp and mould.
2. All reports of damp and mould reported directly to Councils Responsive Repairs Term Maintenance Contractor are referred to our Property Assets team who will inspect, diagnose, specify remedial works, and then reinspect and those reported directly to the Council are also responded to by the Responsive Repairs Team.

3. Damp caused by defects found in the structure and/or fixed systems are dealt by the Council's Responsive Repairs Term Maintenance Contractor directly within the contractual response time and are also monitored by the Council.
4. All remedial work to remedy damp be it a roof leak, plumbing, condensation, or rising damp will be post inspected by the Council to ensure the work was completed satisfactorily and a follow up inspection within 3 months where possible to ensure that the works were effective at remedying the cause of the damp (although for the minor cases the follow up can sometimes be a phone call to the resident.) Where deemed necessary additional inspections shall be arranged.
5. Where mould is present, the Council will instruct its Responsive Repairs Term Maintenance Contractor to remove this with a mould wash and will continue to do this at a property until the root cause of the mould is known and remedied.
6. The Council will undertake any reasonable repairs identified that could be contributing to damp and mould.
7. In more persistent cases the Council will engage specialist contractors to survey, advise and to carry out any reasonable actions to remediate the damp and / or mould. Moisture/temperature data loggers will be used to assist damp and mould investigations. The results of the inspection and data logger if installed will be evaluated to identify any factors that may have led to damp and mould growth.

Council responsibilities

- 7.3 The Council will investigate the causes of damp and mould and commit to carrying out the required actions to ensure that the root cause of the damp is effectively dealt with.
- 7.4 The Council's responsibilities and actions include but are not limited to the following:
 - Provide an effective response repairs service, including giving advice on preventative measures.
 - Ensure that there are suitable processes in place to allow residents to raise any repairs.
 - Provide a suitable heating system.
 - Provide adequate ventilation.
 - Provide adequate insulation.
 - Deal with any reports of damp or mould timely, adequately, and efficiently
 - Investigate reports of damp and mould timely, adequately, and effectively
 - Ensure the contractors undertaking the works are doing so timely, adequately, efficiently and effectively.
 - Ensure the works completed have been successful.
 - Provide literature and guidance on how to reduce damp and mould.
 - Ensure that residents are effectively communicated with through the process.

Tenant responsibilities

- 7.5 Tenants' responsibilities include but are not limited to the following:

- Report damp and mould as soon as it becomes apparent.
- Manage condensation damp by following the guidance given by the Council and/or a contractor working on our behalf.
- Ensure that the property is adequately heated and ventilated.
- Always allow access to the property for Council staff and / or contractors to inspect and complete planned and responsive works.
- Clean mould from clothes, fabrics, carpets, and furnishings.
- Keep the property properly insulated by not dislodging or removing insulation or storing items in any loft space.
- Reduce excess moisture within the property to an acceptable level.
- Ensure that the property does not become overcrowded, in accordance with 3.2.5 and 4.1.2 of the tenancy agreement.

7.6 If the tenant fails to take the advice and reasonable steps to reduce damp and mould in their home, this may be in breach of the tenancy agreement, and the tenant may be recharged for any resulting repairs required which are considered to be a result of this neglect

Leaseholder responsibilities

7.7 The leaseholder is responsible for maintaining the inside of the property to a standard preventing the occurrence of damp, mould and condensation.

7.8 Leaseholders should report any damp and mould found in communal areas and exterior fabric of the building as soon as it becomes apparent. By communal areas we mean rooms or areas accessible by all leaseholders, visitors, DDC staff and contractors such as corridors, hallways, and stairwells. By exterior fabric we mean issues relating to exterior features such as (but not limited to) the roof, rainwater goods, etc.

7.9 Any neglect by the leaseholder to manage or carry out repairs for which they are responsible for, that consequently has a direct impact on the condition of a Council owned property will be dealt with in accordance with the lease agreement.

Complex and / or severe cases

7.10 Where extensive works are required or where the resident(s) is vulnerable and / or has complex needs and support, a case officer will be assigned to oversee and advise upon the required actions. This could include (but is not limited to) temporarily decanting residents or permanently moving residents into alternative accommodation.

7.11 When required and on advice of a specialist survey, some properties will be considered for additional permanent ventilation systems, such as a Positive Input Ventilation (PIV) or by a Mechanical Ventilation Heat Recovery (MVHR) system whichever is the best system for ensuring desired levels of humidity and good indoor air quality.

7.12 In addition, where there are incidents of cold bridging additional insulation will be installed where technically feasible.

7.13 Follow up visits will be made to ensure that the work has been effective and/or there is no repeat of the problem.

Planned preventative & capital works programme

7.14 An essential element in combating damp and mould is to renew building components & elements such as roofs, windows, doors, kitchens, bathrooms, boilers and the like when they become obsolete and/or they are at the end of their serviceable life and/or before they fail and are beyond economic repair.

7.15 The Council has a 35-year costed business plan for their stock and an ambitious capital works programme in place identifying numbers of properties and allocate addresses on an annual basis currently for;

- Boiler replacements
- Kitchen replacements
- Bathroom replacements
- Window replacements
- Pitched and flat Roof replacements
- Front and rear door replacements
- Structural Repairs including repointing
- External redecorations and associated repairs
- EPC surveys

7.16 The Council is committed to ensuring that contracts will be in place to deliver the capital works as well as contracts for servicing and general maintenance.

7.17 A contract will remain in place to maintain and service the Council's heating and hot water systems with a 4-hour emergency breakdown response time. This contract also includes our boiler replacement programme to ensure boilers are replaced before they become obsolete.

7.18 The Council has and will continue to ensure that the necessary level of investment is spent on our housing stock to keep it in a state of good repair, safe and compliant.

7.19 The specifications for these programmes will be regularly reviewed to ensure that a holistic approach to maintaining the property is achieved and that future proofing the stock from damp and mould is achieved. These will include:

- Where reasonably practicable humidistat fans will be installed as part of every kitchen and bathroom replacement to assist with ventilation.
- Loft and roof insulation and roof ventilation is to be brought up to current standard when pitched and flat roofs are replaced (currently as at the date of the roof renewal).
- New UPVC double glazed windows will have openable sashes for rapid ventilation and also trickle ventilation.

7.20 The Council will continue to explore accessing additional funding opportunities such as the Social Housing Decarbonisation Fund, by submitting bids where possible.

7.21 The Council will always adopt a holistic approach to a property when undertaking any energy efficiency works recognising that poorly designed and installed energy efficiency works can contribute towards damp and mould forming. The service will work with the necessary specialists to ensure conformity to the requirements of PAS2035.

Resident engagement and access arrangements

7.22 It is imperative that there is effective communication between the Council, residents and the contractors working on the Council's behalf when it comes to damp and mould. All three stakeholders have a key role to play in the reporting, managing and mitigating damp and mould within council properties. All engagement with residents will be in accordance with the aims as set out in the Tenant Engagement Strategy 2022-27.

7.23 The Council website provides residents with a comprehensive guide about damp and mould: [Damp in a Council Property \(dover.gov.uk\)](https://www.dover.gov.uk). It is also important for residents to notify us when there is damp and / or mould present in their home. Residents can report damp and mould directly to the Housing and Property Assets team by completing our [online questionnaire](#).

7.24 Residents with damp and mould will be given a Condensation / Mould Help Sheet leaflet (Appendix 2) providing advice about damp and mould, and in extreme / persistent cases will be provided with a thermal hygrometer to help them monitor the temperature and humidity within their homes.

7.25 Residents will be contacted by the Council and / or our contractors within 14 days from the date of initially reporting their damp and mould and will be offered a mutually agreed date for a survey. The Council and their contractors will make all reasonable attempts to access the property to carry out surveys, remedial work and for post inspections. Residents will be contacted following an abortive visit and will be written to regarding the failed attempt.

7.26 In cases of multiple failed access the Council will use the right of access as detailed in section 3.7 of the [Tenancy Agreement](#) and may take legal advice and / or action if necessary to inspect and / or carry out damp and mould remedial work.

Training and equipment

7.27 The Council will ensure that all staff within the Housing & Property Assets teams have the required training on damp and mould suitable for their role within the service, including periodic refreshers of the Building Regulations and the Building Safety Act, and basic training on the Housing Health and Safety Rating System (HHSRS).

7.28 We will ensure that staff within the Housing & Property Assets teams are provided with the necessary tools and materials to be able to undertake diagnosis efficiently and effectively.

7.29 Where the Council will work with an external contractor(s) to carry out remedial works for damp and mould cases, we will share Government guidance in the expectation that the contractors will be knowledgeable about damp and mould cases, training requirements and key performance indicators.

8. Monitoring and review

- 8.1 The Head of Housing and the Head of Property Assets are both responsible for the operational delivery of this policy and the associated procedures.
- 8.2 Staff have a responsibility to ensure that all cases of damp and mould are dealt with in accordance with this policy, as well as any separate and applicable service standards.
- 8.3 Any minor amendments required will be made through delegated approval process. Any amendments made as a result of changes to our operational processes, or government legislation and regulation will be done so by seeking approval from Cabinet following the standard governance process.
- 8.4 As part of our monitoring processes, the Council will maintain accurate records of damp and mould reports, including records of the remedial works carried out and any / all correspondence.
- 8.5 This policy will be reviewed every 2 years starting from the date it is approved and adopted for use by the Cabinet.

9. Complaints

- 9.1 The Council's definition of a complaint is:

"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or a group of residents."
- 9.2 The Council takes complaints made about any service it provides, or Officers who work for the Council who provide that service, seriously. If a resident wishes to make a complaint about the service they have received or with an officer, they can be made:
 - In writing (letter or email)
 - Using our online complaint form
 - Using the Council's Complaint leaflets (these are available at the Council's office reception, or they can be posted to the tenant / leaseholder)
 - Via telephone; or
 - In person by an appointment
- 9.3 All complaints received will be dealt in accordance with the Council's Complaints Policy and Procedure. More information about how to make a complaint can be found on our website: [If you are unhappy \(dover.gov.uk\)](http://dover.gov.uk).

10. Equality and diversity

- 10.1 The Council is committed to promoting equality of opportunity and to eliminating unlawful discrimination on grounds of race, age, disability, gender, sexual orientation, religion, belief, financial status, and any other differences that can lead to discrimination or unfair treatment considering the principles of the Equality Act 2010. Please see our [Equality Policy](#) for more details.

10.2A full Equality Impact Assessment (EIA) was conducted for this policy and in accordance with our Public Sector Equality Duty (PSED) when carrying out duties (s149 of the Equality Act 2010), and mitigations put into place where potential negative impacts to individuals with protected characteristics have been identified.

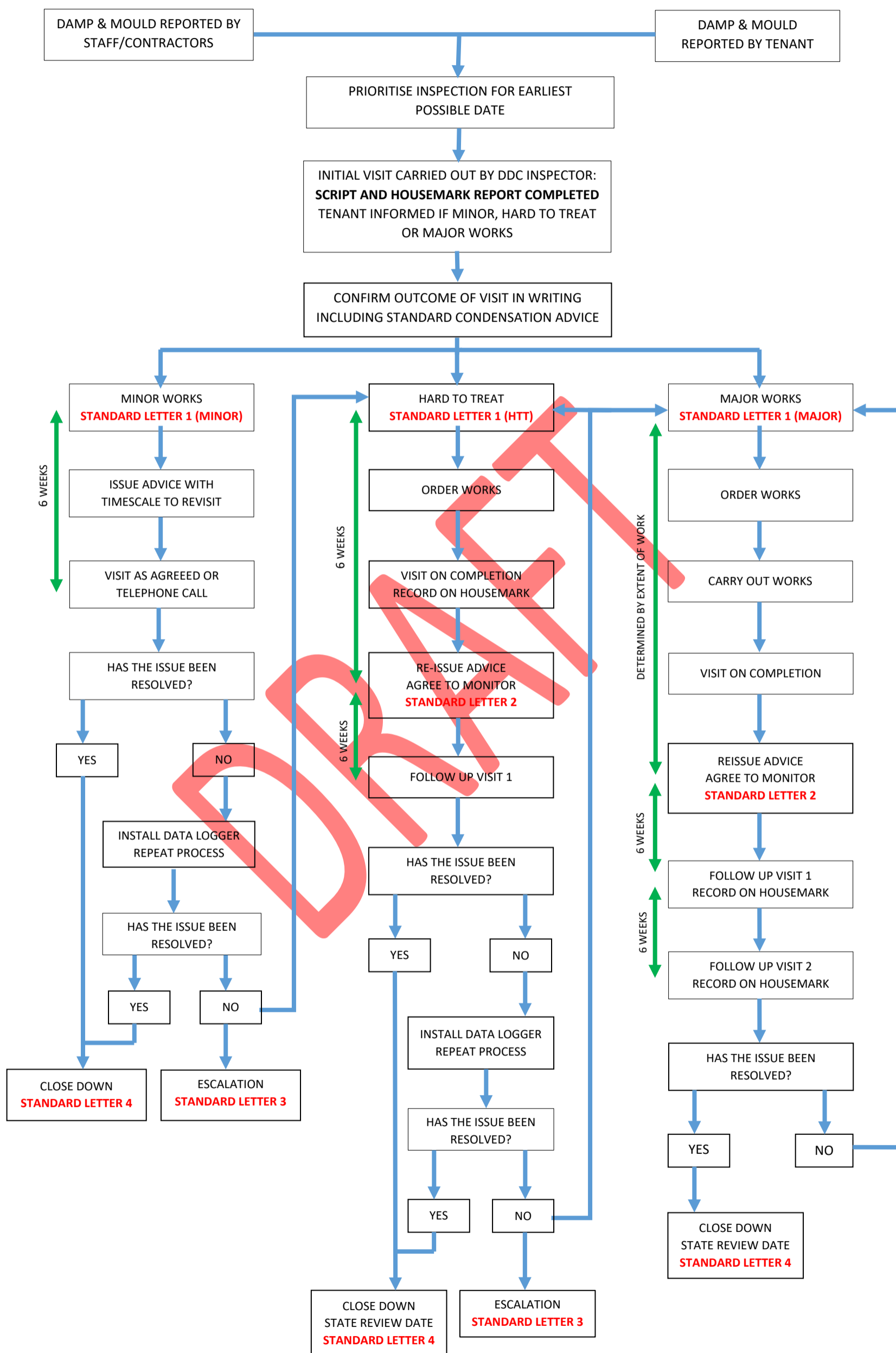
11. Data privacy

11.1 All data captured in relation to damp and mould, and any subsequent repairs that are required to remedy the situation is covered under the Councils [Housing Service Privacy Notice](#).

12. Version control

	Date required	Completed	Completed by
Policy adopted			
Review required			
Review required			
Review required			
Review required			

Annex 1: Damp and Mould Process Chart



Appendix 2: Condensation / Mould Help Sheet

Dover District Council Housing Services

Condensation / Mould Help Sheet

Simply put, condensation will form on cold surfaces when the temperature falls below the moisture content of the air.

The moisture will turn to water on the cold surfaces and if left, cause mould to grow. If a problem with your property is causing condensation, will we investigate this thoroughly.

SIGNS OF CONDENSATION

The most common sign will be water on the glass of the windows and possibly on mirrors and any other cold surface such as cold water pipework.



A 'musty' smell when opening cupboards and wardrobes

In some circumstances, mould on clothing and furniture.

WHAT TO DO TO PREVENT MOULD GROWTH WHEN TRYING TO REDUCE THE RISK OF CONDENSATION

Regularly wipe water from windows and sills. Removing the water will prevent the growth of mould. Open affected cupboards and wardrobes to allow air to circulate. How often you will need to do this will depend on circumstances.

Move furniture a little away from walls to allow air to circulate during the colder months.

HOW TO REDUCE THE RISK OF CONDENSATION

This can be done by either balancing the temperature by changing how you use your heating system, or reducing the moisture in the air, or a mix of both.

There is no simple solution and it does require trying different things.

BALANCE THE TEMPERATURE

Try to keep an even temperature in your home for as long as possible to avoid extreme high and low levels.



It is more efficient to keep a slightly lower temperature throughout the day than it is to let you home get too cold and then turn the heating up to a high setting. Try not to let the temperature fall below 17°C at all times.

If you have concerns about the cost of having your heating on for a long time, then it is important that you try to reduce the moisture in the air to reduce the risk of condensation

REDUCE THE MOISTURE

The highest risk times for condensation is at night time when the heating is usually at its lowest and the outside temperature is also at its lowest. If there is a lot of moisture in the air then this is when it will likely turn to water when it touches a cold surface.

If possible, make sure your trickle vents are open, or your windows are locked on the nightlatch facility. Reduce the moisture building up during the day by using extractor fan when cooking and bathing, and letting them run for 10 minutes afterwards.

It is always helpful to open windows, if only for a few seconds. This allows moist air out and fresh dry air in and it doesn't waste as much heat as you would think.

If you have to dry clothes indoors, do not use radiators, it is much better to use a clothes airer in a room with the door closed and window open.



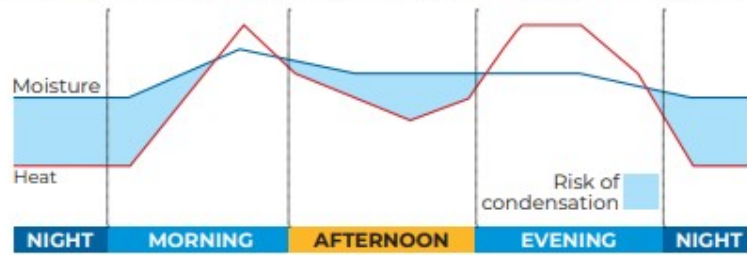
Visit our website for more detailed explanations and advice. Scan the QR code or type in www.dover.gov.uk and search for 'condensation'



When is condensation a risk?

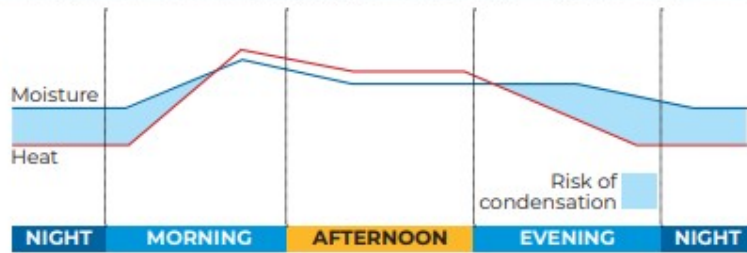
Typical Environment

When the moisture line is above the heat line, condensation will form.



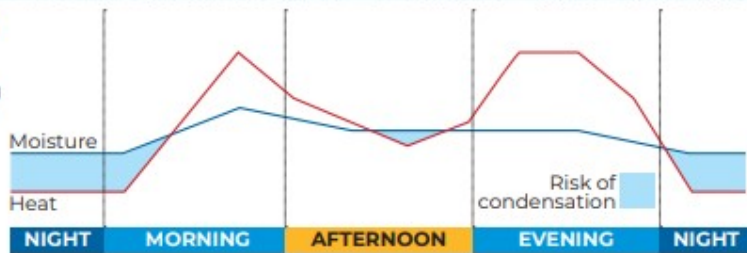
Balance Heating

Balancing the heating will stop high peaks throughout the day without reducing moisture.



Reduce Moisture

If you can't balance your heating, reducing the moisture will help and you will mainly see condensation at night time.



Balance Heating and Reduce Moisture

If you are able to balance the heat and reduce moisture this is the best way to combat condensation.



Visit our website for more detailed explanations and advice. Scan the QR code or type in www.dover.gov.uk and search for 'condensation'





Equality Impact Assessment

Damp and Mould Policy

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Document details

Title	Damp and Mould Policy
Document type	Policy
Version submitted for decision	TBC
New or Existing document	New document
If this is an existing document, is this a major or minor change?	Major change
Decision makers	Cabinet
Type of decision	Approval and adoption
Date of decision	4 December 2023

Responsible department	Housing and Property Assets
Are other departments or partners involved in delivering this strategy, policy, plan, or project? If 'Yes' please provide details.	Yes Officers in the following teams will be involved to some extent in the Policy's implementation and delivery: <ul style="list-style-type: none"> • Housing Services

Contact Officer: Perry DeSouza, Housing Policy Officer (ext. 42137)

Purpose of the Equality Impact Assessment

The Equality Act 2010 replaced the previous anti-discrimination laws with a single Act simplifying the law by removing inconsistencies, making it easier to understand and therefore comply with it, and strengthens it to help tackle discrimination and inequality. The Act came into force on 1 October 2010.

The Public Sector Equality Duty (PSED) came into force on 5 April 2011. The duty ensures that all public bodies, including the Council:

- play their part in making society fairer by tackling discrimination and providing equality of opportunity for all; and
- consider the needs of all individuals in their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

PSED encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet the needs of different groups of people. Where activities may have an impact to one particular group of people, public bodies are required to identify mitigations that will either lessen the impact or provide an alternative solution to meet the needs of that particular group.

By understanding the effect our activities have on different groups of people, and how inclusive our services can support and increase people's opportunities, the Council will be better placed to deliver policies and services that are efficient and effective.

This Equality Impact Assessment (EIA) helps the Council to ensure that we fulfil our legal obligations as per the PSED and to have due regard to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Applicable legislation and regulations

The following legislation and regulations apply to the proposed policy:

- Defective Premises Act 1972
- Health & Safety at Work Act 1974
- The Housing Act 1985
- Landlord and Tenant Act 1985 Section 11 - Repairs and Maintenance
- Environmental Protection Act 1990
- Right to Repair Regulations 1994

- The Housing Act 1996
- Housing Health and Safety Rating System (HHSRS)
- Decent Homes Standards
- Homes (Fitness for Human Habitation) Act 2018
- Housing Ombudsman Service Report – Spotlight on: Damp and Mould – Oct 2021.
- Social Housing (Regulatory) Act 2023

The following Council strategic documents relate to this policy:

- HRA Business Plan & Planned Maintenance Programme
- Tenancy Agreement
- Void Properties Policy
- Planned & Cyclical Repairs Policy
- Rechargeable Works Policy
- Complaints Policy
- Tenancy Management Policy
- Tenant Engagement Strategy 2022-2027
- Neighbourhood Management Policy

1. Summary

Dover District Council (the “Council”) is a stock owning Local Authority with 4,525 units of accommodation within our Housing Revenue Account (HRA). The Council understands that issues arising from damp and mould can cause distress, be a nuisance and a risk to the health and wellbeing of our tenants and leaseholders.

As a social housing landlord, the Council has a responsibility to its residents to ensure that its properties meet the Decent Homes Standard and the provisions in the Homes (Fit for Human Habitation) Act 2018, and the Social Housing (Regulation) Act 2023 in particular Awaab’s Law that aims to protect tenants from damp and mould hazards, and which amends legislation to require landlords to investigate and repair reported hazards within a specified timeframe. It is therefore important that the Council has a dedicated policy which focuses on how and what will be done in damp and mould cases, and who is responsible.

This equality impact assessment (EIA) has been undertaken in accordance with the public sector equality duty (PSED) as stipulated in Section 149 of the Equality Act 2010. The EIA has identified some potential positive impacts for some protected characteristics ‘age’ ‘disabled’, and ‘pregnancy and maternity’. However, we have provided what our mitigative actions will be that will improve the outcomes for these protected groups in cases of damp and mould.

2. Information

2.1 People most at risk of health issues from damp and mould

While damp and mould pose a risk to health of all residents, staff, visitors, and contractors and should be acted on quickly, it is particularly important that damp and mould cases are addressed with urgency for groups who are more vulnerable to significant health impacts. People who fall into one or more of the following categories are likely to be particularly vulnerable to the health impacts of damp and mould. These include:

- People with pre-existing health conditions (such as, allergies, asthma, COPD, cystic fibrosis, other lung diseases and cardiovascular disease) who are at risk of their condition(s) worsening and have a higher risk of developing fungal infections and / or additional allergies.
- People of all ages who have a weakened immune system, such as people who have cancer or are undergoing chemotherapy, people who have had a transplant, or other people who are take medications that suppress their immune system.
- People living with a mental health condition.
- Pregnant women, unborn babies and women who have recently given birth, which may have weakened immune systems.
- Children and young people who organs are still developing and are therefore more likely to suffer from physical conditions such as respiratory problems.
- Children and young people are at risk of worsening mental health.
- Older people.
- People who are bedbound, housebound or have mobility problems making it more difficult for them to get out of a home with damp and mould.

2.2 Groups who are most likely to live in homes with damp and mould

In the 'Understanding and addressing the health risks of damp and mould in the home' guidance, the Government identified that certain groups of people are more likely than others to live in homes with damp and mould. These include:

- People who struggle to heat their homes and / or are experiencing fuel poverty
- People on low incomes
- People with disabilities and / or long-term illnesses
- People who are blind / visually impaired
- People from ethnic minority backgrounds
- People living in temporary accommodation

2.3 Household conditions that can increase the risk of damp and mould

There are a variety of housing conditions that put people at an increased risk of exposure to damp and mould. These include:

- Homes where residents feel unable to open windows due to concerns about security, noise, or high outdoor pollution.
- Homes that are poorly or inadequately insulated.
- Homes with inefficient or ineffective and expensive to run heating systems.
- Homes that are poorly ventilated.
- Homes without adequate damp proof courses.
- Homes that are poorly maintained.
- Homes that are overcrowded.

2.4 Aim of the decision

The aim of this decision is for Cabinet to give their approval of the content in the proposed policy, and for the policy to be adopted and implemented.

2.5 Aim of the policy

The aim of the policy is to take reasonable action to identify, remedy and provide advice on damp and mould in social housing and leasehold properties in order to ensure a safe, healthy and comfortable environment for our tenants and leaseholders, as well as to protect the structure and quality of our properties.

2.6 Intended outcome(s)

The intended outcomes of this policy are to ensure:

- Wherever possible that tenants and leaseholders are not adversely affected by the causes of damp and mould.
- That causes of damp and mould are dealt with effectively and within given timeframes.
- That tenants and leaseholders are aware of their responsibilities when dealing with instances of damp and mould.
- That the Council drives forward an agenda of proactive action to tackle / manage the causes of damp and mould.

2.7 Intended beneficiaries

The scope of the policy will apply to all Council tenants and leaseholders.

2.8 Main stakeholders

The main stakeholders in relation to this policy are:

- Tenants
- Leaseholders
- Household members
- Family members of tenants and leaseholders
- DDC staff
- Contractors
- Councillors

3. Assessment of the decision

The table below assesses if the decision is likely to be relevant to the three aims of the Equality Duty.

If the decision is relevant to the three aims of the Equality Duty, the Impact and Mitigations table must be completed to show how it is relevant and what the impact(s) will be.

Aim	Relevance Yes/No
Eliminate discrimination, harassment, victimisation.	Yes
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.	Yes
Foster good relations between persons who share relevant protected characteristics and persons who do not share it.	Yes

4. Impact and Mitigations

Characteristic	Relevance High/Medium/Low	Impact of the decision Positive/Neutral/ Negative	Reasons for impact	Mitigations
Age	Medium	Positive	Very young / household members and very old tenants / household members are likely to be impacted by the effects of ongoing damp and mould issues.	This will be mitigated by quick evaluation and resolution of any problems which may occur. If the tenant / leaseholder is considered to be vulnerable reasonable adjustments can be made to make the remedial action quicker.
Disability	Medium	Positive	Tenants / leaseholders with a disability, long-term illnesses, or who are blind / visually impaired may be unable to resolve the damp and / or mould problems themselves and may need assistance to help with the causes.	This will be mitigated by quick evaluation and resolution of problems which may occur. If the tenant / leaseholder is considered to be vulnerable reasonable adjustments can be made to ensure the remedial action is quicker.
Gender	Low	Neutral	The policy will have no impact.	
Gender reassignment	Low	Neutral	The policy will have no impact.	

Marriage and Civil Partnership	Low	Neutral	The policy will have no impact.	
Pregnancy and Maternity	Medium	Positive	Pregnant women / expectant mothers are likely to be impacted by the effects of ongoing damp and mould issues.	This will be mitigated by quick evaluation and resolution of any problems which may occur. If the tenant / leaseholder is considered to be vulnerable reasonable adjustments can be made to make the remedial action quicker.
Race	Low	Positive	According to Government guidance, some households of ethnic minority background may be impacted by the effects of ongoing damp and mould issues.	This will be mitigated by quick evaluation and resolution of any problems which may occur. If the tenant / leaseholder is considered to be vulnerable reasonable adjustments can be made to make the remedial action quicker.
Religion, Belief or Lack of Belief	Low	Neutral	The policy will have no impact.	
Sexual Orientation	Low	Neutral	The policy will have no impact.	

Subject:	STRATEGIC PERFORMANCE DASHBOARD: QUARTER TWO 2023/24
Meeting and Date:	Cabinet – 4 December 2023 Overview and Scrutiny Committee – 11 December 2023
Report of:	Rebecca Brough, Head of Corporate Services and Democracy
Portfolio Holder:	Councillor Sue Beer, Portfolio Holder for Finance, Governance, Climate Change and Environment
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report:	To provide a summary of progress, using trends, against key performance indicators for the period July to September 2023 (unless otherwise stated and shown in detail at Appendix 1).
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Recommendation:	To note the Council's Strategic Performance Dashboard.
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1. Summary

- 1.1 The Quarter Two 2023/24 Strategic Performance Dashboard, detailed at Appendix 1, covers the period July to September 2023. It aims to provide staff, members, and residents with an overview of how the Council, and East Kent Services, are performing against several key performance indicators (KPIs). It incorporates comments from Heads of Service on their service area's performance and an overall summary of performance during the quarter.
- 1.2 As reported last quarter, the 12-months trial period for the Strategic Performance Dashboard, with its new presentation of performance data, has concluded. Consequently, we are reviewing our whole Performance Management Framework, to introduce new strategic and operational performance indicators. These will be closely aligned to our new Corporate Plan, which is being developed following the local elections in May 2023.
- 1.3 Should members wish to receive more detail regarding any of the KPIs, we ask they contact Leadership Support (contact details at the end of this report) in advance of the committee meeting so that the relevant Heads of Service can provide a full briefing.

2. Introduction and Background

- 2.1 Effective performance management supports the delivery of the Council's aims and objectives.
- 2.2 On 6th June 2022, Cabinet approved a new Strategic Performance Dashboard to replace the existing quarterly Performance Report; to be trialled for a 12-month period (during the financial year 2022/23). This new approach moved away from target setting (except for contractual performance) towards more trend analysis and narrative.

- 2.3 The aim of the Strategic Performance Dashboard is to provide clearer strategic information, better insight as to key issues and trends, and inform problem-solving discussions, where necessary.
- 2.4 The trial period has concluded, and we are now reviewing our Performance Management Framework (PMF). Any changes to the PMF will be brought to Cabinet for approval. The Council's PMF sets out the overall high-level approach that we will take in managing our performance. The aim of the PMF is to provide a basis for consistency in the way that we manage performance and connect across the Council – a 'one council' approach which will encourage members, officers, and partners to work together to deliver priorities. The PMF will be closely aligned to the new Corporate Plan and Risk Management Framework. We will continue with the existing Strategic Performance Dashboard until the new Corporate Plan and Performance Management Framework have been adopted.
- 2.5 The Strategic Performance Dashboard includes a section to show performance within East Kent Services Partnership (EK Services) against key indicators. We monitor a more comprehensive set of indicators for EK Services, including Civica, through the monitoring structures established by the Agreements under which those services are delivered. Any areas of significant concern are capable of escalation into this quarterly monitoring report, if required.
- 2.6 With regards performance reported, overall, this is relatively steady. Specific areas of note are highlighted in the introduction section of the Strategic Performance Dashboard.
- 2.8 In July 2023, the Department for Levelling Up, Housing and Communities established the Office for Local Government (Oflog), a new performance body for local government. Oflog aims to provide authoritative and accessible data and analysis about the performance of local government and support its improvement. In the same month, Oflog launched the [Local Authority Data Explorer - DLUHC Data Dashboards](#). This is a new online tool which brings together a selection of existing metrics across a subset of service areas for data that is available at different levels of local authority. Further service areas will be added, and existing areas expanded, as the metrics are developed. There are currently four areas: waste, adult social care, adult skills, and finance. The waste and finance dashboards are referred to within the Strategic Performance Dashboard.

3 Identification of Options

- 3.1 Not applicable.

4 **Evaluation of Options**

4.1 Not applicable.

5 **Resource Implications**

5.1 There are no direct financial implications arising from this report. However, if performance is not at the expected or desired level then we may need to review or redirect resources to improve performance.

6 **Legal Implications**

6.1 There are no direct legal implications arising from this report. However, if performance is not at satisfactory levels, the risk of legal challenge arising increases.

7 **Climate Change and Environmental Implications**

7.1 There are no direct climate change implications arising from this report. However, some individual supporting projects reflect specific elements of the Council's climate change agenda. There is also a new annual KPI to monitor the 'Reduction in Dover District Council's Greenhouse Gas Emissions.' This has been updated during Quarter Two 2023/24.

8 **Corporate Implications**

8.1 Comment from the Section 151 Officer (linked to the MTFP): "The S151 Officer has been consulted in the preparation of this report and has no further comments (HL)."

8.2 Comment from the Solicitor to the Council: "The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make" (HR).

8.3 Comment from the Equalities Officer: "This report detailing the Strategic Performance Dashboard Quarter One 2023/24 does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>" (KM).

9 **Appendices**

Appendix 1 – Strategic Performance Dashboard Quarter One 2023/24.

10 **Background Papers**

None.

Contact Officer: Caroline Hargreaves, Leadership Support Officer

Dover District Council

Strategic Performance Dashboard

QUARTER TWO 2023/24 (JULY TO SEPTEMBER 2023)



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A. INTRODUCTION

- Effective performance management supports the delivery of the Council’s aims and objectives set out in our [Corporate Plan](#).¹ The Corporate Plan is currently being revised following the local elections in May 2023, which saw a change in administration.
- Dover District Council collects data on a wide range of performance to provide a high-level overview of the Council’s overall performance. The Key Performance Indicators (KPIs) reported within this Strategic Performance Dashboard provide key insights into effective service delivery across the Council’s functions and provide a focus for strategic and operational improvement and decision-making.
- Through service plans the Council carries out wider work to measure performance and quality. This report is intended to provide an overview of the contribution that the Council makes across all its activities towards achieving our vision to be “a district of ambition, inspiration, and good living – a destination of choice”.

Summary / Headline Achievements or Concerns

- As noted in the accompanying Cabinet report, the 12-months trial period for the Strategic Performance Dashboard, with its new presentation of performance data, has now concluded. Consequently, we are reviewing our Performance Management Framework, to introduce new strategic and operational performance indicators. These will be closely aligned to our new Corporate Plan, which is being developed following the local elections.
- We will continue with the existing Strategic Performance Dashboard until the new Corporate Plan and Performance Management Framework have been adopted. We are currently including Corporate Project Progress Updates for significant projects in Quarters’ Two and Four.
- The Strategic Performance Dashboard includes residual high risks from the Corporate Risk Register. These are risks that have been identified as high likelihood and high impact, and the risk remains high despite mitigation actions. Providing this information means members can be clear on the actions we are taking to reduce those risks, wherever possible.
- With regards performance reported, overall, this is relatively steady, with specific areas of note, below:
 - a) We are pleased to report a decrease in the number of Stage Two complaints from 28 in Quarter One to 16 in Quarter Two 2023/24. There are no trends emerging in respect of Stage Two complaints that would suggest a structural problem with service delivery or the overall governance framework of the Council.
 - b) There has been an increase in our Port Health work. This rise is due to new customers as a result of our Importer (IMP) notification work for Illegal, Unreported and Unregulated fishing consignments. Port Health work is reliant on trade flows; therefore, we expect fluctuations throughout the year but the general increase in work is a direct result of leaving the EU. There is continued uncertainty from DEFRA over the border controls, the operating model to be operated and the funding and staffing requirements at Dover (and all other ports).
 - c) Data for the annual KPI monitoring the Council’s Greenhouse Gas emissions (CC001) is now available and it is positive to see that there has been a reduction of 161.4 tonnes of gas reductions across the estate. Electricity has reduced gradually across the estate, as has staff business miles.
 - d) The average days to re-let empty properties with major works are elevated because of the high volume of voids requiring substantial works before they are suitable for reletting. Void times have also been added to by delays caused by utility suppliers (beyond the Council’s control). A higher-than-usual number of properties becoming void in Quarter One due to the Napchester Road development has further impacted the contractors work programme in Quarter Two. The transition to a new lettings system, which was not fully operational until October 2023, has also affected our void figures.

¹ dover.gov.uk/Corporate-Information/Corporate-Plan/Corporate-Plan.aspx

- e) The level of homelessness in the district and the pressures it generates continue to be an issue at local, regional, and national level. This pressure is reflected in our performance figures. Unfortunately, the number of households completing a homeless application (HOM012) has risen significantly over the quarter, from 108 in Quarter One to 151 in Quarter Two (+39.8%). The number of households in temporary accommodation at the end of the quarter (HOM015) has also risen from 241 in Quarter One to 268 in Quarter Two (+11.2%). We also have four households with children or 16-to-17-year-old in Bed and Breakfast at the end of the quarter two – up from zero at the end of Quarter One (HOM016). The number of homeless families living outside the area at the end of the quarter (HOM017) has also risen significantly from 19 in Quarter One to 28 in Quarter Two (+47.4%).
- In July 2023, the Department for Levelling Up, Housing and Communities established the Office for Local Government (Oflog), a new performance body for local government. Oflog aims to provide authoritative and accessible data and analysis about the performance of local government and support its improvement. In the same month, Oflog launched the [Local Authority Data Explorer - DLUHC Data Dashboards](#).² This is a new online tool which brings together a selection of existing metrics across a subset of service areas for data that is available at different levels of local authority. Further service areas will be added, and existing areas expanded, as the metrics are developed. There are currently four areas: waste, adult social care, adult skills, and finance. The waste and finance dashboards are referred to in the relevant sections of this report.

² oflog.data.gov.uk/home

B. FINANCIAL SUMMARY: QUARTER TWO 2023/24

General Fund (GF)

The 2023/24 budget includes £1.6m of savings and income generation targets and an assumption that an underspend of £500k will be delivered at year end in line with previous year outturn positions. Progress to deliver these targets is being made, with approximately £1m achieved, including:

- £500k staff savings agreed and delivered.
- £90k rent and service income generation.
- £75k review of cost allocation to the Housing Revenue Account.
- £130k Street Cleansing savings achieved through the withdrawal of the autumn high speed road clean.

However, there remains c.£600k where further work is required. These include:

- £100k Grounds Maintenance – some savings having been achieved through vacancies; however, a full review of structure is underway by the new Head of Service.
- £200k remaining Street Cleansing - unlikely to be achieved in year, work is on-going to deliver saving for the future.
- £200k Homelessness – pressures continue on the annual budget, based on current presentation levels, and demands for the service. Work is underway by the new Head of Service to review the department and identify options for cost reduction / income generation.
- It is currently forecast that Kearsney café will break even this year and so the £62k target income will not be delivered. This compares to a £150k deficit in 2022/23, showing a positive direction of travel. The position continues to be monitored.

A £400k underspend was achieved in 2022/23, delivery of an underlying underspend for 2023/24 will remain uncertain until the outturn is finalised in Quarter One of 2024/25.

At the end of Quarter Two the following additional variances have been identified:

Description	Quarter 1 £000	Quarter 2 £000	Total £000
Parking admin computer software maintenance reduction	(48)		(48)
Port Health DDC certificate income increase	(111)	(59)	(170)
Reduction in community housing fund activity	(22)		(22)
Business rates charges for vacant Whitfield Court business park unit	55		55
Increased premises insurance for Dover leisure centre	49		49
Increased inflation on waste contract of 9.92% (budgeted 8.5%) and additional resource pressures	75	30	105
Decrease in refuse purchase of materials budget	(120)		(120)
Forecast reduction in planning application income	150	20	170
Accommodation recharge to Port Health service	(58)		(58)
Private Sector Housing increased income and service savings		(19)	(19)
Savings in Public Conveniences contract cost		(18)	(18)
Increase in cemeteries income		(13)	(13)
Increased green waste income, part offset by contribution to Kent Resource Partnership		(42)	(42)

Reduction in Land Charges income		17	17
Vacancy / salary savings	(232)	(159)	(391)
Other Miscellaneous variances		(17)	(17)
Total identified variances	(262)	(260)	(522)

There remain a number of major uncertainties which may continue to impact the outturn position. These include the economic environment, inflation and interest rate pressures, business rates collection rates and potential appeals, Council Tax collection rates, homelessness levels, supported housing costs, and the future of the Port Health service.

As detailed above the outturn position depends significantly on progress of the savings targets being delivered and the economic environment. The budget was set forecasting a deficit of £1.1m, to be funded from the Smoothing reserve. At present the changes identified in Quarter Two will nearly offset the shortfall in delivery of the savings targets and so if the underspend of £500k is achieved the use of the smoothing reserve will remain at approximately £1.1m. The position will continue to be monitored and reported accordingly.

Housing Revenue Account (HRA)

The 2023/24 budget includes a higher level of revenue works for both non-specific repairs and voids works, reflecting the challenges faced in 2022/23 to continue to improve on the quality of the stock returned to DDC from East Kent Housing.

Description	2023/24 Variances £000
Original Budgeted Deficit	2,305
Tenant and Leasehold service charges – increase in costs from 2022/23 has resulted in higher service charge income in 2023/24.	(160)
Repairs and Maintenance – increased spend on response repairs and voids contracts due to higher numbers and more complex work on voids and on-going pressures with the restorative works programme.	1,314
Saving in staffing costs	(170)
Miscellaneous Variances	9
Total identified variances	993
Revised Forecast Deficit	3,298

A working group has been established which is looking into the long-term business plan for the HRA. It will assess if the underlying long term HRA position is viable, taking into account the short-term backlog of works (currently running at £3m pa), the on-going impact of the economic environment and the retendering of the term maintenance contract.

The costs of the additional works for 2023/24 and one further year can currently be financed from the Housing Initiatives Reserve. The position is being monitored on a regular basis and reported accordingly. The HRA budget will need to be balanced by 2025/26 to support its long-term viability.

Projects Programmes

Within the project programmes, all projects approved to proceed are fully financed. The main changes in the project programmes are shown below:

Capital Projects	Current year	Total Cost of Programme
	£000	£000
Opening position as at 01/04/23	61,708	97,913
Timing changes to reflect the 2023/24 expected outturn.	(16,905)	-
New funding added to the programme for existing projects including £274k 22/23 repayments for PSH Loans and £200k DDC funded contingency for Sandwich Guildhall Forecourt improvement works.	717	717
Reductions made to the programme including £8.5m prior years expenditure removed relating to completed projects; £700k DDC funding re-allocated from Bench St Land Assembly project to Regeneration Projects provision and £200k contingency funding moved to Sandwich Guildhall Forecourt improvement works.	(1,012)	(9,671)
Other Changes including £38.9m HRA Capital projects added to create a consolidated Capital Programme and £359k prior year spend added back to programme to reflect LUF (Levelling Up Fund) bid information re Bench St Land Assembly.	28,658	40,962
Position as at 30/09/23	73,166	129,921

Special Revenue Projects	Total Cost of Programme
	£000
Opening position as at 01/04/23	20,834
Additional funding added for existing projects	117
New funding added to the programme including £351k Green Redeem Funding for Garden Waste Containerisation; £130k Levelling Up Fund Capacity Funding.	524
Reductions made to the programme including £3.5m prior year capital allocation removed and £544k spend re projects completed in 22/23 removed.	(4,107)
Other – Capital provision increase following reallocation of Special Project Reserve funding from Bench St Land Assembly (BSLA) project to Regen Projects provision following application of LUF grant in place of DDC funding to BSLA.	1,077
Position as at 30/09/23	18,445

Treasury Management

At present it is projected that investment returns for the year will exceed the budgeted level due to increased interest rates and improved returns. However, a reduction in cashflow levels has resulted in an increased level of short-term borrowing levels for cashflow management and so it is expected that, overall, the treasury management position will be approximately in-line with the combined budgets at year end.

C. OFFICE OF THE CHIEF EXECUTIVE

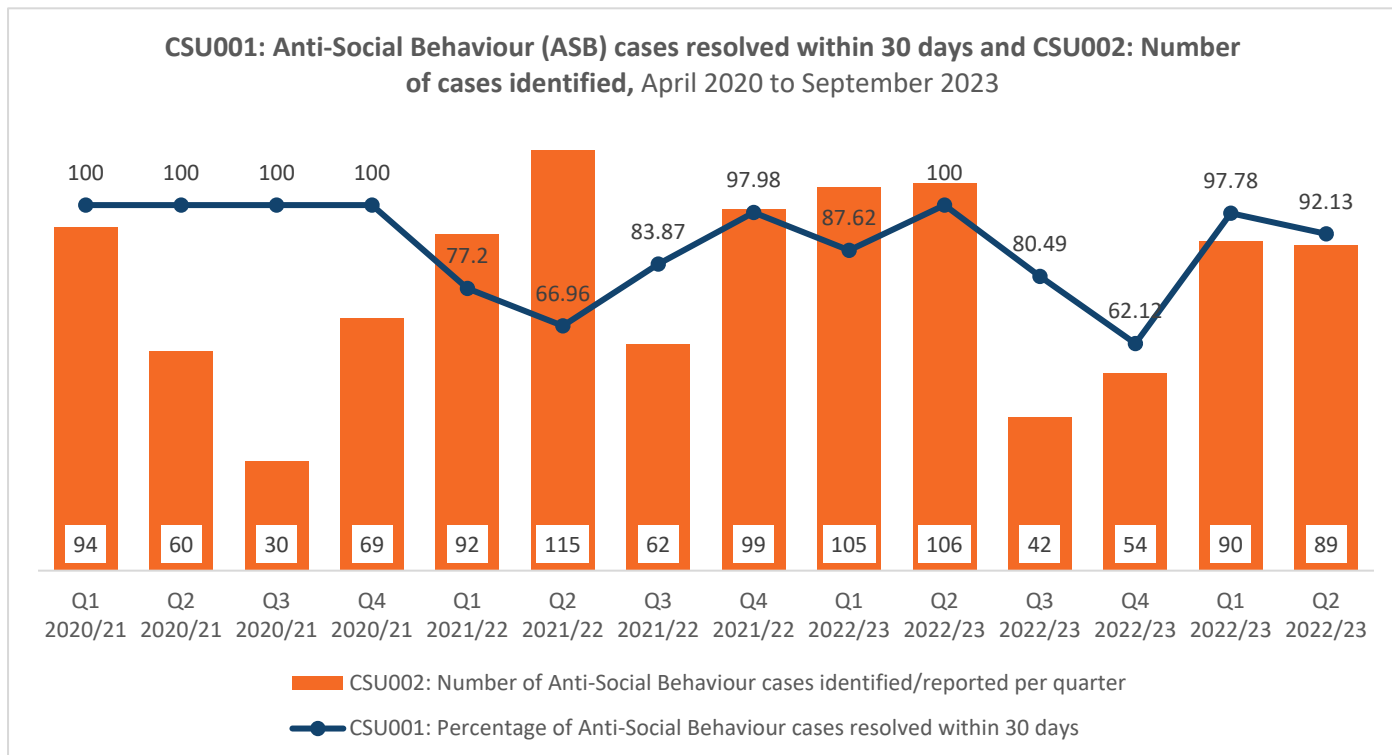
1. TRANSFORMATION

COMMUNITY SERVICES: ANTI-SOCIAL BEHAVIOUR - DISTRICT

CSU001: Percentage of Anti-Social Behaviour (ASB) cases resolved within 30 days.

CSU002: Number of cases identified.

CSU001: A high value is good; CSU002 A low value is good.



Successes and Areas of Concern – Quarter Two 2023/24

Brinley Hill, Head of Transformation

- A similar number of anti-social behaviour (ASB) cases were reported over the quarter, with 89 cases in Quarter Two compared with 90 in Quarter One 2023/24.
- The team resolved just over 92% of ASB cases over the quarter within 30 days. However, as outlined in previous performance reports, ASB cases can vary significantly in complexity, and it is not always possible to resolve some ASB challenges within 30 days; therefore, performance fluctuates depending on the cases reported.
- We took the out-of-hours service in-house from 12 July 2023, with call handling provided by our CCTV unit. Between 12 July and 28 September, the team received 296 calls, covering a range of issues.
- Our CCTV unit operates to reduce both the real and perceived level of crime. Please see our [Annual CCTV Report 2023](#)³ for details about the service.
- Other highlights this quarter include the successful establishment of, and recruitment to, our Dover Asylum and Resettlement Team (DART) as part of the government's Afghan Relocations and Assistance Policy (ARAP). Our delivery model has been highlighted as best practice by the Home Office and Ministry of Defence. We are also providing ongoing support for the Homes for Ukraine Scheme.

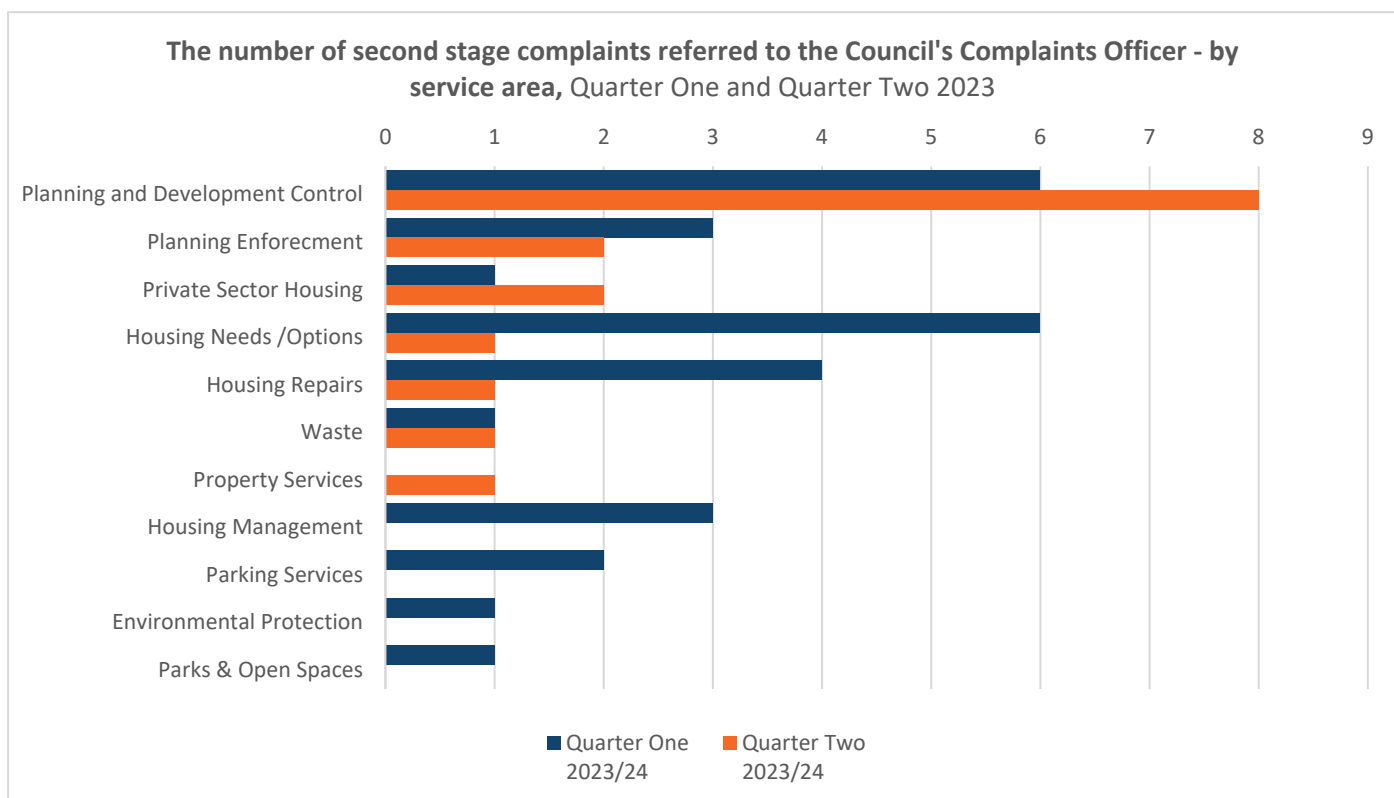
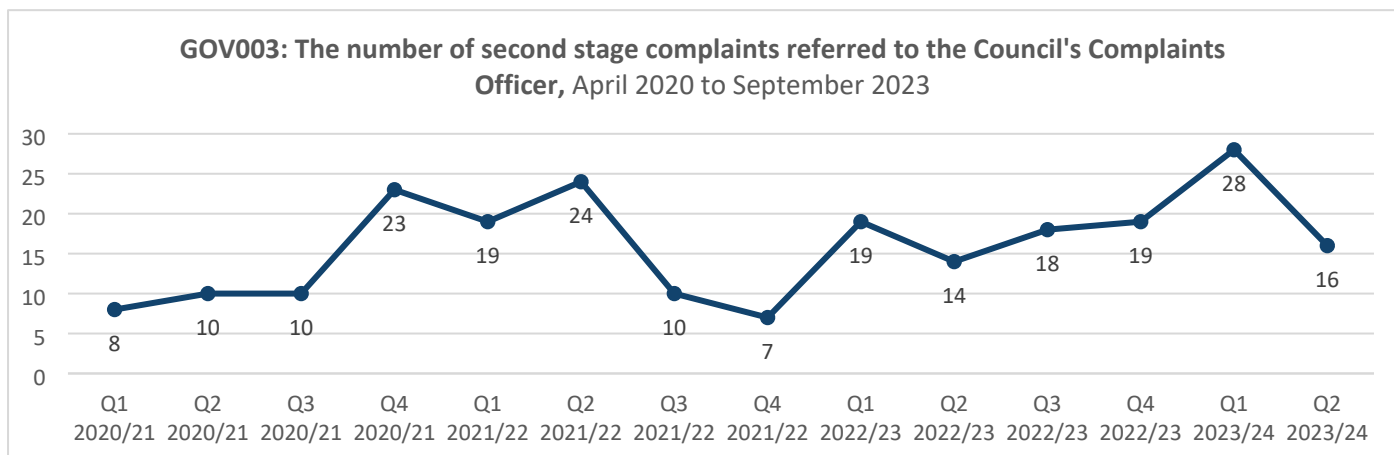
³ dover.gov.uk/Community/Emergency-Planning-CCTV/CCTV/CCTV-Annual-Report-2023-ONLINE.pdf

D. CORPORATE AND REGULATORY DIRECTORATE

2. DEMOCRATIC AND CORPORATE SERVICES

GOV003: The number of second stage complaints referred to the Council's Complaints Officer

A low value is good.



Successes and Areas of Concern – Quarter Two 2023/24

- We are pleased to report a decrease in the number of Stage Two complaints from 28 in Quarter One to 16 in Quarter Two 2023/24.
- There are no trends emerging in respect of Stage Two complaints that would suggest a structural problem with service delivery or the overall governance framework of the Council.
- It has been encouraging to see a decrease in housing complaints (repairs, needs/options, and management) from 13 (Quarter One) to two (Quarter Two). Additionally, there have been no Stage Two complaints relating to housing management for the first time since Quarter Four, 2021/22.

- The service with the largest number of complaints in Quarter Two was Planning and Development, with eight complaints in Quarter Two. This remains at its highest level in four years, matching the eight complaints in Quarter One 2023/24 but is a small percentage of the overall number of planning applications received by the Council. Six of the eight planning complaints were disagreements with the merits of the decision, which continues to be the leading cause of complaints relating to planning.

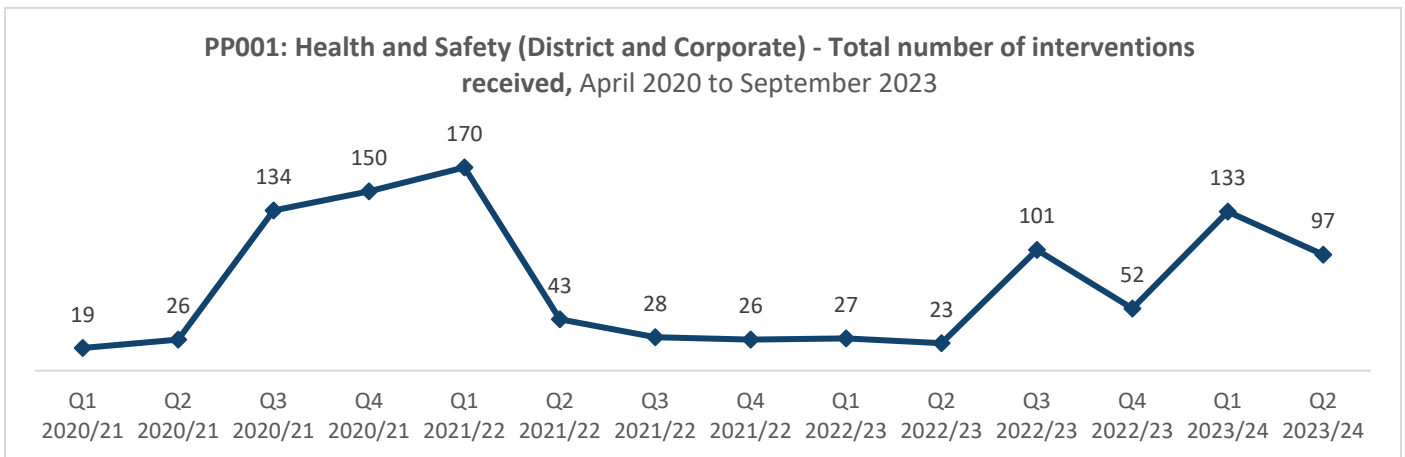
LGSCO - See how we are performing against other councils.

- The Local Government and Social Care Ombudsman (LGSCO) has been publishing complaints data for nearly a decade, and giving insights to help scrutinise how local council services are performing.
- To find out how Dover District Council is performing, please see the LGSCOs Your Council’ Performance Map, which has five years of continuous data posted: [Dover District Council - Local Government and Social Care Ombudsman](#).⁴ The annual statistics covering complaints upheld, compliance with Ombudsman recommendations, and satisfactory remedies provided by the council.

3. PORT HEALTH AND ENVIRONMENTAL SERVICES

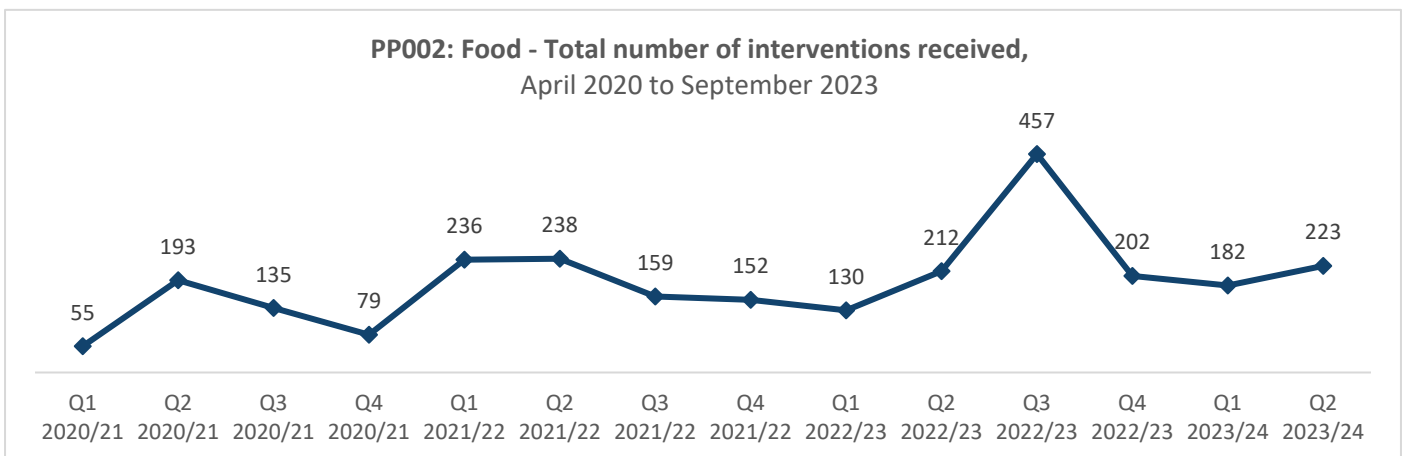
PP001: Health and Safety (District and Corporate) - Total number of interventions received.

Interventions includes accidents, complaints and visit activities.



PP002: Food - Total number of interventions received.

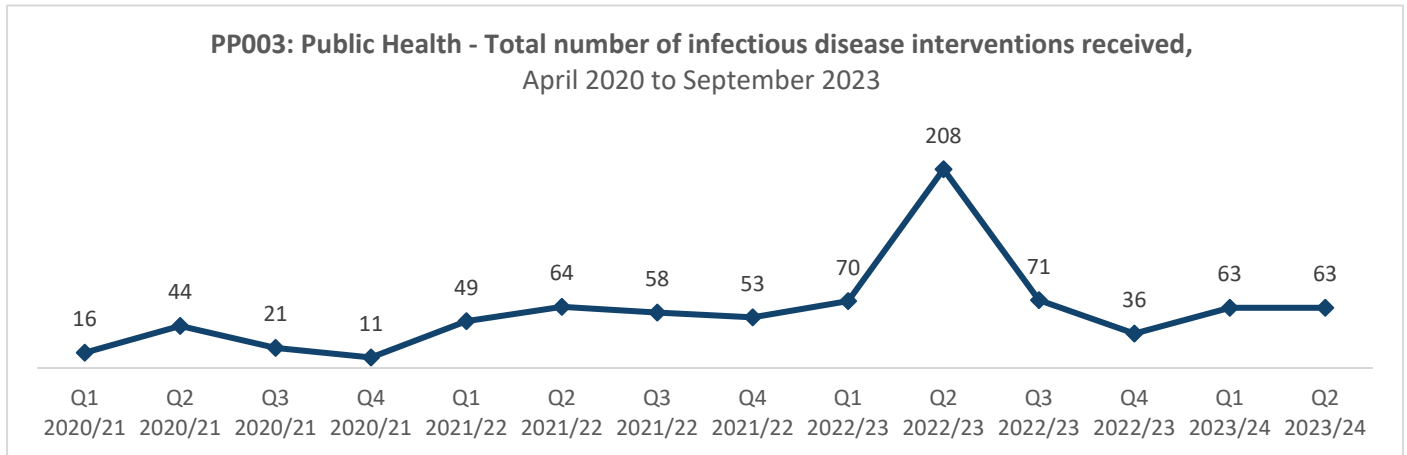
Interventions relate to our Food Safety work and includes food inspections, complaints and visit activities.



⁴ lgo.org.uk/your-councils-performance/dover-district-council/statistics

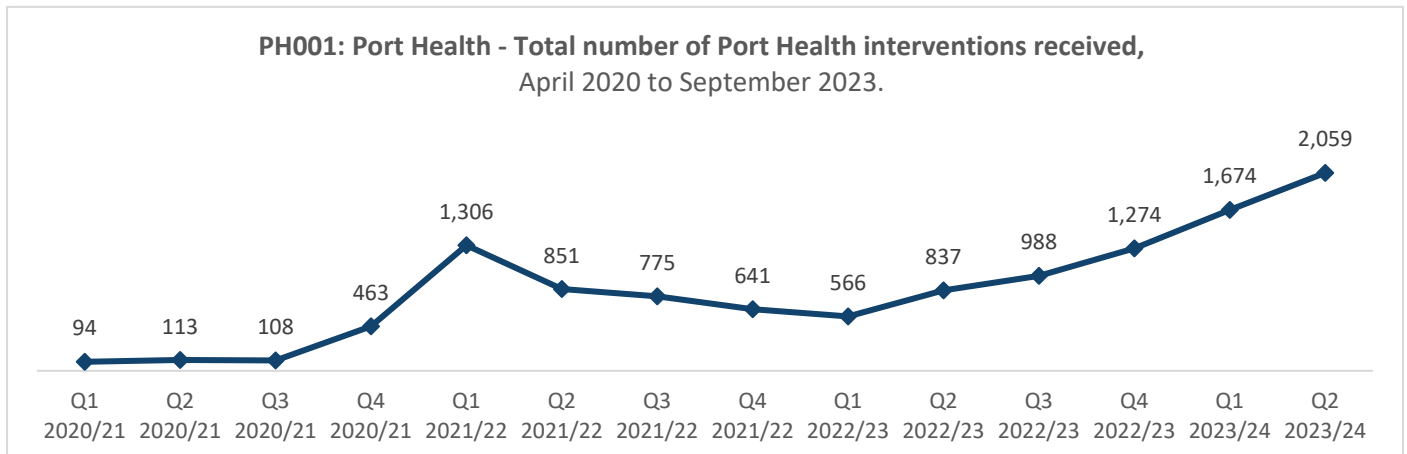
PP003: Public Health - Total number of infectious disease interventions received.

Interventions relate to our Infectious Disease work and includes salmonella, legionella, and Norovirus activities.

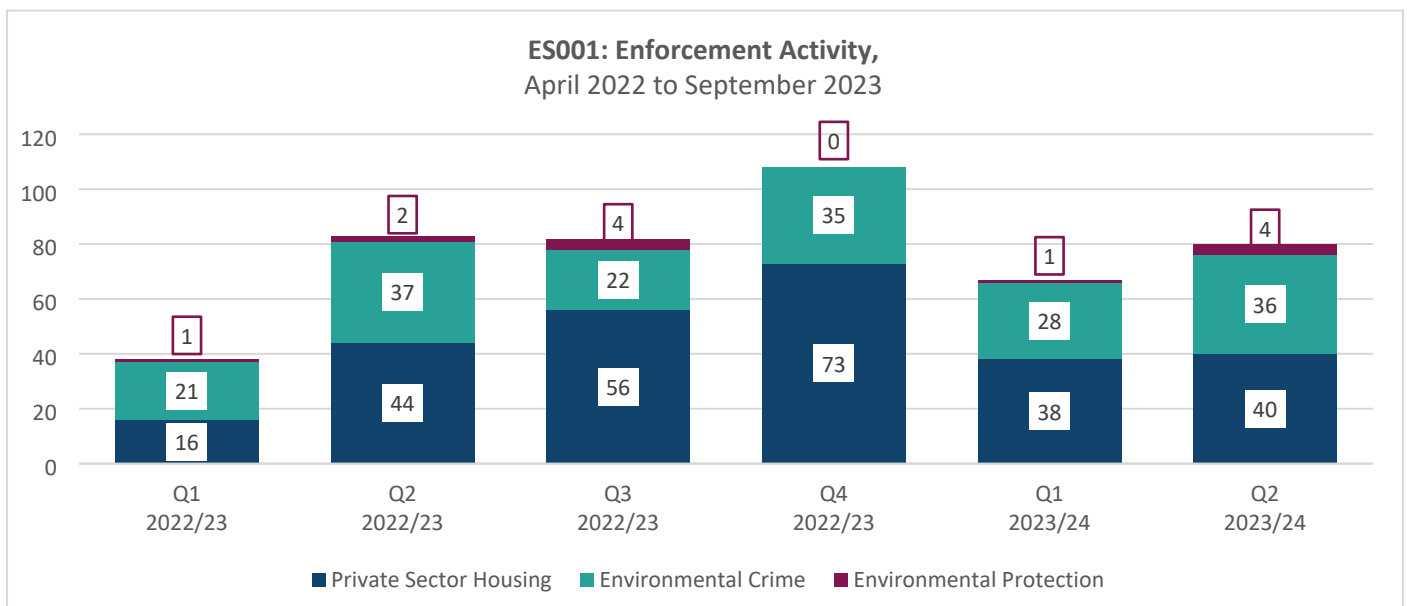


PH001: Port Health - Total number of Port Health interventions received.

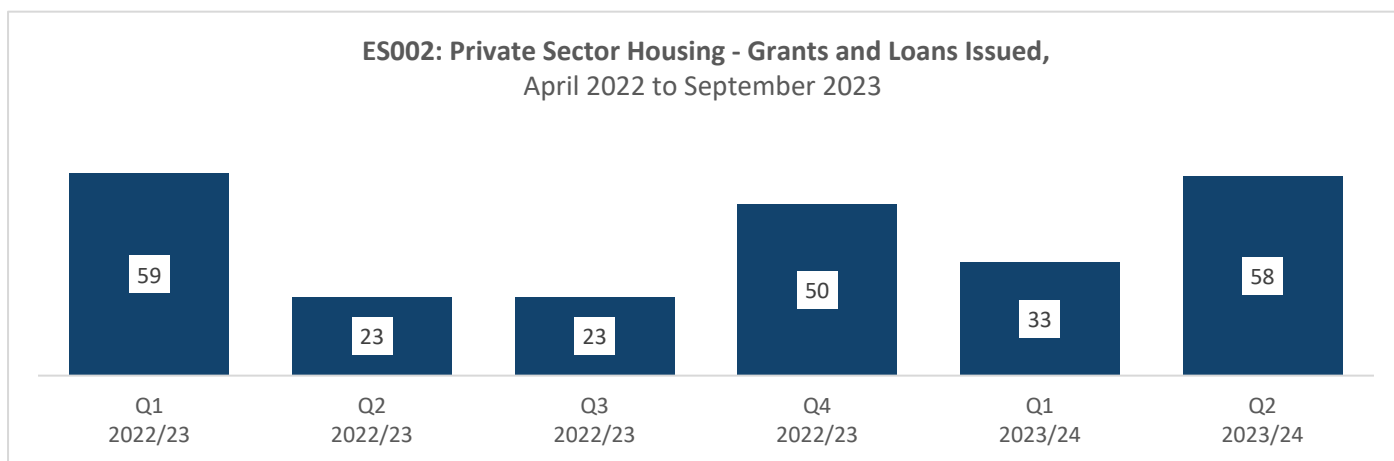
Interventions includes imported food controls, sampling, verification of imported food data and ship inspection activities.



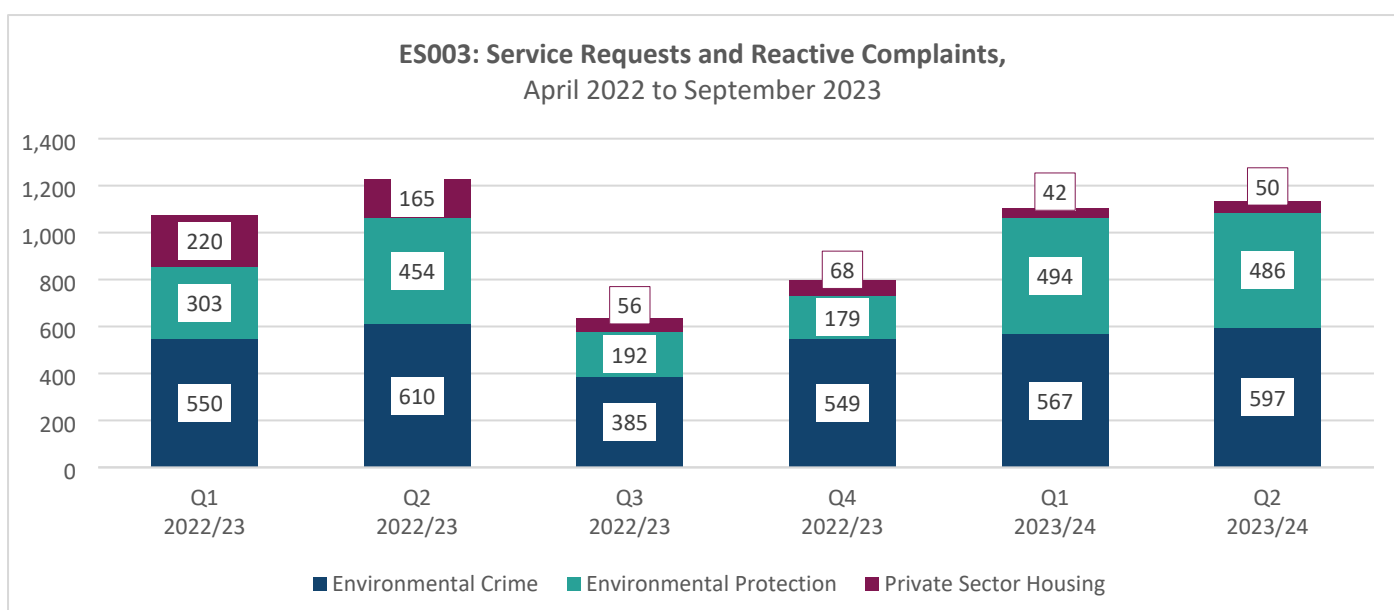
ES001: Enforcement Activity



ES002: Private Sector Housing - Grants and Loans Issued.



ES003: Service Requests and Reactive Complaints



Successes and Areas of Concern – Quarter Two 2023/24

Lucy Manzano. Head of Port Health and Environmental Services

- Port Health and Public Protection merged with the Regulatory Services in April 2023 to form Port Health and Environmental Services. Licensing, which used to sit within Regulatory Services, is now part of Legal Services. Responsibility for corporate health and safety has transferred to Human Resources (district health and safety remains with the Port Health and Environmental Services).
- The Port Health and Environmental Services covers a wide range of activities, including port health, food safety, public health, private sector housing, environmental crime, and environmental protection.
- PH001 Port Health interventions: We continue to see an increase in our Port Health work. This rise is due to new customers as a result of our Importer (IMP) notification work for Illegal, Unreported and Unregulated fishing consignments. Port Health work is reliant on trade flows; therefore, we expect fluctuations throughout the year but the general increase in work is a direct result of leaving the EU.
- PP001 Health and Safety (District and Corporate) Interventions: The Public Protection Team covers external workplace health and safety. This work includes reviewing events being held in the district and providing health and Safety advice when necessary. It also involves investigating a variety of accidents and complaints, including the conclusion of a fatal accident investigation, in preparation for an inquest held in early October 2023.

Corporate Health and Safety Service now sits within our Human Resources (HR) team. To maintain consistency of trend data, we have added the number of interventions completed by HR during the quarter (20) to the figures in the chart.

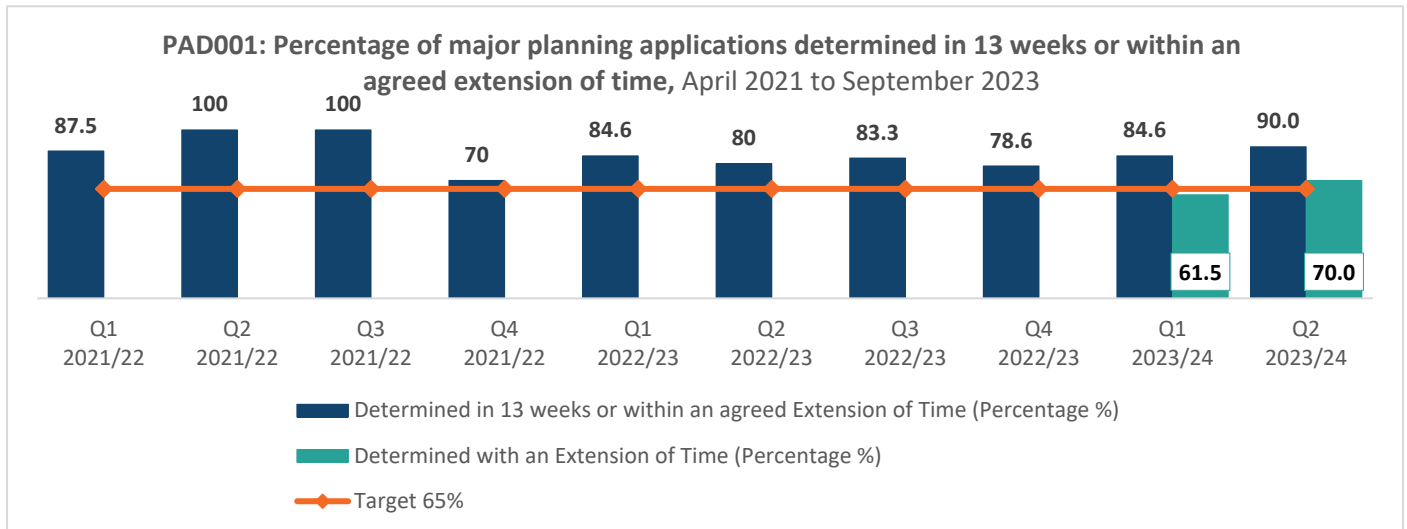
- PPO02 Food interventions: The Public Protection Team continues to take action to help improve food hygiene standards at non-compliant premises across the district. During this quarter, one premises was voluntarily closed due to a cockroach infestation and currently remains closed. Two other premises were issued Hygiene Improvement Notices to ensure they supplied hot running water to the premises.
- ES001 Enforcement activity:
 - Environmental Crime: Of the thirty-six enforcement activities undertaken this quarter, eleven relate to dog control fixed penalty notices, nine litter from vehicles civil penalties, five fixed penalty notices for waste crime, four dog chipping notices, and three S.34 EPA notices.
 - Environmental Protection: The team served four noise abatement notices this quarter.
 - Private Sector Housing: The team served forty Housing Act Notices this quarter.
- ES002 Private Sector Housing - Grants and Loans Issued. The demand for grants and loans has also been strong through the period, with the team processing 58 applications, up from 33 in Quarter One. With some complex cases, this area of work may also be above our long-term average trend.
- ES003 Service Requests and Reactive Complaints: Our Private Sector Housing, Environmental Protection and Environmental Crime Teams continue to take action to help improve the appearance of the district and housing standards and investigate statutory nuisance. The total number of requests/complaints for this quarter are broadly similar to Quarter One.
 - The Environmental Crime Team deals with a variety of issues, including fly-tipping, commercial waste, waste accumulations, litter, dog fouling, dog control, stray dog service and unlicensed waste collectors. The majority of the 597 requests/complaints the team responded to this quarter were fly-tipping reports (318), followed by commercial waste complaints (28), litter complaints (32), dog fouling reports (48), and stray/lost dogs reports (40).
 - The Environmental Protection Team deals with various issues, including statutory nuisances (noise, dust, odour, light, premises nuisance, and smoke) and Public Health Act nuisances. The majority of the 486 requests/complaints the team responded to this quarter were for noise (228), followed by animal nuisance (51), accumulation complaints – including asbestos and untidy site (41), planning (39) and licensing (30).
 - The Private Sector Housing Team deals with a range of issues, including Houses of Multiple Occupancy, caravan sites, and complaints about private housing. The team responded to 50 requests/complaints this quarter. The demand for service remains high and has not seen the usual reduction in demand over the summer months, which could be due to the continued media coverage of housing-related topics. If the trend continues, we are likely to double the pre-COVID average of requests for service of 100 per year. The team continued to work extremely hard in resolving the cases, hence the number of notices served.
- During the last quarter, some of the work, in addition to responding to service requests, included:
 - Working with Folkestone and Hythe District Council on a summer campaign to reduce the amount of litter left behind on our local beaches over the holiday season.
 - Two successful litter prosecutions relating to Pencester Gardens in Dover.
 - Public consultations launched on our draft Air Quality Action Plan and varying our Public Spaces Protection Order.

E. PLACE AND ENVIRONMENT DIRECTORATE

4. PLANNING AND DEVELOPMENT

PAD001: Percentage of major planning applications determined in 13 weeks or within an agreed extension of time.

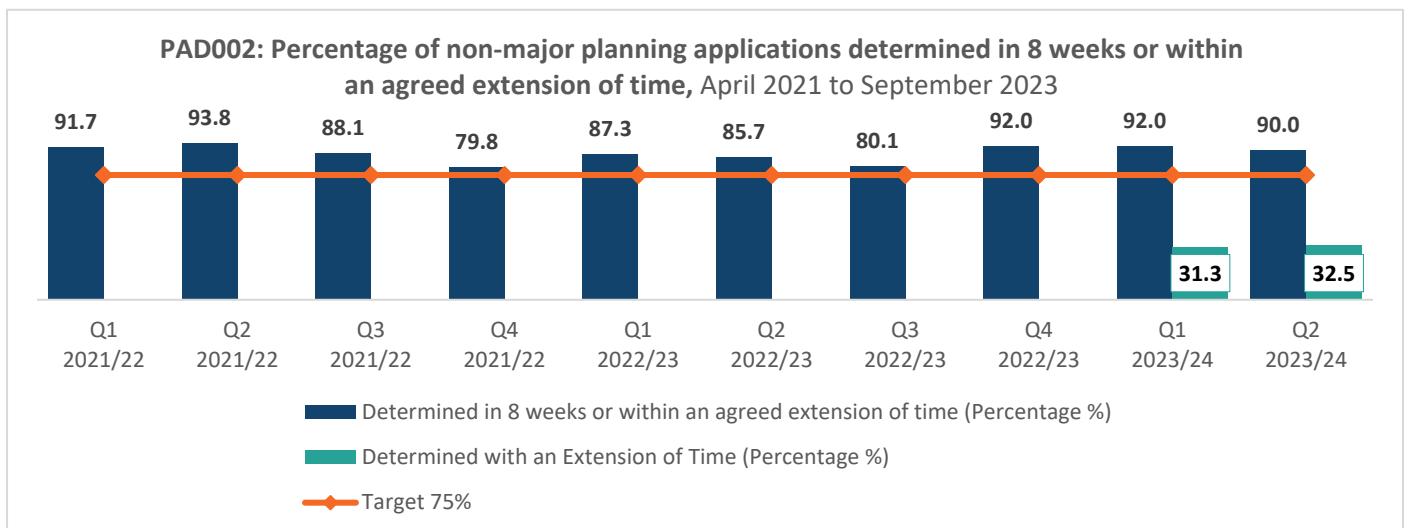
Statutory Indicator. A high value is good.



- We issued ten major planning application decisions during Quarter Two 2023/24. Of these, 90% of cases (nine applications) were determined within the determination period; well above the target of 65%.
- Seven applications (70%) were determined with an Extension of Time.

PAD002: Percentage of non-major planning applications determined in 8 weeks or within an agreed extension of time.

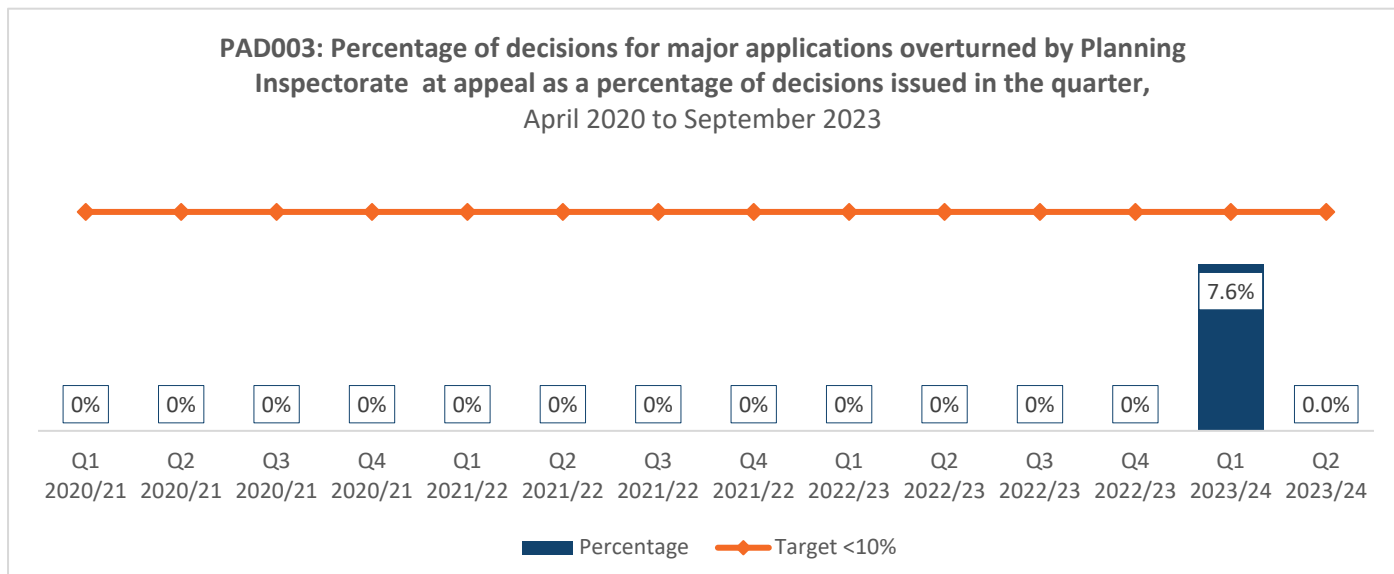
Statutory Indicator. A high value is good.



- We issued 206 decisions for non-major applications during Quarter Two 2023/24. Of these, 90.0% of cases were determined within the determination period; well above the target of 75%.
- Sixty-seven applications (32.5%) were determined with an Extension of Time.

PAD003: Percentage of decisions for major applications overturned by Planning Inspectorate at appeal as a percentage of decisions issued in the quarter.

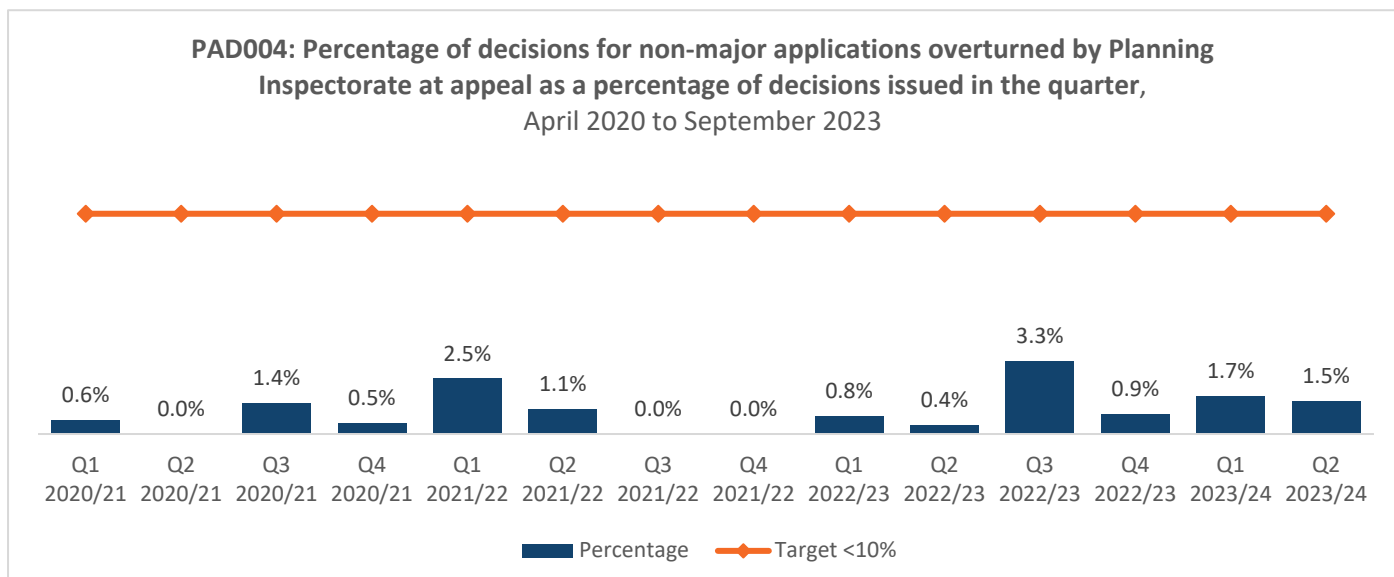
Statutory Indicator. A low value is good.



- During Quarter Two 2023/24, two major applications were determined at appeal. The Planning Inspectorate did not overturn any major application decisions.

PAD004: Percentage of decisions for non-major applications overturned at appeal as a percentage of decisions issued in the quarter.

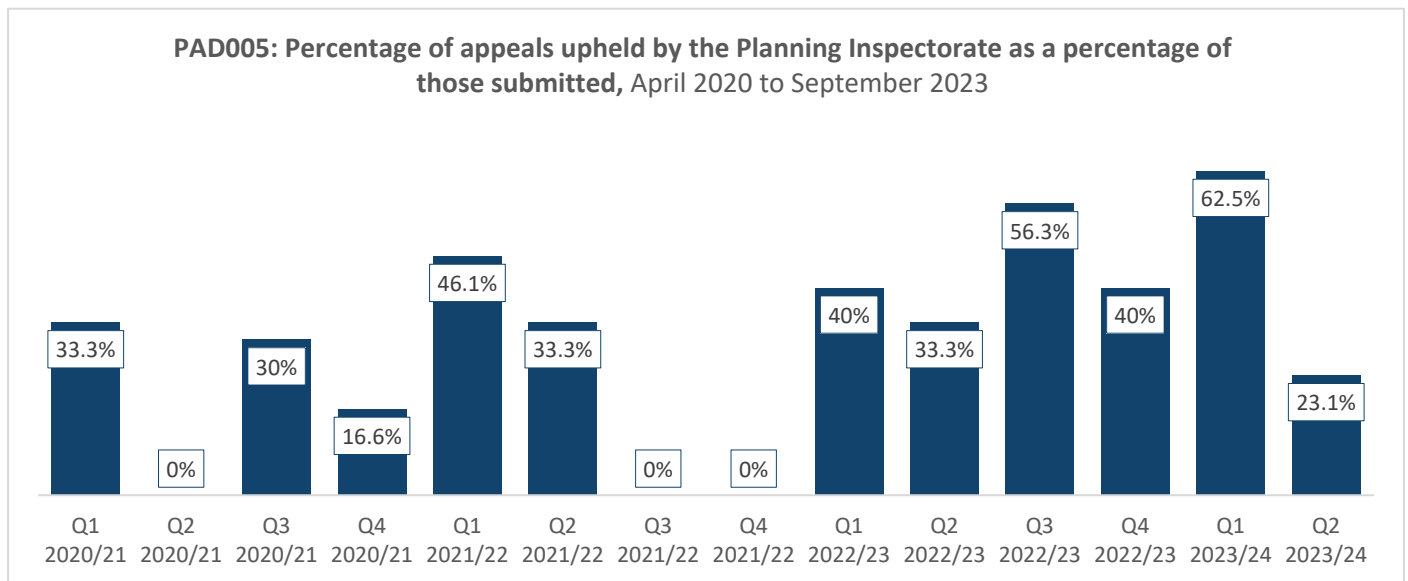
Statutory Indicator. A low value is good.



- During Quarter Two 2023/24, eleven non-major applications were determined at appeal. Of these, three decisions were overturned (appeal upheld). Out of the total number of decisions issued (206 applications), this equates to 1.5% overturned at appeal, which is well within the target of less than 10%.

PAD005: Percentage of appeals upheld by the Planning Inspectorate as a percentage of those submitted.

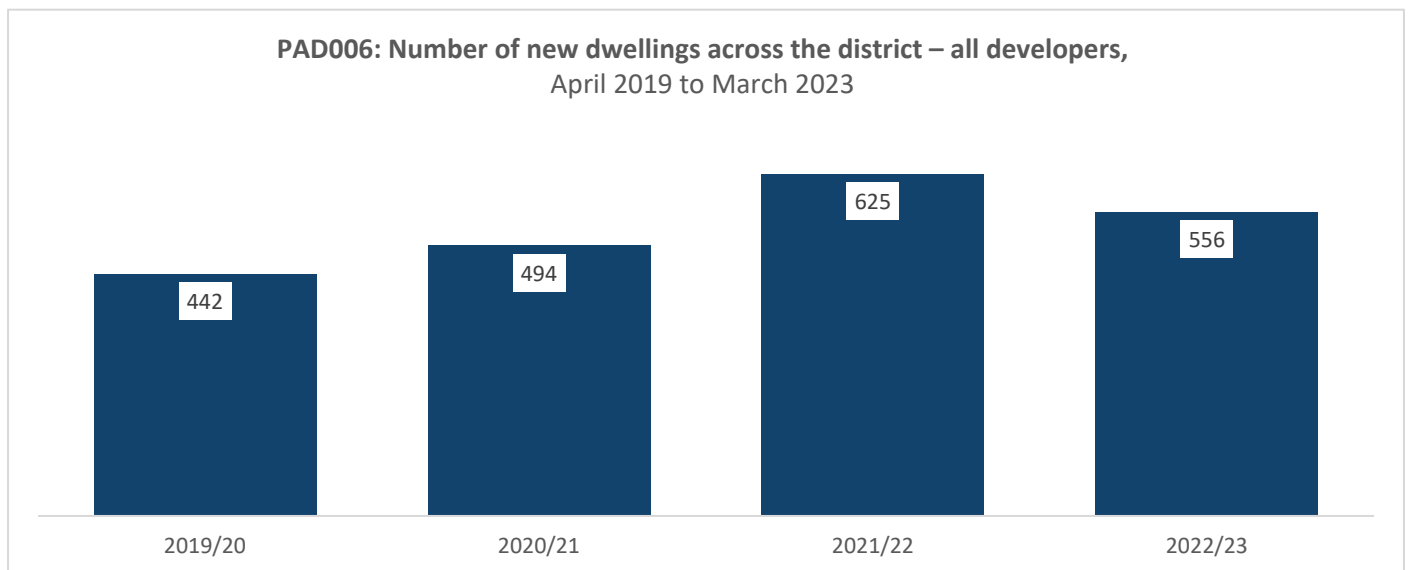
Statutory Indicator. A low value is good.



- During Quarter Two 2023/24, in total, the Planning Inspectorate determined thirteen appeal cases - upholding three appeals (overturning our planning decision) and dismissing ten cases.

PAD006: Number of new dwellings across the district – all developers.⁵

A high value is good. Annual KPI - Figures obtained from the Annual Monitoring Report. Updated June 2023.

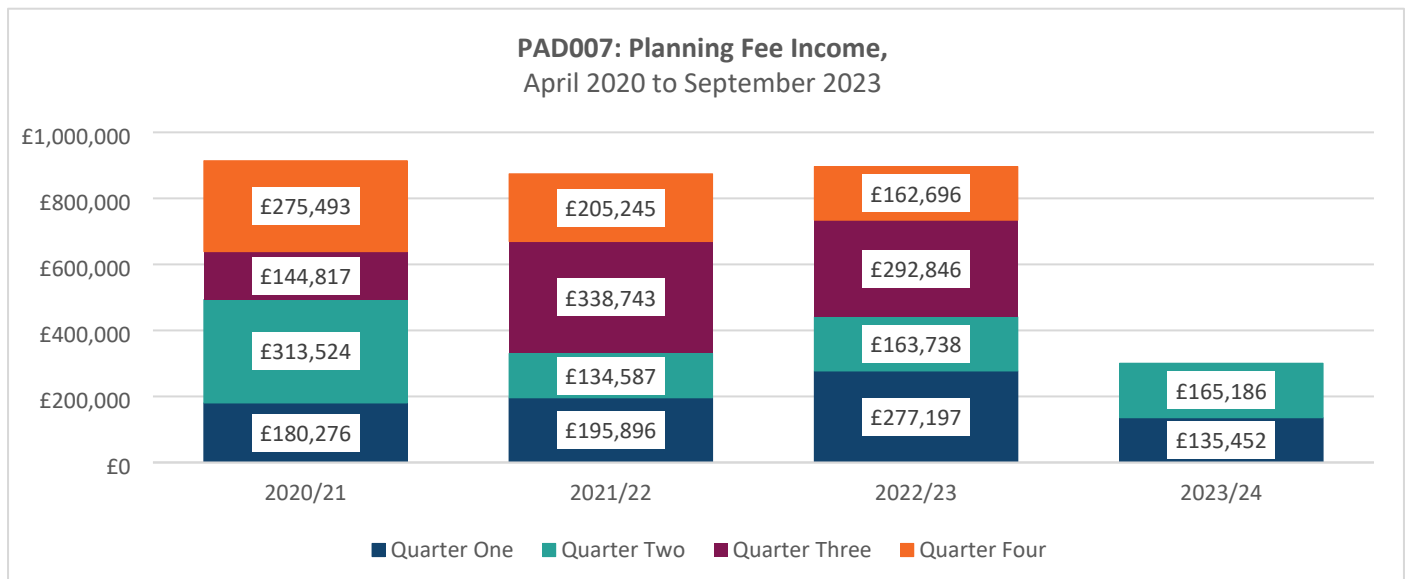


- This is an annual performance indicator. During the last financial year (2022/23), there were 556 new dwellings across this district (current annual target of 611).

⁵ PAD006 has replaced 'KPI011: Growth in Council Tax Base' to monitor housing growth. KPI011 is still reported for information purposes but can now be found in the Civica section.

PAD007: Planning fee income.

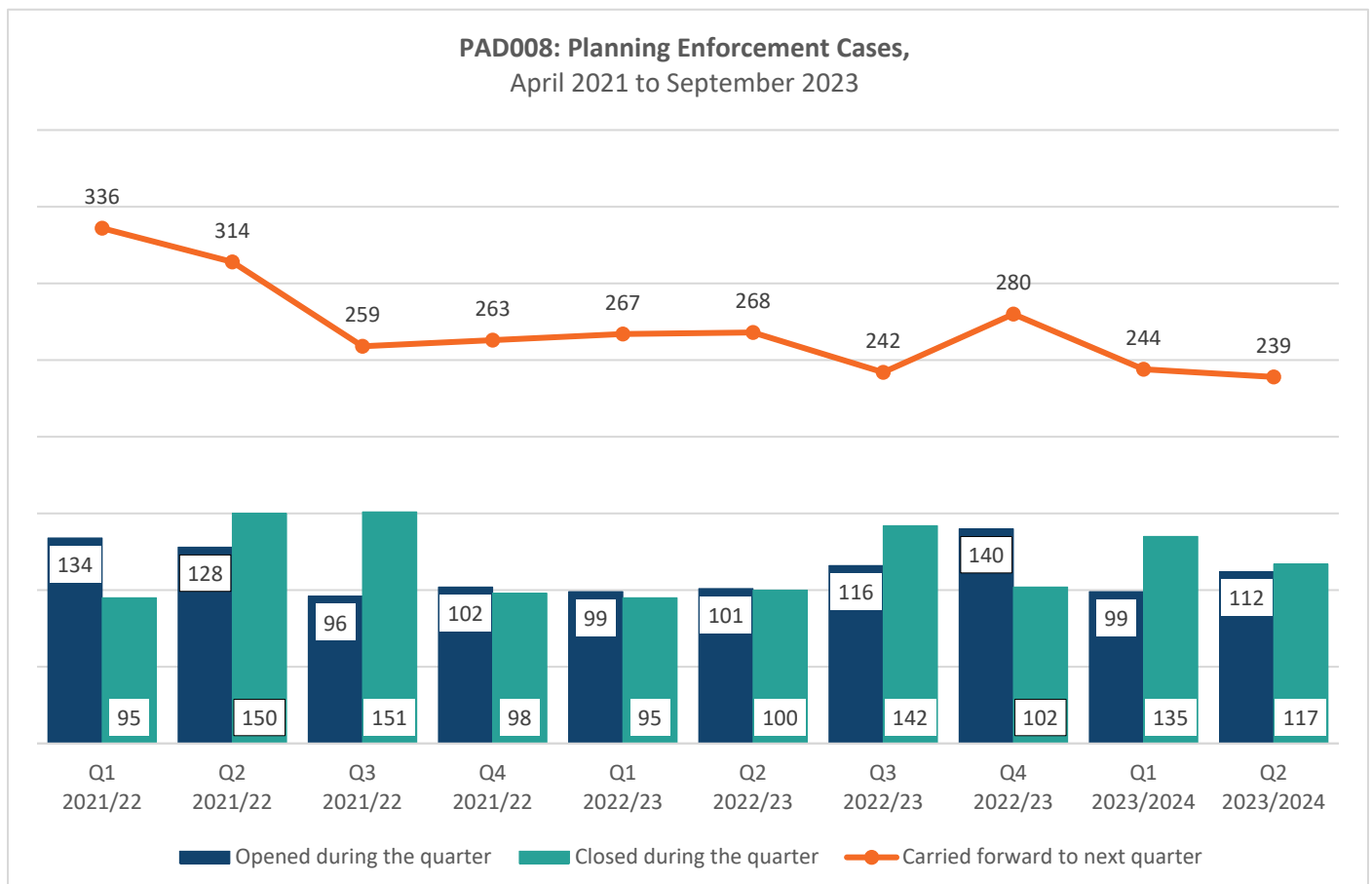
A high value is good.

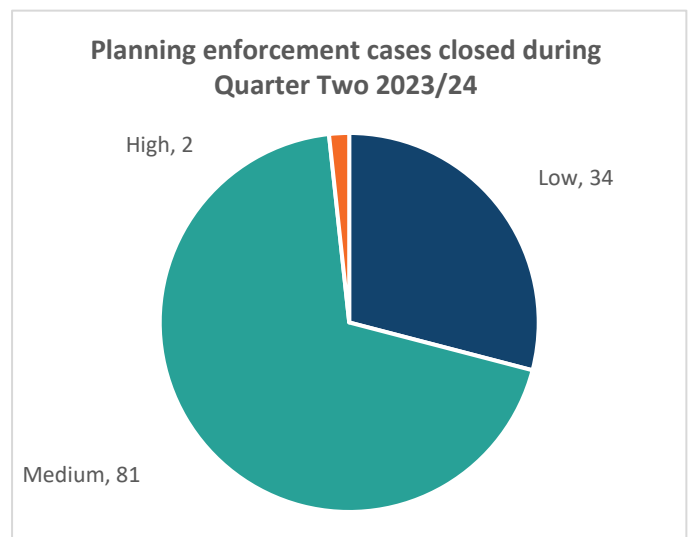
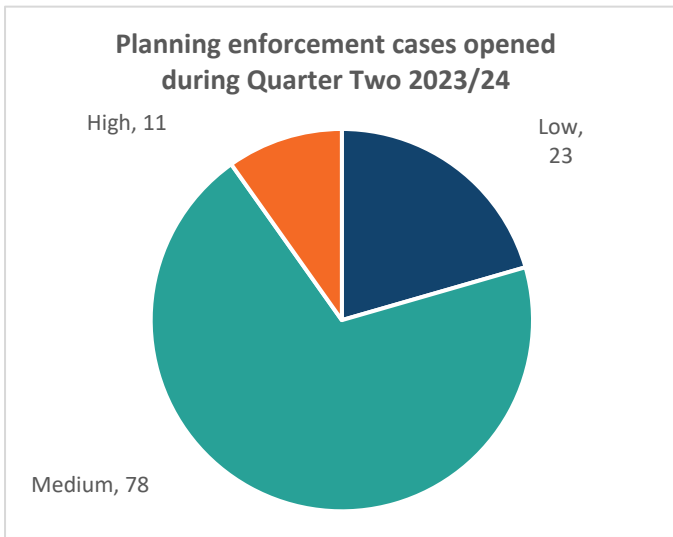


- Planning fee income for Quarter Two 2023/24 is higher than the previous quarter. It is also higher than that seen at the same point in the previous two years. A drop in fees for 2023/24 was forecast into the budget and is being monitored.

PAD008: Planning Enforcement Cases.

A low value for carried forward is good, but a high value of cases closed is good.





- During Quarter Two 2023/24, we have issued four Planning Contravention Notices. One enforcement notice was dismissed at appeal.
- Please see our [Planning Enforcement Plan](#) for information on how we will address and prioritise (low, medium and high categories) breaches of planning control.

Successes and Areas of Concern – Quarter Two 2023/24⁶

Sarah Platts, Head of Planning and Development

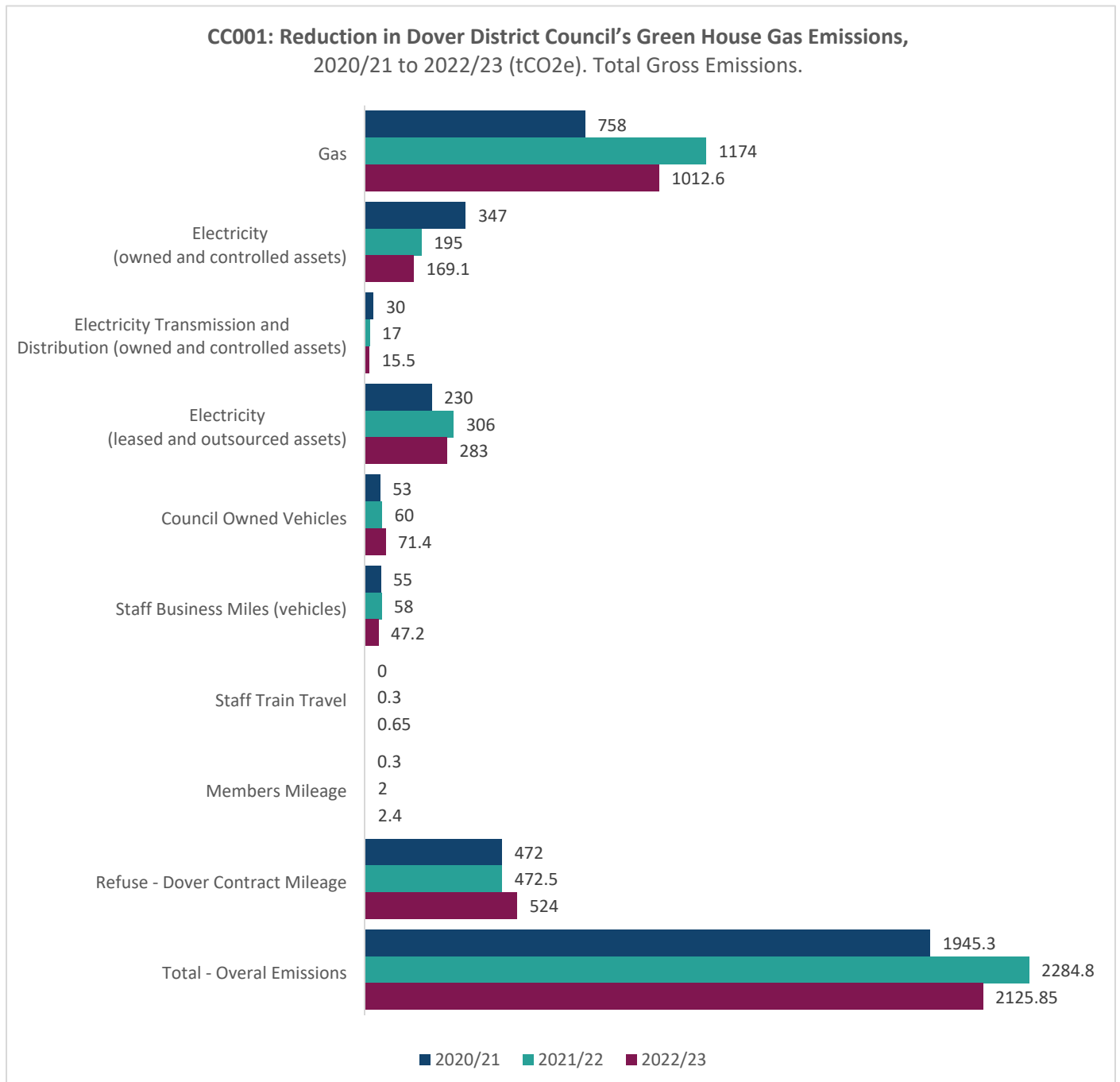
- The percentage of planning application decisions determined within the required determination periods (or with an extension of time agreed) remains strong.
- The number of appeal decisions dismissed by the Planning Inspector (10 out of 13 applications) is also encouraging.

A new Climate Change Officer has been recruited and this officer now sits within the Planning and Development Team. Therefore, responsibility for reporting on the Council’s Greenhouse Gas emissions (CC001) has moved to this service area. This is an annual KPI, and data for the year 2022/23 is now available. Please see the next page for details.

⁶ Some data correction for previous quarters has occurred across the Planning KPIs, due to undertaking a review of how the statistics have been/ are collated. If you have any questions on this, please contact Sarah Platts (Sarah.Platts@dover.gov.uk) or Alice Fey (Alice.Fey@dover.gov.uk).

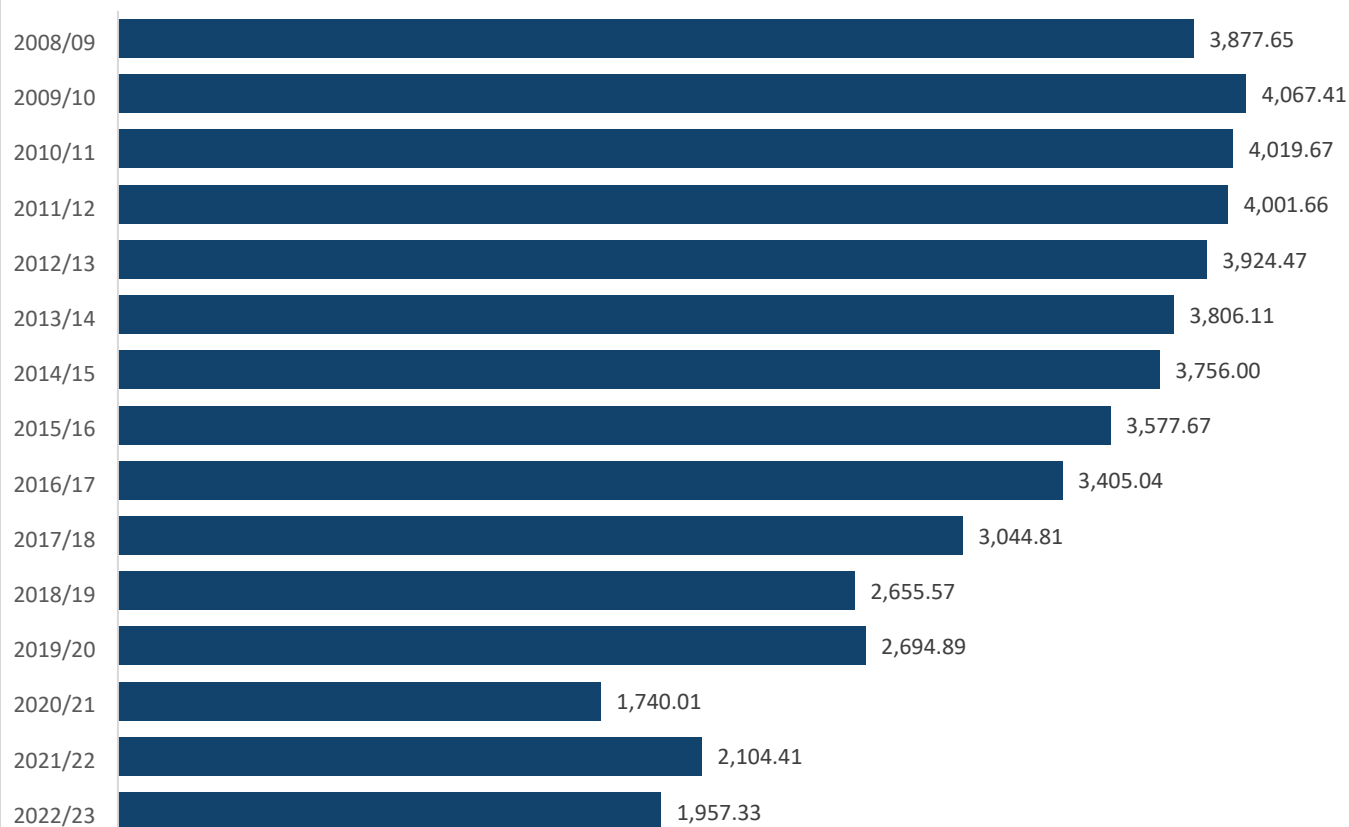
CC001: Reduction in Dover District Council's Greenhouse Gas Emissions

A low value is good. Annual KPI to support achieving net zero by 2030. Updated November 2023.



Comparison of Council Transport and Stationary Greenhouse Gas emissions between 2020/21 and 2022/23. tCO2e stands for tonnes (t) of carbon dioxide (CO2) equivalent (e).

**Global Total Tonnes of CO2e Comparison,
2008/09 to 2022/23. Total Net Emissions.**



Comparison of Council Transport and Stationary Greenhouse Gas emissions between 2008/09 and 2022/23. tCO2e stands for tonnes (t) of carbon dioxide (CO2) equivalent (e) including REGO reduction and solar generation. One REGO certificate is issued per megawatt hour (MWh) of eligible renewable output to generators of renewable electricity.

- Dover District Council declared a Climate Change Emergency in January 2020, with the ambition to become a net zero carbon emitter by 2030. Net zero means that we will be taking as much carbon out of the atmosphere as we are emitting, or more. By doing this we will have reduced our contribution to climate change. Our focus is on reducing our emissions as much as possible. In addition, we can remove or “offset” our carbon emissions. “Offsetting” is a proactive approach to environmental action, reversing the impact of emissions created now. Measures we use include Renewable Energy Guarantees of Origin (REGO) purchased electricity and solar PV generation.
- Our base year for calculating our energy usage is 2008/09. CO2e data has been recalculated using the Greenhouse Gas (GHG) emissions factors published on the Government website.
- The Department for Business, Energy and Industrial Strategy requires local authorities to calculate the total gross greenhouse gas emissions from their own estate and operations, each year.
- All gas consumption is reported under Gas (scope 1 emissions) regardless of tenure, i.e., whether it is owned and occupied by the Council or leased/ outsourced.
- Electricity consumption reporting is dependent on whether the building is owned and occupied by the Council – i.e., owned and controlled assets (which fall into Scope 2 emissions) or whether it is leased and outsourced (which fall into Scope 3 emissions).
- Buildings owned and controlled by the Council include:
 - The Council Offices, Whitfield
 - Dover Museum
 - Dover Museum Store

- Dover Town Hall (formerly reported under Leased and Outsourced when Your Leisure leased the building)
- Public Conveniences still under DDC direct control
- Kearsney Abbey Park Café
- Hamilton Road Cemetery Buildings
- Marke Wood Elms Vale and Danes Recreation Ground buildings
- Castle Street Office (@your service)
- Deal Pier Lighting and Attendant Office
- Streetlighting for which DDC is responsible.
- Grand Shaft
- Outsourced leased assets include:
 - Deal Leisure Pool (Tides)
 - Tennis Hall, Deal
 - Dover Leisure Centre
 - Tower Hamlets Depot (leased to Veolia)
- This data does not include the residential/council housing estate.

Successes and Areas of Concern – Quarter Two 2023/24

Sarah Platts, Head of Planning and Development

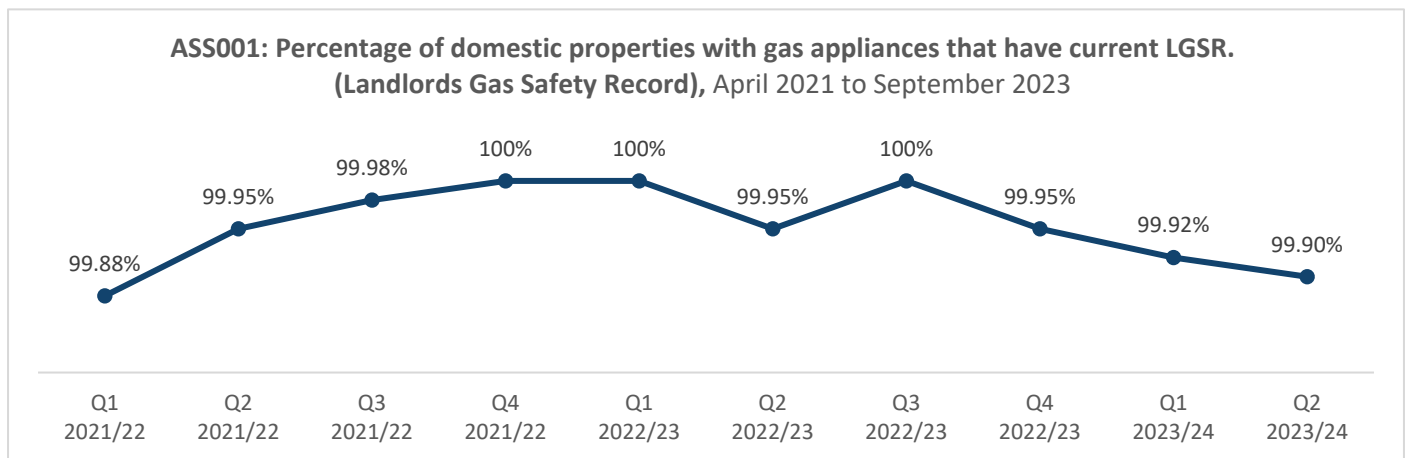
- It is positive to see that there has been a reduction of 161.4 tonnes of gas reductions across the estate. Electricity has reduced gradually across the estate, as has staff business miles.
- It is noted that the categories for Council Owned Vehicles, Staff Air and Train Travel and Members Mileage and Refuse – Dover Contract Mileage have marginally increased. Officers will be gathering further insight into these areas in coming months and will provide updates accordingly.

5. PROPERTY ASSETS

HOUSING MAINTENANCE

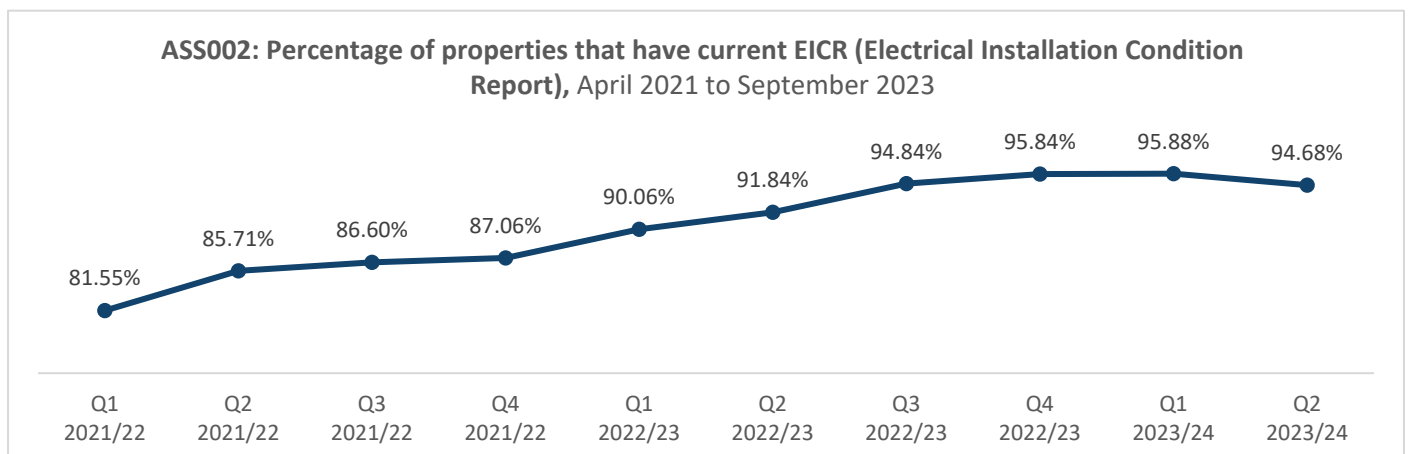
ASS001: Percentage of properties with gas appliances that have current LGSR (Landlords Gas Safety Record)

A high value is good.



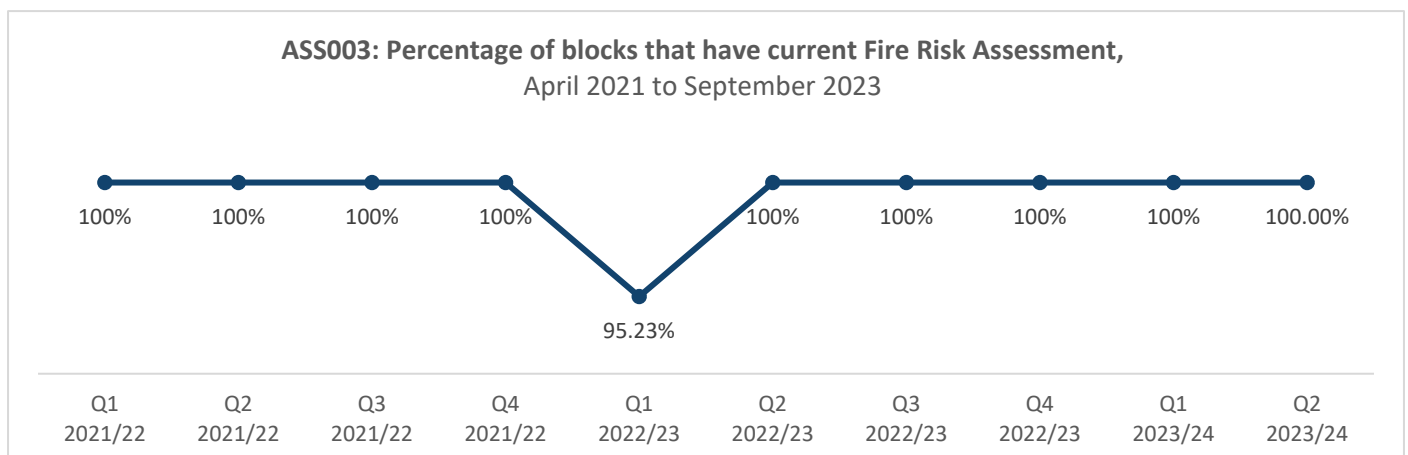
ASS002: Percentage of properties that have current EICR (Electrical Installation Condition Report)

A high value is good.



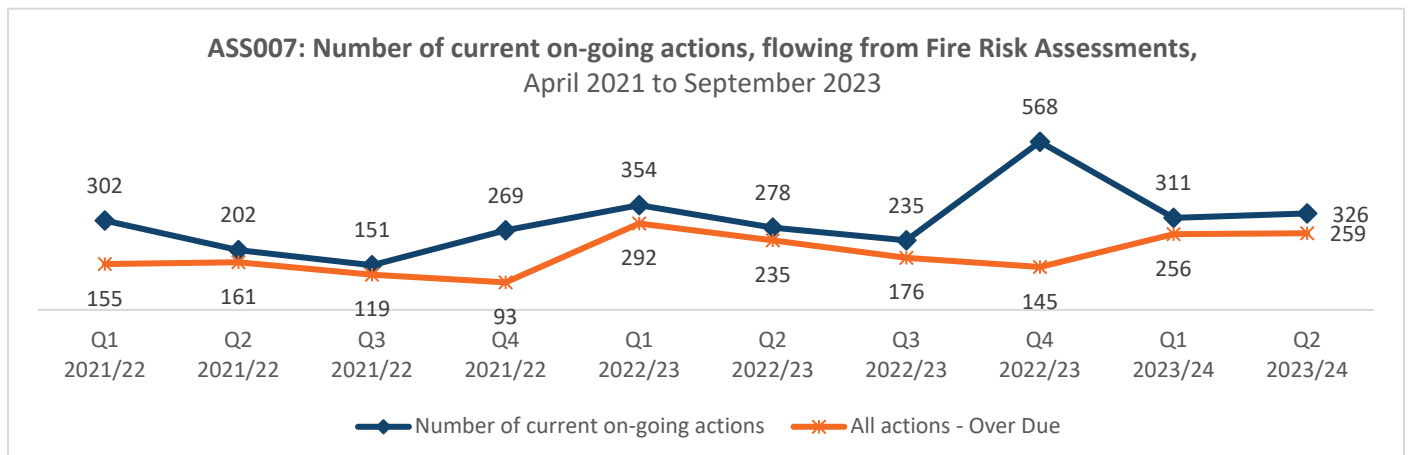
ASS003: Percentage of Blocks that have current Fire Risk Assessment

A high value is good.



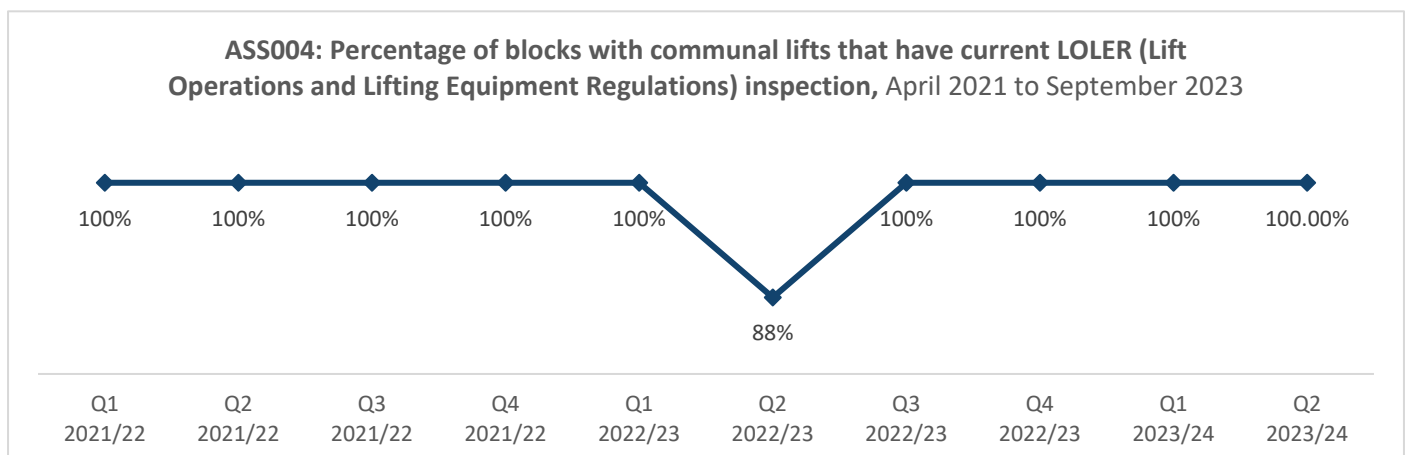
ASS007: Number of current on-going actions, flowing from Fire Risk Assessments

A low value is good.



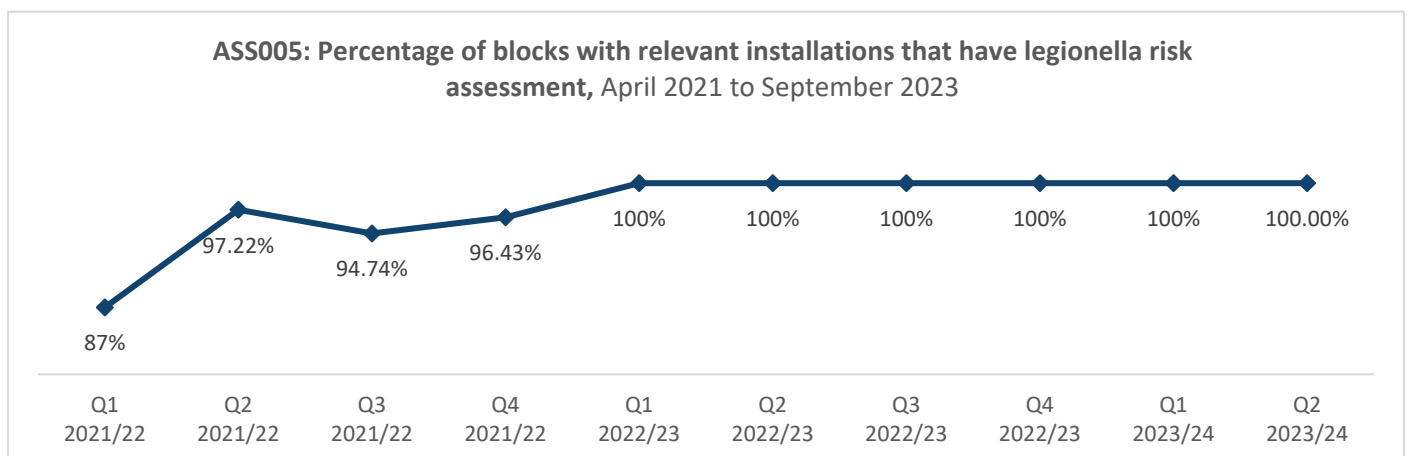
ASS004: Percentage of Blocks with communal lifts that have current LOLER (Lift Operations and Lifting Equipment Regulations)

A high value is good.



ASS005: Percentage of Blocks with relevant installations that have legionella risk assessment.

A high value is good.



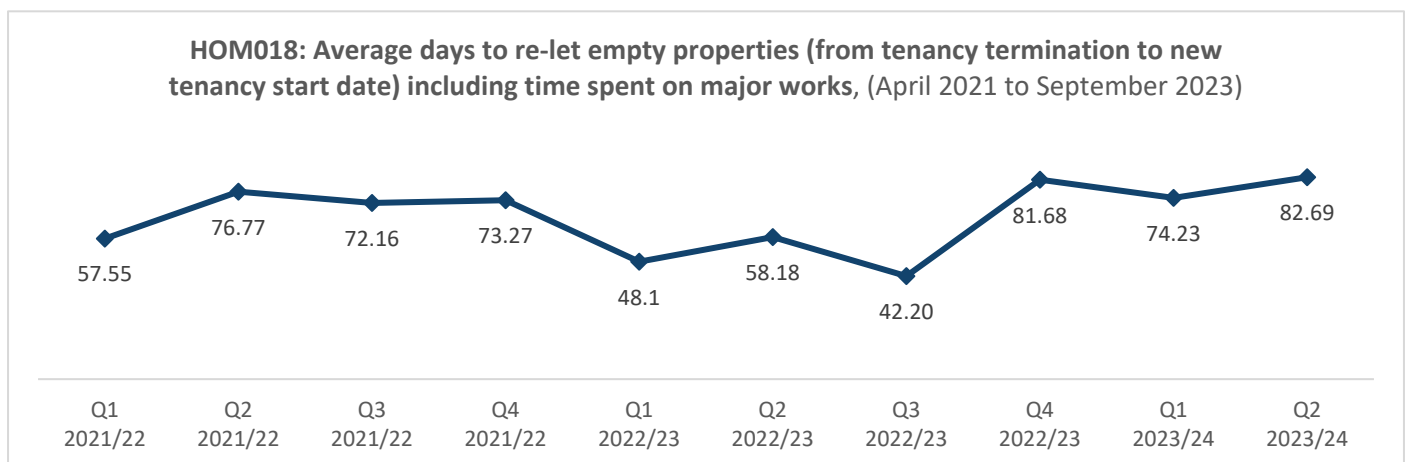
ASS006: Percentage of communal assets that have satisfactory asbestos risk assessment.

A high value is good.



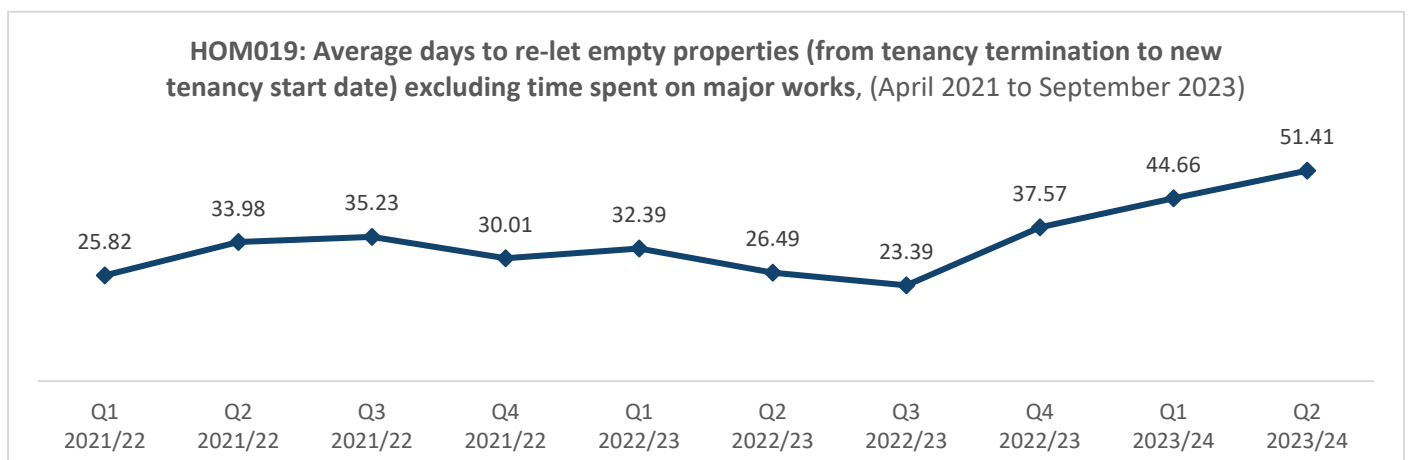
HOM18: Average days to re-let empty properties (from tenancy termination to new tenancy start date) including time spent on major works.

A low value is good.

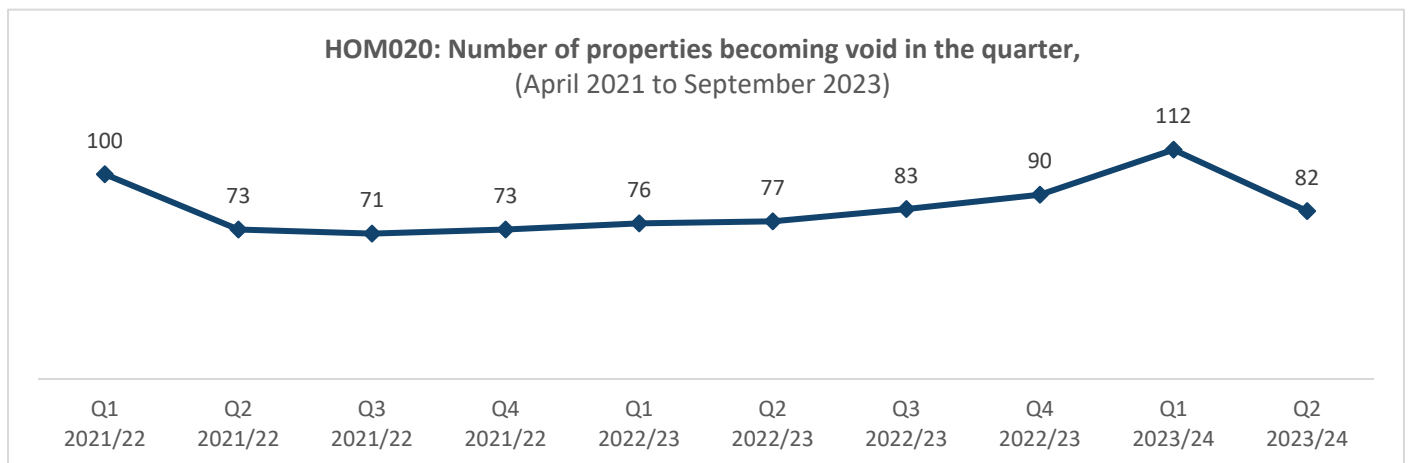


HOM19: Average days to re-let empty properties (from tenancy termination to new tenancy start date) excluding time spent on major works.

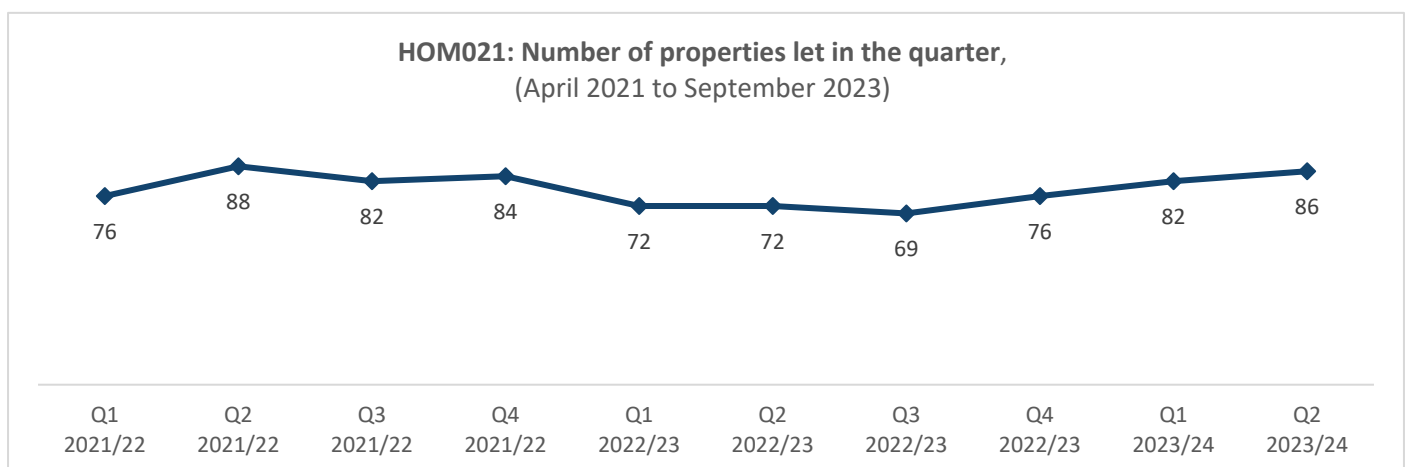
A low value is good.



HOM20: Number of properties becoming void in the quarter.

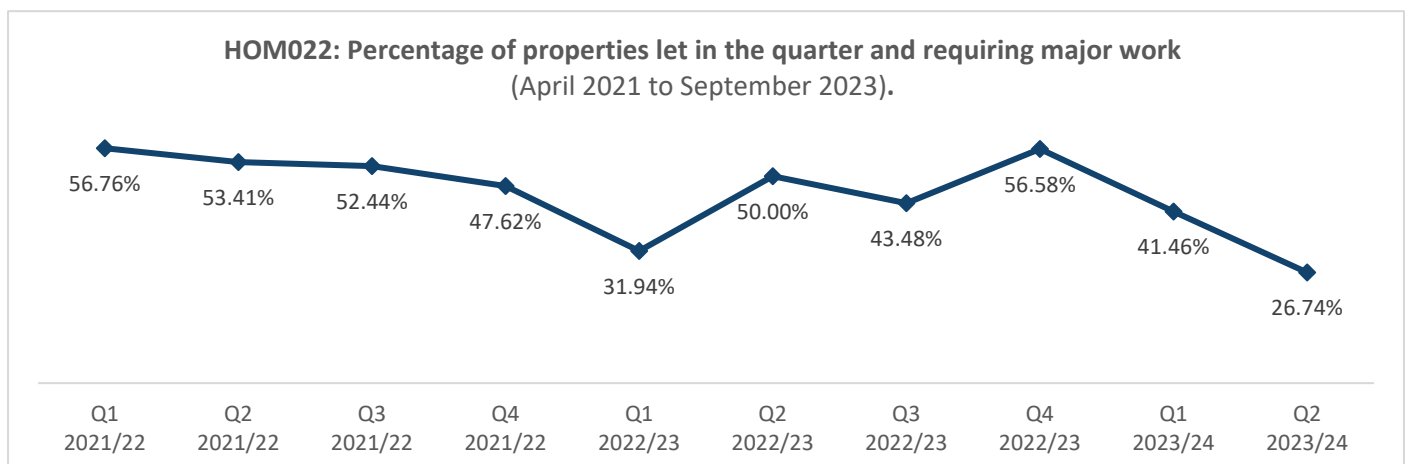


HOM21: Number of properties let in the quarter.



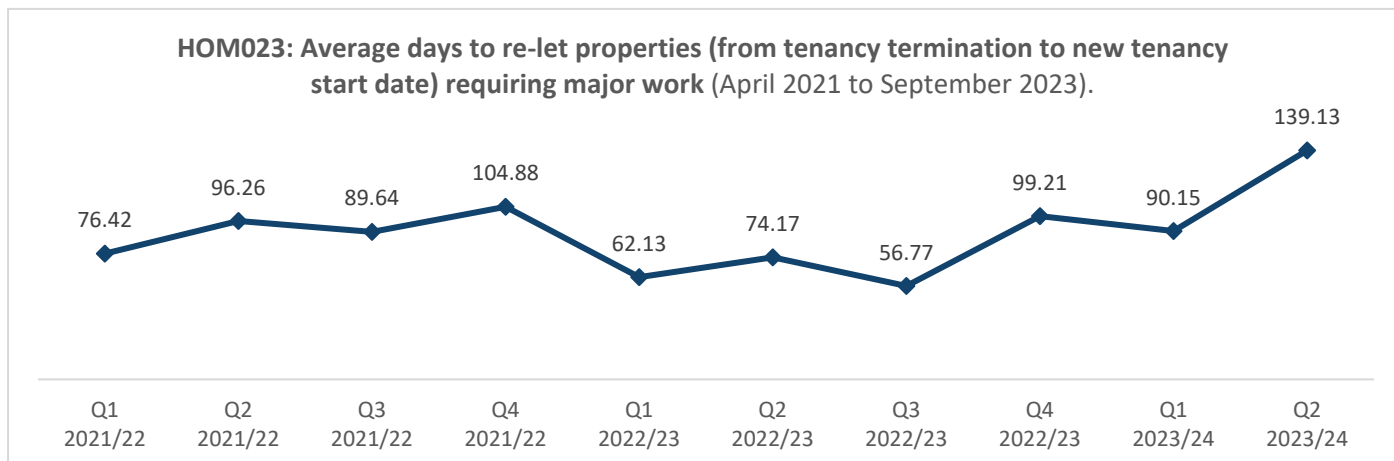
HOM22: Percentage of properties let in the quarter and requiring major work.

A low value is good.



HOM23: Average days to re-let properties (from tenancy termination to new tenancy start date) requiring major work.

A low value is good.



Successes and Areas of Concern – Quarter Two 2023/24

David Parish, Head of Property Assets

- The average days to relet empty properties with major works are elevated because of the high volume of voids requiring substantial works before they are suitable for reletting.
 - Major void works are repairs or replacements carried out when a property becomes vacant and requires significant improvement. Major void works may include structural repairs, site work around the dwelling, service installations, asbestos removal, kitchen and bathroom replacement, rewiring, etc. Major void works differ from planned works or minor void repairs, which are less extensive and can be done when the property is occupied.
- Void times have also been added to by delays caused by utility suppliers (which is beyond the Council's control). A higher-than-usual number of properties becoming void in Quarter One due to the Napchester Road development has further impacted the contractors work programme in Quarter Two. However, the number of void properties with Property Assets is now reducing.
- Responsibility for void times sits across different Council service areas. There has been a backlog in letting properties due to the transition to a new lettings system and reduced staffing levels within the Housing Options team, impacting indicators HOM018, HOM019 and HOM023. The new lettings system was not fully operational until October 2023. Additional steps have been taken to address allocation delays. Please note that in addition to the Council's own void housing stock, the Housing Options team is also responsible for nominations to registered social landlords in the district, significantly increasing the team's workload.
- During Quarter Two 2023/24, general needs properties had a 53.13-day average key-to-key period and sheltered housing 78.44 days (sheltered housing is often more difficult to let, several refusals have impacted these figures). Temporary accommodation properties take an average of 41.38 days from keys-in to relet.
- Housing Management, Housing Options and Property Assets constantly review the voids process and teams are meeting more regularly to find improvements. We are determining the application of Liquidated and Ascertained Damages for late completion of voids. We are continuing efforts to carry out pre-void inspections, where we inspect a property as soon as the tenant gives notice to quit their tenancy.
 - Liquidated and Ascertained Damages are a pre-determined amount of money that the parties in a contract pay as compensation for a specific breach (without a valid reason), such as late performance.
- Access issues continue to affect Electrical Installation Condition Reports (ASS002), where performance has slightly dipped from 95.88% during Quarter One to 94.68% during Quarter Two 2023/24. The properties we are

dealing with are hard to access, and we do not have a right to entry. We will be further exploring ‘barriers’ to access with Housing Management.

- We monitor all Fire Risk Assessment (FRA) actions (ASS003 and ASS007) weekly with our contractor, Sureserve, to reduce the number of FRA actions outstanding as soon as possible. The number of overdue actions (259) has remained relatively stable over the quarter. These overdue actions are mainly due to checking the flat entrance fire doors as part of our fire door survey. Once this survey is complete, we anticipate it will lead to a programme of replacing all flat entrance and communal entrance doors. Other significant actions are moving bin stores (currently being looked at) and inspecting the compartmentation of blocks and small items that we are presently undertaking in-house, so the outstanding actions figure will come down over the next few months.
- We set up a Housing Repairs Focus Group for tenants, working alongside the Dover District Tenants’ Consultative Group, to have a say about the new repairs contract starting in 2025. We involved tenants in the tender and selection process during monthly meetings from May 2023 to September 2023. Topics of discussion included:
 - Ideal response times, void times, and Key Performance Indicators.
 - Should calls be taken by the DDC or the contractor?
 - What additional services would you like, such as garden clearances, blitz cleans, handyman, repair tracking, etc?
 - What community projects or social impact should they do?
 - What Tenant Involvement do you want in the contract?

Damp and Mould Update

- The Council continues to take a zero-tolerance and proactive approach to damp and mould interventions. We have dedicated our resources to encouraging residents to report issues to us and ensuring that we can act promptly.
- Our new Damp and Mould Policy will be presented to the Cabinet in December 2023 for adoption.
- The Damp and Mould Policy supports and sets out our process to holistically investigate the cause of dampness, carrying out required remedial works promptly, offering advice and guidance where appropriate, and taking all steps to eradicate dampness.
- To date, we have received just over 400 cases reported to the team; the vast majority have had works completed and are in the follow-up monitoring process, with the remainder having had inspections carried out and works ordered and in progress.
- As the colder weather approaches, our Tenants Newsletter will highlight that condensation is more likely and will provide advice and the routes to report any concerns. Therefore, we expect to see an upturn in reported cases and will have resources available to act upon them promptly.

CORPORATE PROJECT PROGRESS UPDATE: MAISON DIEU RESTORATION

Report date	Project sponsor	Project manager	Project status
October 2023	Roger Walton	Artelia	Delayed: Project reporting a 4-week delay

Overview

- The Maison Dieu is a substantial DDC-owned asset situated within the Dover Town Centre Conservation Area and is a Grade I Listed Building and a Scheduled Monument. It has a long history dating back to 1203, originating as a mediaeval hospital (Maison Dieu). The building is an extensive and complex property that has been extended several times throughout its life encompassing many architectural periods.
- The project sees the recreation of internationally significant decorative schemes by the renowned Victorian neo-Gothic architect, William Burges (1827-1881), a new street-level visitor entrance to the Connaught Hall, along with improved access throughout the building.

- The project creates a sustainable future for the Maison Dieu by bringing redundant spaces back into commercial use, including restoring the Mayor’s Parlour as a holiday let in conjunction with The Landmark Trust, and a unique new café in the space once occupied by Victorian gaol cells.
- The main capital works are due to complete in September 2024 and the opening of the renovated Maison Dieu is scheduled for early 2025, but this date is subject to the master programme, which is currently being revised. Once complete, the Maison Dieu will be permanently open to the public for the first time in its 800-year history, contributing to the creation of a heritage quarter in Dover town centre.

Executive Summary

- Main contract works commenced on 23rd January 2023. Works are progressing well on site, but due to some procurement delays the programme has been impacted slightly with delays to the decorative scheme being undertaken and in turn this has pushed the completion date back by four weeks to the middle of September 2024.
 - First fix mechanical and electrical works are well advanced and in some cases second fix has been completed.
 - Majority of the scaffold is complete, with some minor areas to be progressed to allow work to the clock etc.
 - The opening in the front of the building has been made for the new entrance and the next phase of opening the lobby up has commenced.
 - Masonry façade works having had some initial delays are now progressing well.
 - The design team are pressing the contractor to advance critical procurement packages such as roof repairs, steelwork, lift, window repairs, and ironmongery. This is still ongoing and is where the greatest element of risk still lies with the project progressing to programme. Once these are known, this will allow design workshops to develop the construction information and firm up provisional sums. Some workshops have been undertaken to move these important packages forward.
 - Plaster repairs are well advanced.
 - Interesting archaeological discoveries have been found around the Sessions House area and these are currently being recorded.
 - Arte Conservation have begun work on site to prepare artwork, stencils, colour matching and samples of the Burges decorative scheme. This is focusing on the Mayors Parlour initially, as this area is most advanced. The erection of a full birdcage in the Connaught Hall will allow preparatory work to commence on the ceiling decorations in parallel.
 - Successful Environmental Health Officer review of the venue commercial kitchen proposals and samples on site – this has de-risked the proposed works, which are now progressing.
 - The Landmark Trust have visited the site, with a further visit planned in November.
 - Value Engineering (VE) continues in the background with potential savings being identified. However, due to the general economic environment and complexity of the building savings are proving increasingly difficult to identify.

In parallel with the construction work, we continue to deliver an extensive programme of community engagement activities.

Project overview

High-level overview of progress, accomplishments, and upcoming work.

Milestone	% done	Due date	Notes	RAG status
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Main NLHF Grant confirmed	100	September 2020	Grant increased in September 2022 following further application.	Green
Planning consent granted	100	August 2020	Granted – conditions being discharged as necessary	Green
Invitations to tender for main contract issued	100	November 2021		Green
Tenders for main contract received	100	March 2022		Green
Contract for enabling works awarded	100	October 2022	Coniston appointed with works complete	Green
Commencement of main contract	30%	January 2023	Contract signed May 2023	Green
Main Contractor Practical Completion	0	Mid-August 2024	This is now forecast for September 2024	Amber
Building fit out and interpretation works	0	August-October 2024		Amber
Opening of the renovated Maison Dieu.	0	November 2024	This is likely to now be at the start of 2025, but, if possible, the team will seek to reopen prior to Christmas 2024	Amber

Risks and issues

The high-risk items identified by the Project Team for mitigating action are as listed in the following table.

Risk / issue	Mitigating action	Assigned to	Date
Savings targeted required to bring project back within budget envelope cannot be achieved.	Whilst the team have identified significant savings, there is a growing risk that further 'target' savings will not be achieved. For several items such as lifts (which are proving extremely challenging to procure) target savings have reversed and become a budget pressure. Prices are being fixed across a number of packages and all savings opportunities are being explored where possible but at this stage targeted savings are unlikely to be achieved.	Design Team	Ongoing
Feedback from Building Control must be incorporated into design to avoid potential additional professional fees, delay in production of construction details, sign-off of the planning consent and start of works on site.	Haverstock continue to liaise with Building Control, Principal Heritage Officer, LPA, and The Landmark Trust on a weekly basis so that queries and submissions are agreed and signed off in a timely manner.	Design Team	Ongoing

Further Decorative Scheme investigation works uncover unexpected aspects which require more intensive development from the specialists – additional professional fee and programme delay risk.	This item will be present throughout the project until the Main Contractor’s conclusion of these works. The Change Control procedure needs to be formally implemented by Haverstock moving so that any events or requests which would incur additional cost or programme delays are reviewed and sanctioned by the relevant parties before proceeding.	Change Control to be managed by Haverstock. Contractors and Specialists are to ‘flag’ potential discoveries to Haverstock and Artelia as soon as possible.	Ongoing
Condition of building fabric and level of repair work required proves to be much greater than anticipated. Additional cost incurred through repairs and potential risk of programme delays if discovered during main contract works.	Full access to known areas of disrepair, decay or unknown construction have been targeted as best as possible during the development phase and the delivery phase thus far. A considerable amount of survey information was provided to Coniston. However, there will remain unavoidable ‘unknowns’ whilst on site and inevitably, there will details to revise and/or additional works to instruct. Target savings are not being achieved due to the degradation of some parts of the building. Adjustments are being made to avoid costly stone replacement, but these savings are being reabsorbed with other additional stone work repair and other items such as additional plaster repair work in the Connaught Hall	Design Team	Ongoing

Key successes and achievements

- Progression of the works on site recently including the start of the decorative scheme.
- Formation of the opening in the front of the building.
- High level of interest in the engagement work and successful visits from The Houses of Parliament, Society for the Protection of Ancient Buildings etc.
- The ‘Operations Sub Group’ is now progressing a number of different workstreams to reopen the building. A large amount of work here has been progressed and has been praised by the Lottery for forward thinking.

Additional information and links

The project forms a key part of the Council’s regeneration plans for Dover Town Centre.

Conclusions / recommendations

The key next steps for the project are:

- Making plans for operating the building following completion.
- Lease signed with the Landmark Trust.
- Appointment of Engagement Officer Support Role.
- Progression of procurement for kitchen fit out.
- Progression of procurement of Visitor Information Centre operator.

- Progression of recruitment process for Maison Dieu staff.

6. PLACE AND GROWTH

IGT001: Average of Total Footfall in Dover, Deal and Sandwich Town Centres.

A high value is good.

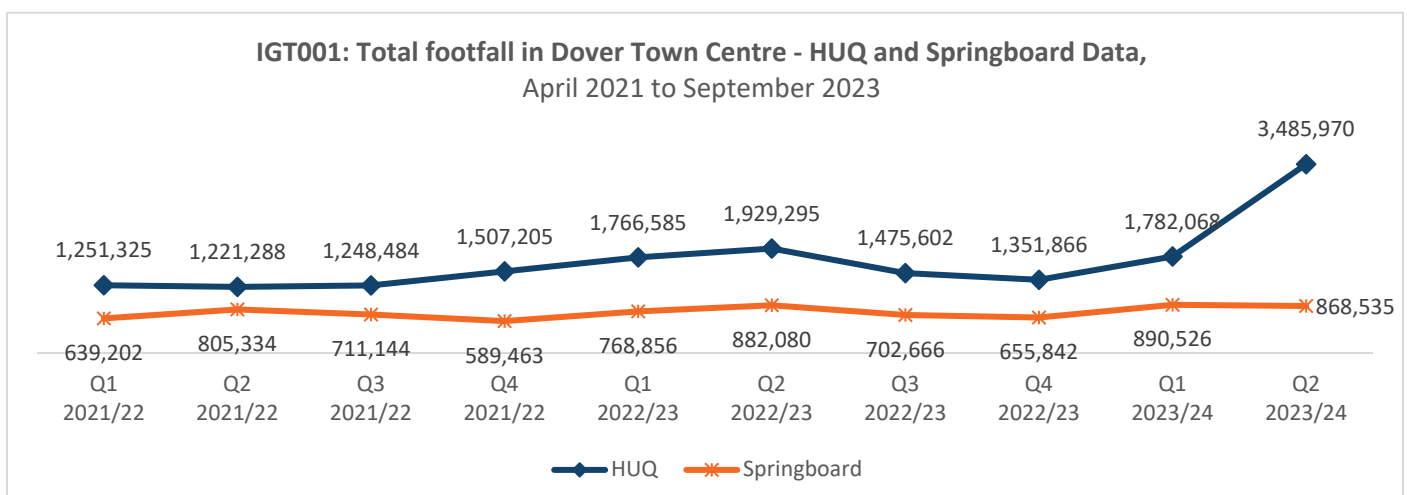
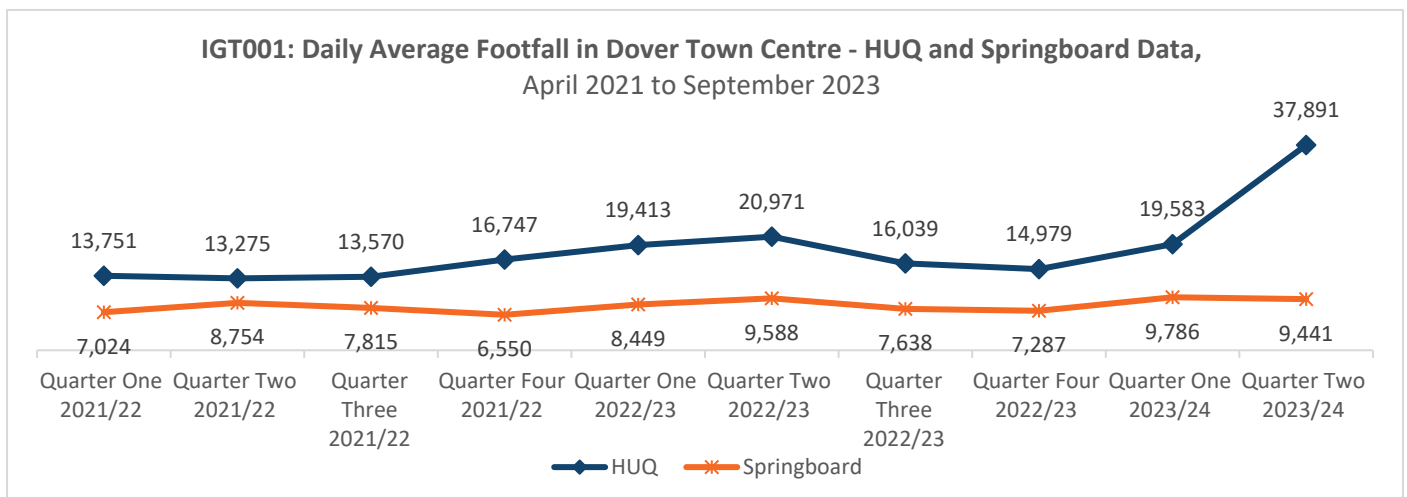
We currently have two footfall monitoring systems in Dover Town Centre:

- HUQ – a system that tracks mobile phone signals.
- Springboard – a system that counts people that cross an invisible line.

In Deal and Sandwich Town Centres, we only have the HUQ system to monitor footfall.

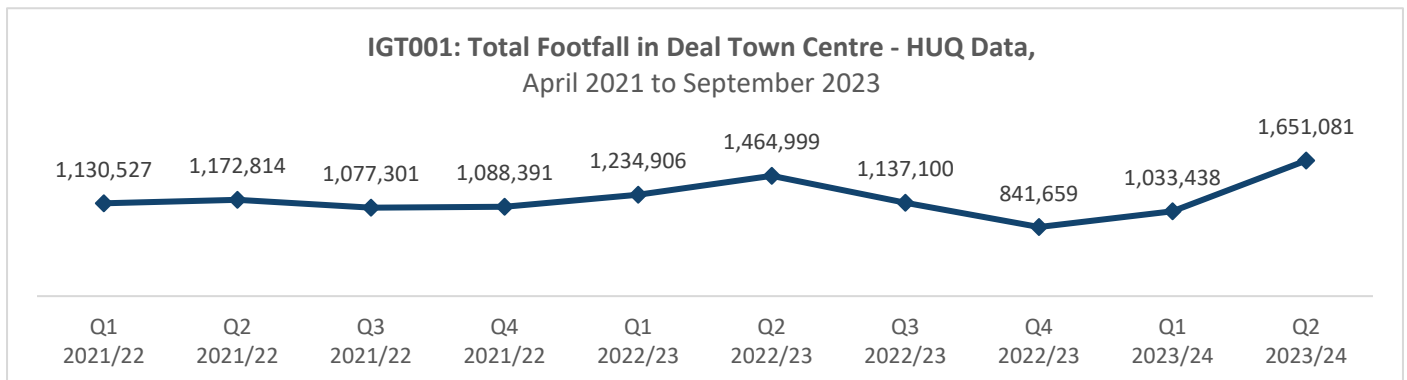
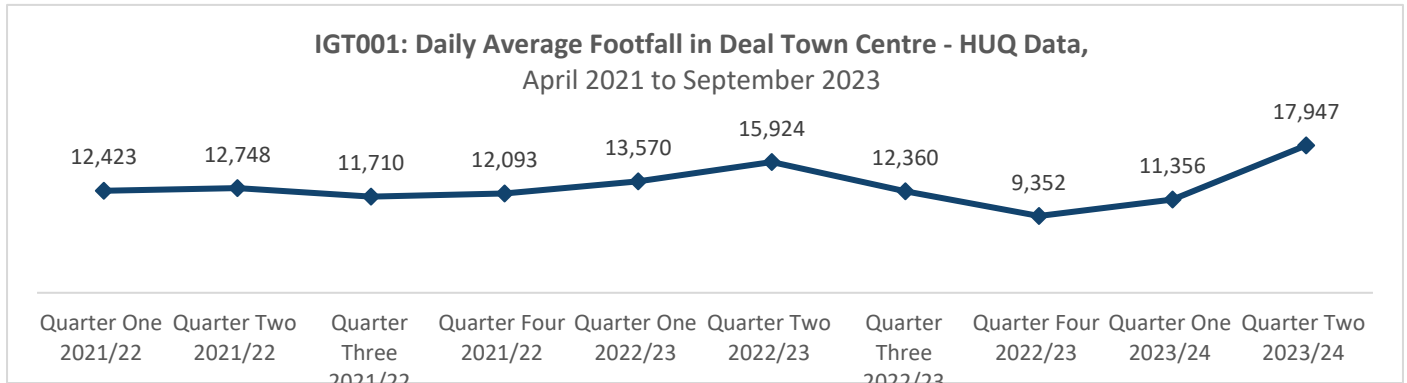
HUQ has changed its methodology for calculating footfall. For Dover Town Centre, this change has resulted in the footfall figures increasing dramatically. As a result of our querying the figures, HUQ investigated their findings and concluded that Dover Town Centre is unique, with traffic passing by to the port. HUQ has therefore worked towards a solution to remove any ‘background noise’ and this revised data is shown below (the new methodology has been backdated to all data on the HUQ portal, to maintain consistent trend data). This new data still shows a significant spike in visitor numbers, and we will continue to monitor the accuracy of the data going forward.

Dover Town Centre



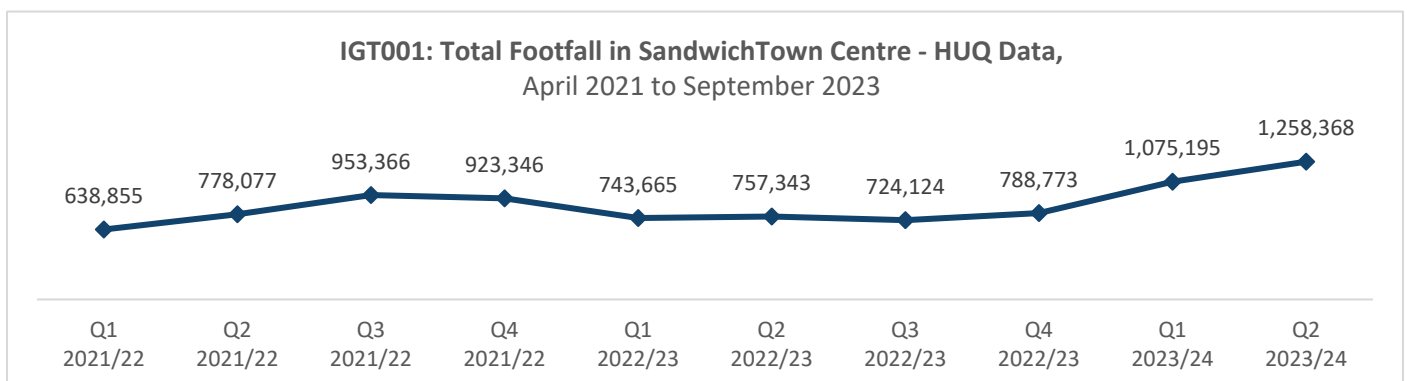
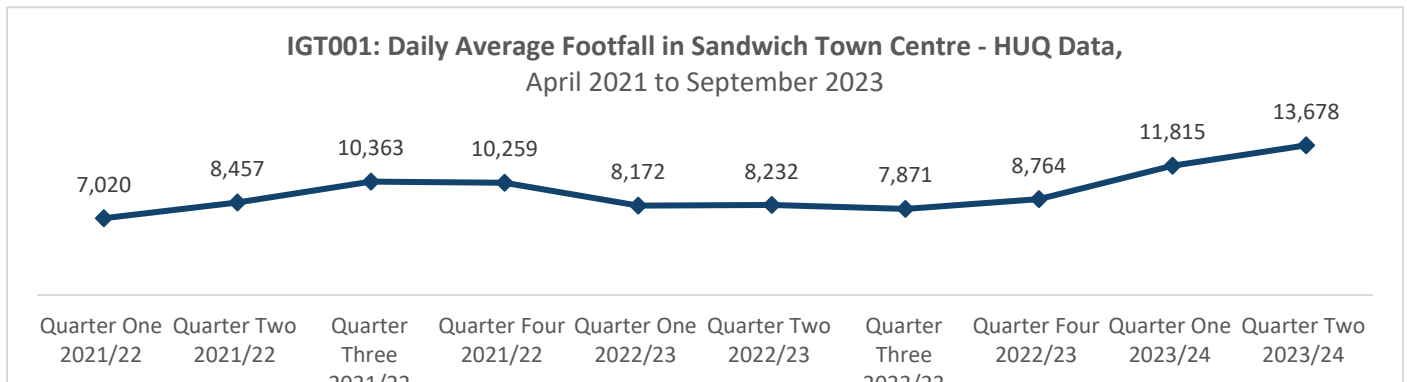
Deal Town Centre

The charts below, using HUQ data, shows an increase in footfall in Deal Town Centre, compared with the previous quarter and the same period in 2022/23.

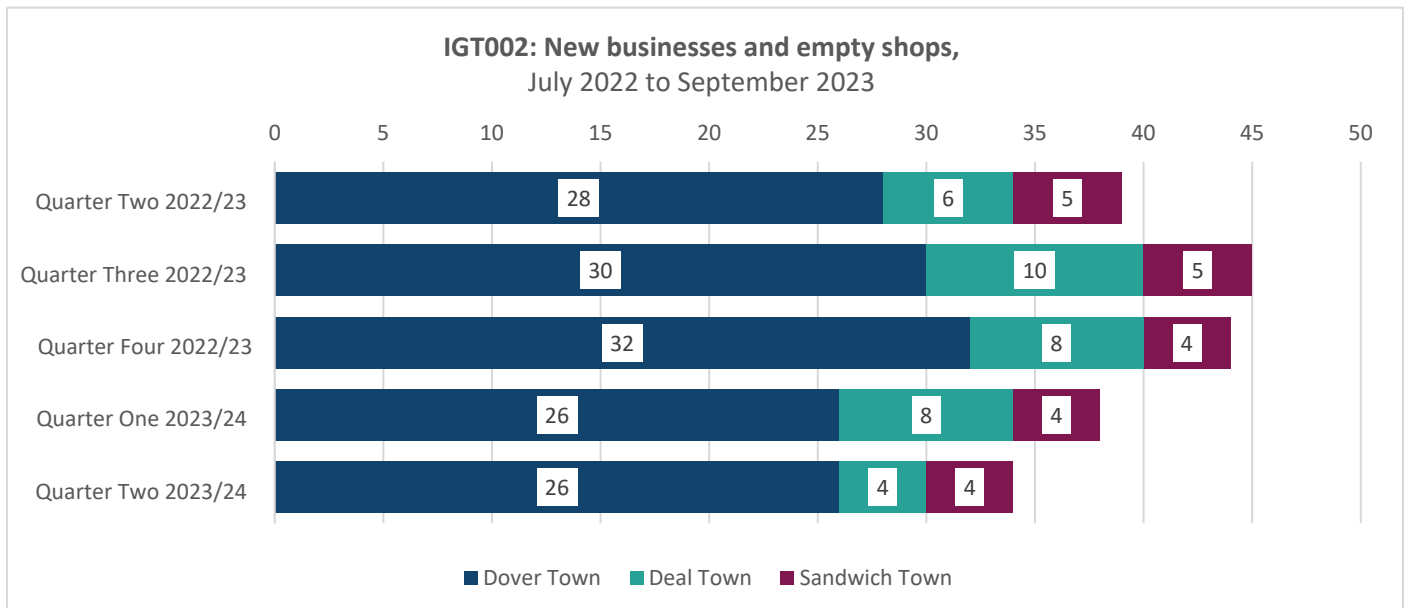


Sandwich Town Centre

The charts below, using HUQ data, shows an increase in footfall in Sandwich Town Centre, compared with the previous quarter and the same period in 2022/23.



IGT002: New businesses and empty shops



Quarter One 2022/23 data is not available. Count started in Quarter Two 2022/23.

Dover Town Centre

- During Quarter Two 2023/24, four businesses closed (Five-A-Day, Priceless Furniture, Splitenz, and O2) and two new businesses opened (Dover Café and Kebab, and Coastal).

Deal Town Centre

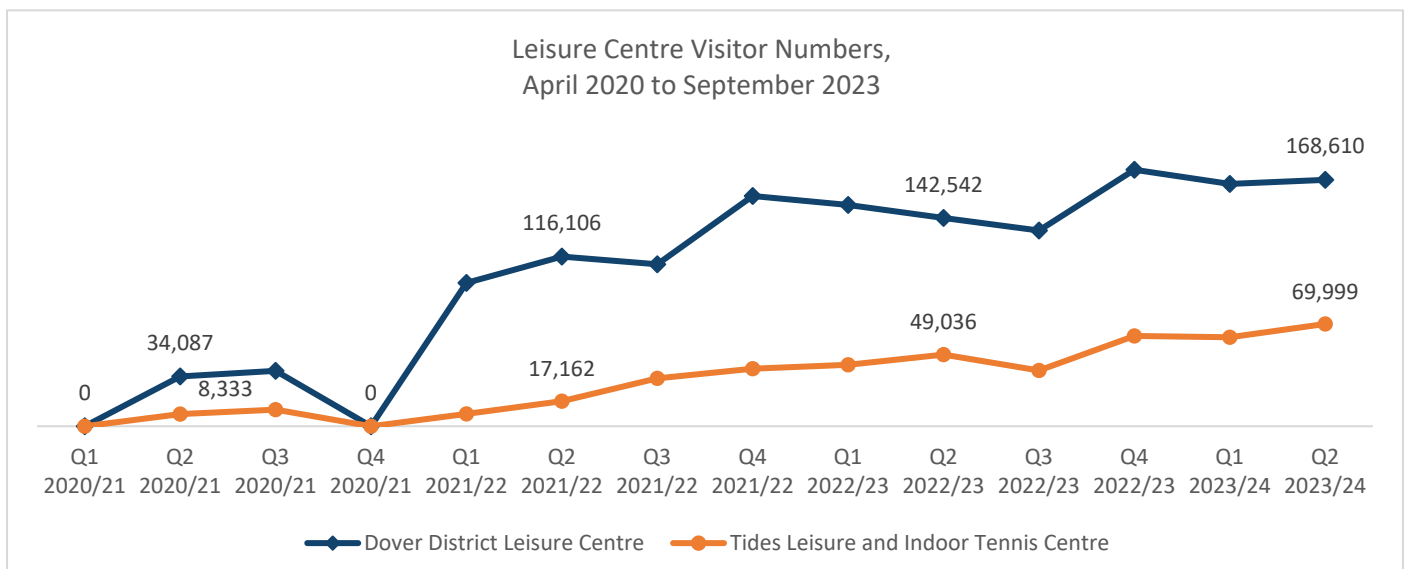
- During Quarter Two 2023/24, two new businesses opened (Accordo Lounge, and The Fox) and two businesses closed (C.J.Howe, and The Seagull)

Sandwich Town Centre

- During Quarter Two 2023/24, one business closed (Priory Interiors) and a new business opened in its place (Cat's Eye Carving).

LS001: Number of Leisure Centre Visits (Dover District Leisure Centre and Tides and Tennis Centre).

A high value is good.



Dover District Leisure Centre

- The summer holiday months were busier than last year which is due to a few factors including the poor summer weather and business growth. The visitor numbers continue to show considerable growth this year by comparison to 2022, when in the same quarter, there was a total number of 142,542 visitors.

Tides Leisure and Indoor Tennis Centre

- The user figures are higher during this period when compared to Quarter One, due to the increase in swimming sessions taking place during the school holiday period which is typically one of the busiest quarters at Tides Leisure Centre. The total visitor number for the same quarter last year was 49,036, this lower figure is due a few factors including the poor summer weather this year and the change to Gladstone software used to record visitors to the centre since November 2022.

CORPORATE PROJECT PROGRESS UPDATE: DOVER FASTRACK.

- Dover District Council secured a deed of variation to the funding agreement with Homes England, which increased the funding amount to a maximum of £22.9m. The project will construct infrastructure needed for a quick and reliable bus service between the strategic housing allocation in Whitfield and Dover Priory, by providing a bus, cycle, and pedestrian only bridge over the A2 and a new road linking Honeywood Parkway and Dover Road, south of Guston.
- The Council is working with Kent County Council to deliver the scheme, and KCC has secured further funding from the Department for Transport for electric vehicles, meaning that Dover Fastrack will be a zero emissions service.
- Colas Ltd has been appointed to construct the infrastructure; the bridge lift was undertaken successfully during July and the embankment settlement period ends on 19th November, at which time construction of the road on the embankment is due to begin. Completion has slipped to early 2024. The section of new road between B&Q roundabout and Dover Road south of Guston is largely complete, although landscaping works have been delayed. Improvements to Dover Road will be completed after by Severn Trent and Affinity Water have finished their water mains decommissioning and replacement works.
- Construction of new road is now underway on the land that was recently acquired from Halsbury Homes adjacent to the Whitfield development site, while the partially constructed roads acquired from Halsbury within Richmond Park will be completed early in 2024.
- A programme of social value works by the contractor is now complete. This includes visits to eight primary and four secondary schools, delivering STEM activities and employability workshops, plus outreach works at community centres with the DDC Community team. Two T-level construction students from EKC are undertaking a paid 45-day work experience opportunity. Scrub clearance and reprofiling works have created an open space at St Radigund's Community Centre.

CORPORATE PROJECT PROGRESS UPDATE: TIDES LEISURE CENTRE

- The Royal Institute of British Architects (RIBA) Stage 2 detailed design and feasibility work has been completed. Progress initiated late last summer, conducting site investigational surveys, developing designs, engaging with the public on emerging proposals, refining designs and interrogating project costs and assessing financial viability.
- Unfortunately, projects costs have, since initiation, been compounded by the rise in interest rates, wider energy market uncertainties, and more general inflationary pressures affecting the running costs of leisure centres. This led to a significant deterioration in the viability of the project. Projected capital costs for the preferred New Build option, which were reported as £24.8m in July 2022, increased to £30.7m as costed by F+G and £32m by BAM Construction in September 2022.

- Value engineering exercises were conducted but project costs have been extremely challenging to control and reduce. Further investigations followed to introduce design changes that would, as far as possible, meet strategic and community need, in effort to reduce the overall capital cost. Informal engagement with local leisure management operators assisted the value engineered reduced New Build to ensure quality of facilities and operations was not compromised. By May 2023, some success was achieved, and the projected capital cost had reduced to £25m as costed by F&G and £25.4m by BAM Construction. The reduced New Build cost was updated in September 2023 to include the £25m as costed by F+G and an additional £1.6m to allow for repairs to the tennis centre to make the total project cost of the reduced New Build option at c.£26.6m. To give this some context, Dover District Leisure Centre was built for £26.4m in 2019; this leisure centre is almost double in size and offers significantly more new facilities when compared to the reduced New Build proposals for Tides Leisure Centre.
- The funding and affordability of the project has significantly deteriorated due to several factors including the substantial increases in utility costs and increased staff costs. In addition, the increase in PWLB borrowing rates from c.3.5% in 2019 to 5.75% in September 2023 have combined with the other factors to further increase the affordability gap. The project as it currently stands would require either an additional £9m of capital funding or increased borrowing, which would add £545k per annum to the revenue budget. Given the wider demands placed on the Council's Capital and Revenue Budgets, the reduced New Build proposal is not affordable.
- In parallel with consultant investigations, a high-level capital cost exercise was also undertaken by DDC officers to investigate a dry-side only option. The exercise included consideration of any repairs required to the indoor tennis centre. The capital cost of dry-side only is £8.2m. Under this option, the current wet-side facilities would be closed, decommissioned, and demolished. However, even this option would still increase the financial pressures on the Council's budget and not meet strategic and community needs.
- The Council continues to engage on project progress with Your Leisure who manage and operate Tides Leisure Centre. With under seventeen months remaining on the current lease, there is opportunity to reconsider future operations and how this could be progressed. Meanwhile, the Council continues to address failures in the mechanical and electrical equipment, which is essential to the operation of the pool. However, there is a growing risk that this could lead to permanent closure of the pool without significant investment.
- Cabinet Members will be considering a Tides Leisure Centre report on 6 November 2023, and asked to note the findings from the RIBA Stage 2 detailed feasibility work and the challenges posed to the viability of the project by the wider economic climate. In addition, Members will be asked to request officers explore whether there are any alternative solutions or sources of external funding that might provide a possible phased way forward for the project and to approve the additional, spend of up to £20k from the existing Tides Replacement capital project to support this work.

CORPORATE PROJECT PROGRESS UPDATE: DOVER BEACON

- The design has progressed at pace. The adjacencies (that is the common needs, working spatial relationships, and their relative importance have been determined) as have strategic decisions regarding power and heating. The architectural design is developing in tandem with the structural design and the mechanical, electrical, and plumbing elements of design.
- The collaboration between the various members of the design team is remarkable. The above information was pulled together in a RIBA 2.0 (concept design) report, which was signed-off by the Leader of The Council, following advice from the Dover Town Regeneration and Dover Beacon Project Advisory Group (PAG).
- A BREEAM assessor has been appointed and the first workshop with the design team has taken place. Early indications suggest a rating of 'excellent' is feasible.
- The exercise to secure tenants, held in July, resulted in the decision to formally commence the process of securing East Kent Spatial Design Company and East Kent College as tenants of the business centre and FE

campus centre respectively, through an agreement for lease and the lease itself. The evaluation panel could not come to a decision regarding tenants for the creative centre and decided to re-run the exercise later in the year.

- The demolition contract is well advanced. The demolition of No.14 and No.15 completed in August and the demolition of No.11 is expected to complete in October/November.
- Solicitors Blake Morgan have been engaged to assist the Council in: Drawing up leases/agreements for lease for the three new centres; Incorporate the various land parcels, now in DDC ownership, into one clean land parcel; Advise on contractual arrangements for the main design and build contract.

Successes and Areas of Concern – Quarter Two 2023/24

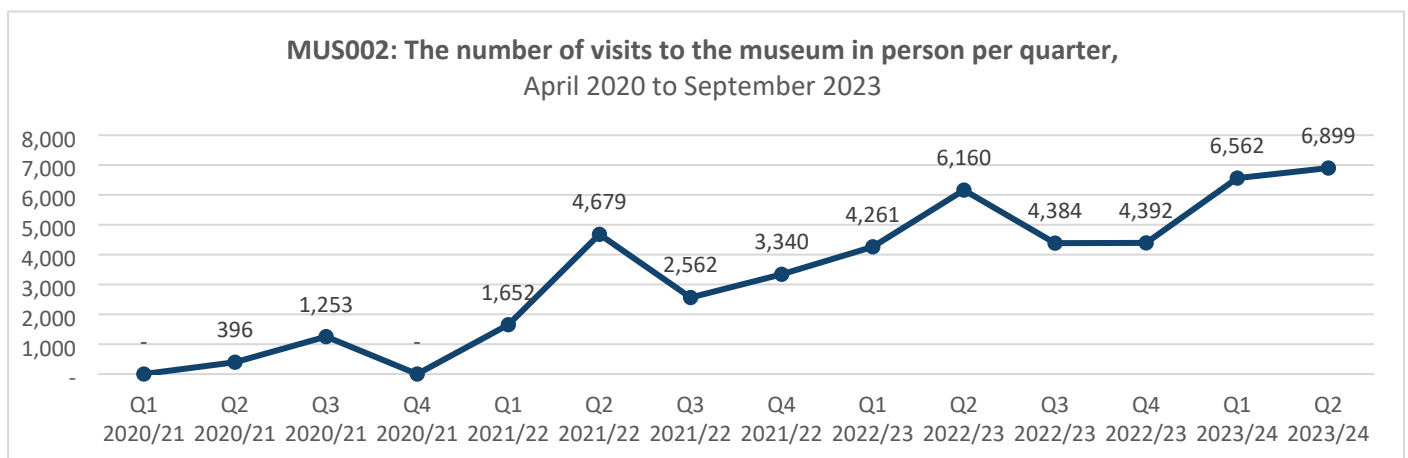
Christopher Townend, Head of Place and Growth.

- The Place and Growth Service has continued with their support to the district’s businesses, industry, groups, and town centres providing promotion, information, updates, events, and advice, as well as grants and associated funding. Work with potential investors and developers has also continued. Tourism and Economic Development representation and collaboration at a national, regional, county, and local level has also continued throughout.
- Department major project work has progressed on Dover’s Fastrack (new zero-emission bus service), Future High Street Fund (Bench Street: Creative Centre and Underpass), Dover Beacon (Levelling Up Fund Round 2 bid to transform Bench Street, Dover into an education campus, business centre and riverside parklet), Aylesham (housing construction and associated development) and a proposed new leisure centre for Deal. Other projects include ongoing work on the UK Shared Prosperity Fund and Rural England Prosperity Fund. Work also continues at pace on the Town Centre Action Plans, Dover Town Place Plan and Cultural Strategy.
- Research, brand, website, guide, and video developments also continued, and the quarter also witnessed numerous external meeting requests with the department to discuss opportunities within the district.
- Following the transfer of the DDC Catering and Events (Kearsney Café) Team to the service, we have implemented a new staffing structure and price review. Private events are now taking place in the Billiards room increasing the revenue. This puts the café in a better financial position going in to the final two quarters of the year.

7. MUSEUMS AND CULTURE

MUS002: The number of visits to the museum in person per quarter

A high value is good.



Successes and Areas of Concern – Quarter Two 2023/24

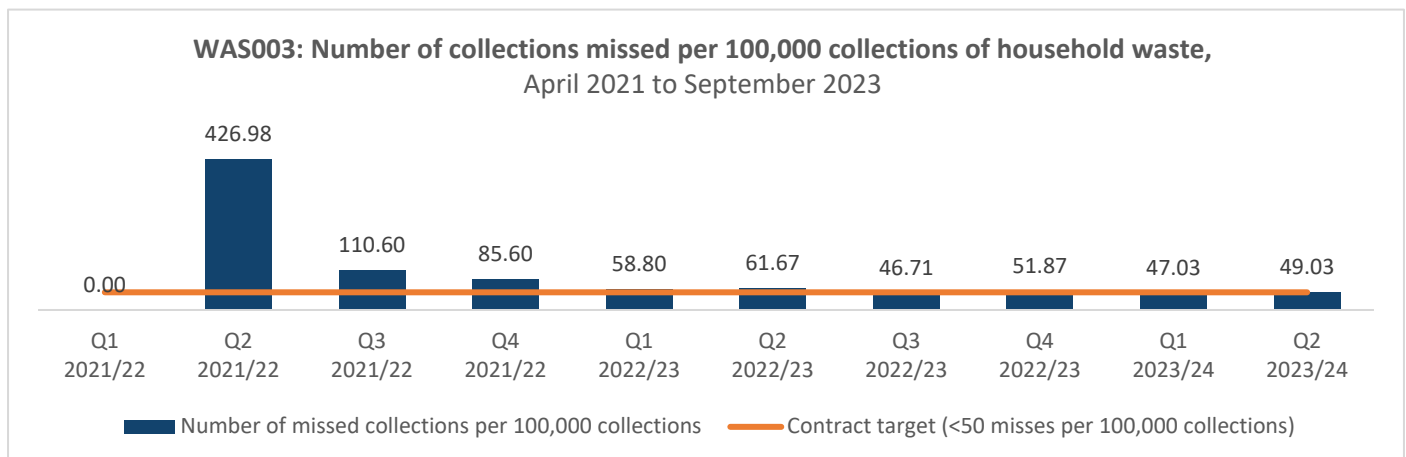
Jon Iveson, Head of Museums and Heritage

- Following the various Covid-19 lockdown closures, visitor numbers to the museum have picked up reaching a new high, since April 2020, with 6,899 visitors during Quarter Two 2023/24. This is up 5.1% from the previous quarter. Over the quarter, 227 people visited the museum as part of a school trip.
- We continue work on our project to reawaken the Maison Dieu, which is undergoing a £10.5m restoration thanks to a £4.27m grant from The National Lottery Heritage Fund.
- A [Corporate Project Progress Update for the Maison Dieu Restoration](#) is provided in the Property Assets section of this report.
- Please also see our [Maison Dieu](#) website for further information.⁷

8. WASTE SERVICES

WAS003: Number of collections missed per 100,000 collections of household waste.

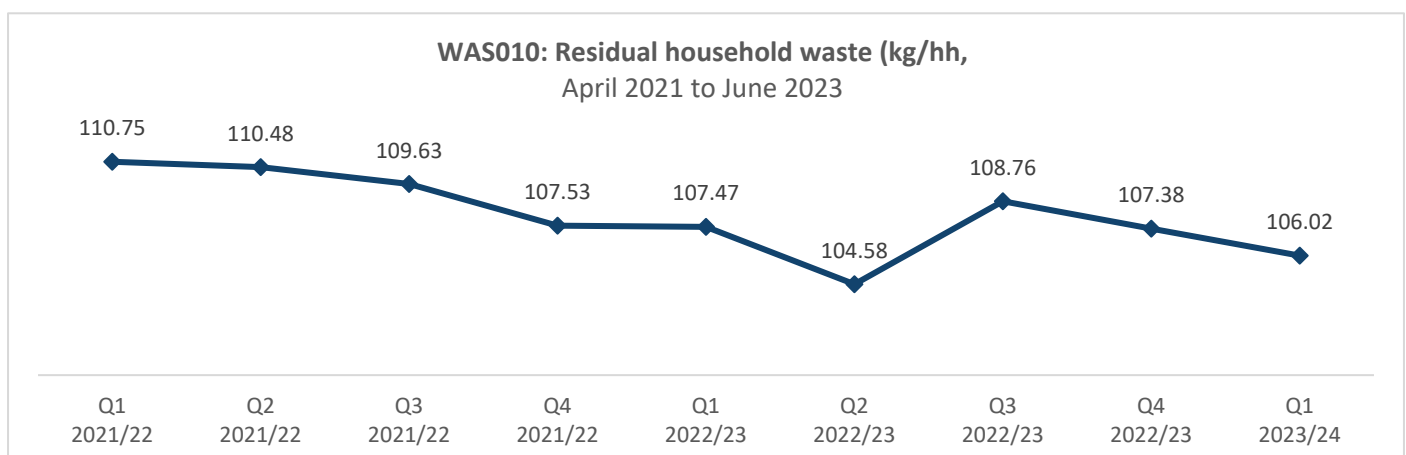
A low value is good.



Quarter One 2021/22 data not received.

WAS010: Residual household waste per household

A low value is good.

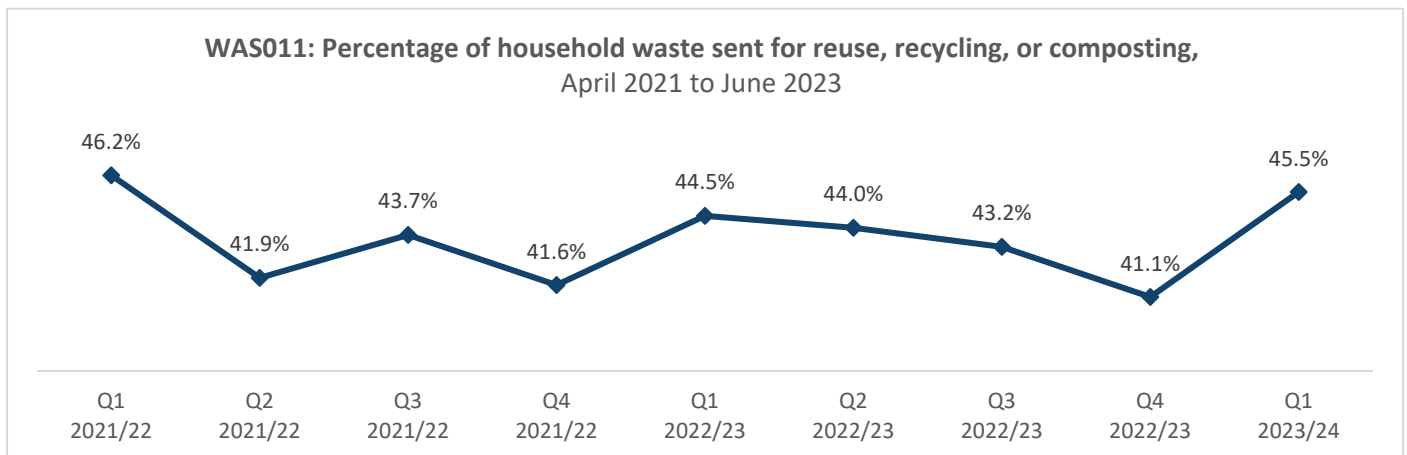


Due to time lags in receiving data from KCC, July to September 2023 (Quarter Two) data is not yet available.

⁷ maisondieudover.org.uk/

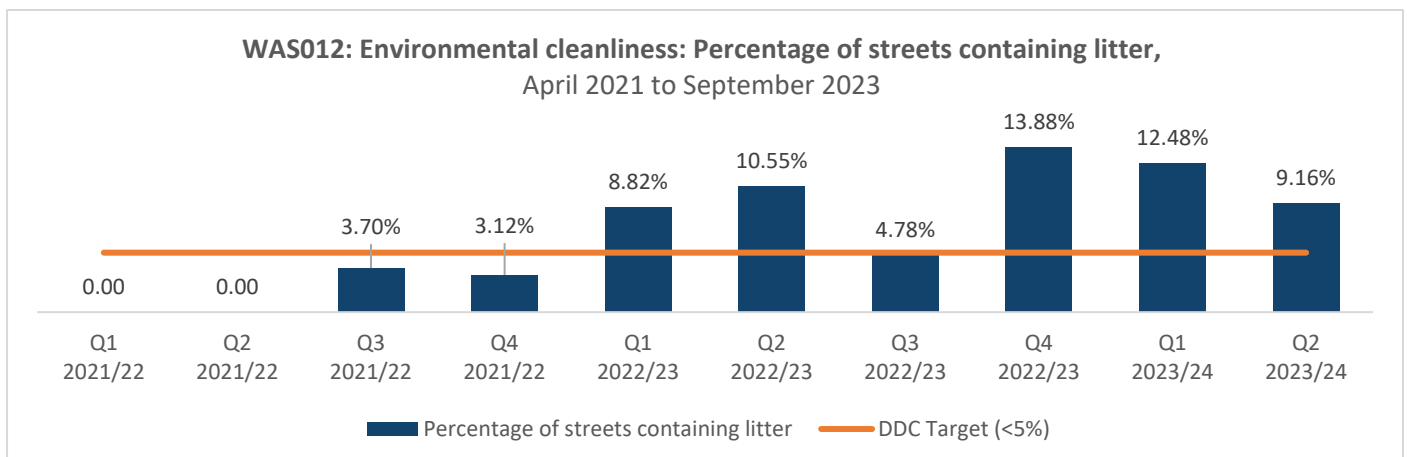
WAS011: Percentage of household waste sent for reuse, recycling, or composting.

A high value is good.



WAS012: Environmental cleanliness: Percentage of streets containing litter.

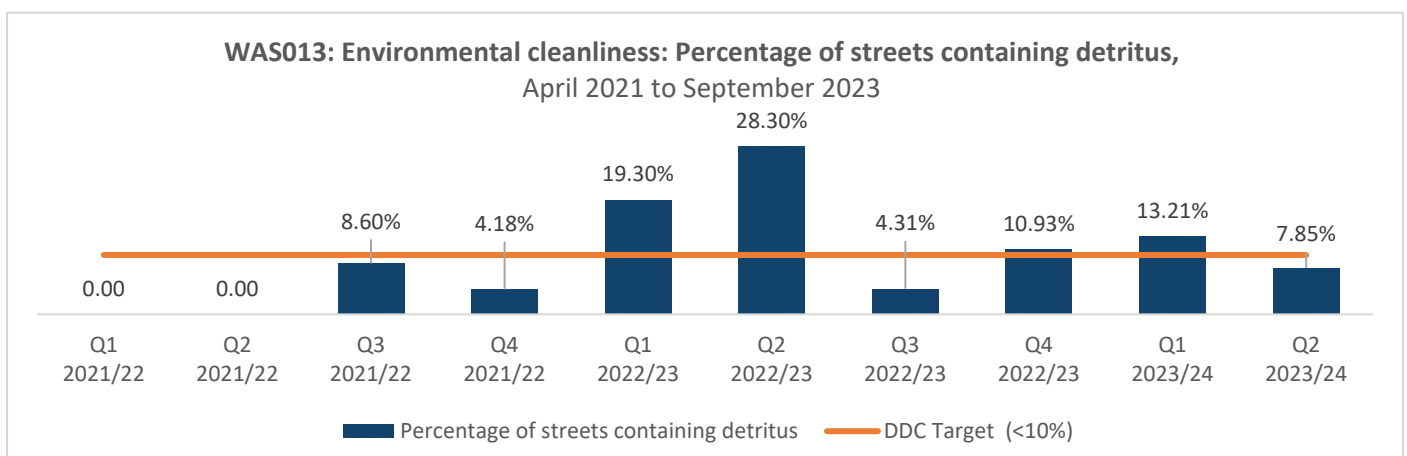
A low value is good.



Quarter One and Quarter Two 2021/22 data not received.

WAS013: Environmental cleanliness: Percentage of streets containing detritus.

A low value is good.



Quarter One and Quarter Two 2021/22 data not received.

Successes and Areas of Concern – Quarter Two 2023/24

- WAS003: The charts show a slight fall in performance over the quarter, from 47.03 collections missed per 100,000 during Quarter One to 49.03 during Quarter Two. However, this is still within the contract thresholds (of less than 50 misses per 100,000).
- WAS010: Time lags in receiving data from Kent County Council means that we are reporting Quarter One figures in this performance report. The charts show there has been an improvement in performance, with residual household waste falling from 107.38 kg/hh in Quarter Four 2022/23 to 106.02 kg/hh in Quarter One 2023/24.
- WAS011: Time lags in receiving data from Kent County Council means that we are reporting Quarter One figures in this performance report. The charts show there has been an improvement in performance, with the percentage of waste sent for reuse, recycling, or composting, increasing to 45.5% in Quarter One 2023/24 from 41.1% in Quarter Four 2022/23.
- WAS012 and WAS013: There has been improvement in the performance for the percentage of streets containing litter (WAS012), which has seen a drop from 12.48% in Quarter One 2023/24 to 9.16% in Quarter Two. The percentage of streets containing detritus (WAS013) has also fallen from 13.21% in Quarter One 2023/24 to 7.85% in Quarter Two.
- Our contract and operations follow the [DEFRA Code of Practice on Litter and Refuse](#).⁸ This includes definitions of litter and detritus and explains the grading standards. We do not have a statutory duty to inspect or report on street cleansing, which was part of the old Best Value Performance Indicator (BVPI) regime. We have made a verbal commitment that we will visit every road in the district (that is over 1,500 roads and nearly 735km), as part of our contract monitoring and sampling. Where a road is graded as A or B (as per the Code of Practice) we deem that as acceptable, otherwise we arrange for Veolia to cleanse the location.

Local Authority Data Explorer - DLUHC Data Dashboards

- In July 2023, the Government established the Office for Local Government (Oflog), a new performance body. In the same month, Oflog launched the [Local Authority Data Explorer - DLUHC Data Dashboards](#).⁹
- The waste management data for Dover, which relates to the 2021/22 financial year, shows that we are an above average performer, which gives a good platform to strive for continuous improvement:

Household waste recycling rate

- Dover has a value of 43.7%, in the top 50% of local authorities with responsibility for this measure. The median value of all local authorities with the same responsibilities for this measure is 41.9%.
- Dover ranks 6th of its 16 CIPFA nearest neighbours that have data for this measure. The median value of Dover's CIPFA nearest neighbours for this measure is 41.8%.

Residual household waste

- Dover has a value of 436.0 kg per household, in the top 50% of local authorities with responsibility for this measure. The median value of all local authorities with the same responsibilities for this measure is 502.4 kg per household.
- Dover ranks 5th of its 16 CIPFA nearest neighbours that have data for this measure. The median value of Dover's CIPFA nearest neighbours for this measure is 522.9 kg per household.

Recycling contamination rate

- Dover has a value of 1.7%, in the top 25% of local authorities with responsibility for this measure. The median value of all local authorities with the same responsibilities for this measure is 5.6%.
- Dover ranks 3rd of its 16 CIPFA nearest neighbours that have data for this measure. The median value of Dover's CIPFA nearest neighbours for this measure is 5.9%.

⁸ gov.uk/government/publications/code-of-practice-on-litter-and-refuse

⁹ oflog.data.gov.uk/home

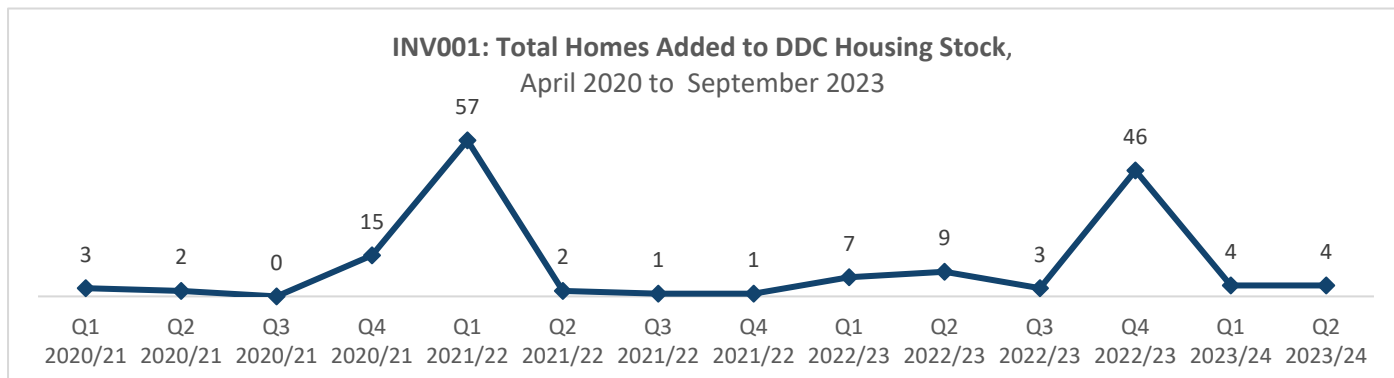
F. FINANCE AND HOUSING DIRECTORATE

9. FINANCE AND INVESTMENT (STRATEGIC HOUSING AND HOUSING NEEDS)

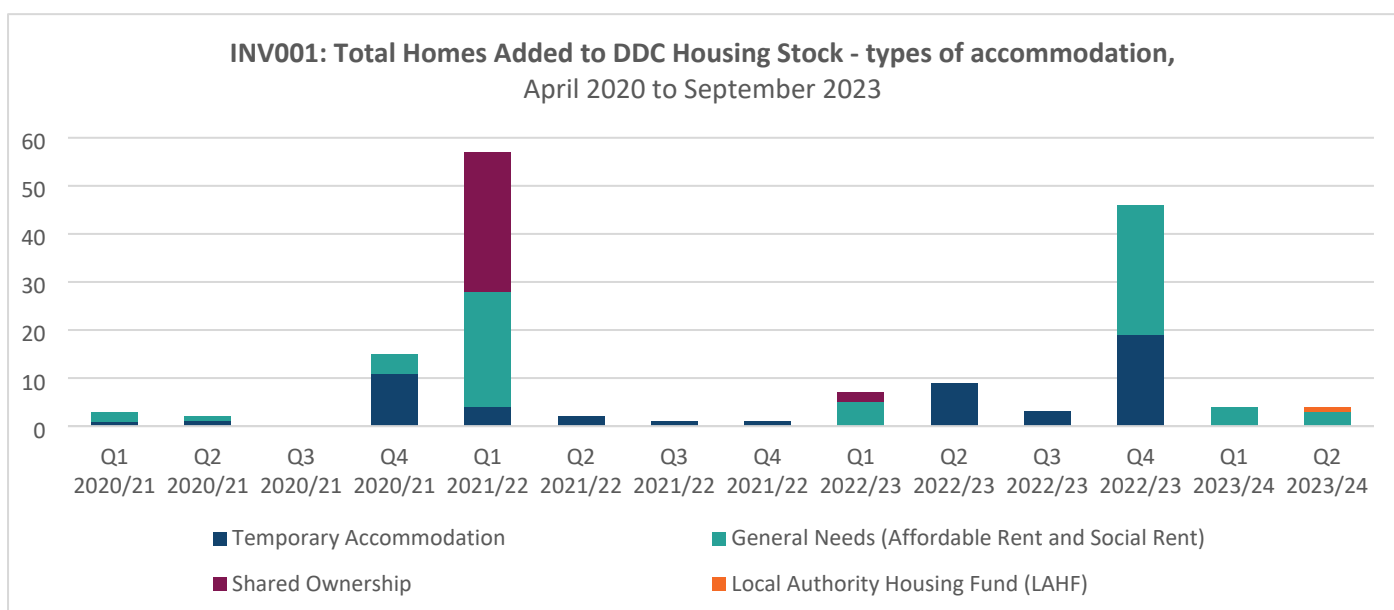
STRATEGIC HOUSING

INV001: Homes Added to Dover District Council Housing Stock.

A high value is good.

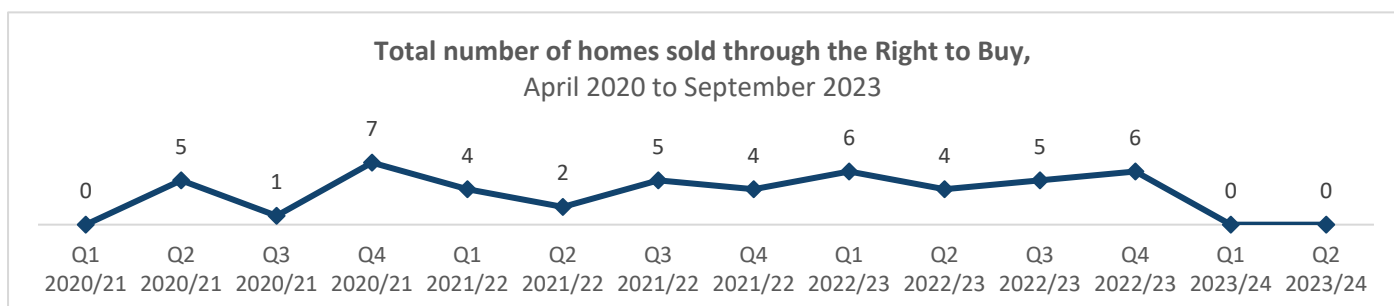


INV001a: Number of Homes Added to Dover District Council Housing Stock - types of accommodation.



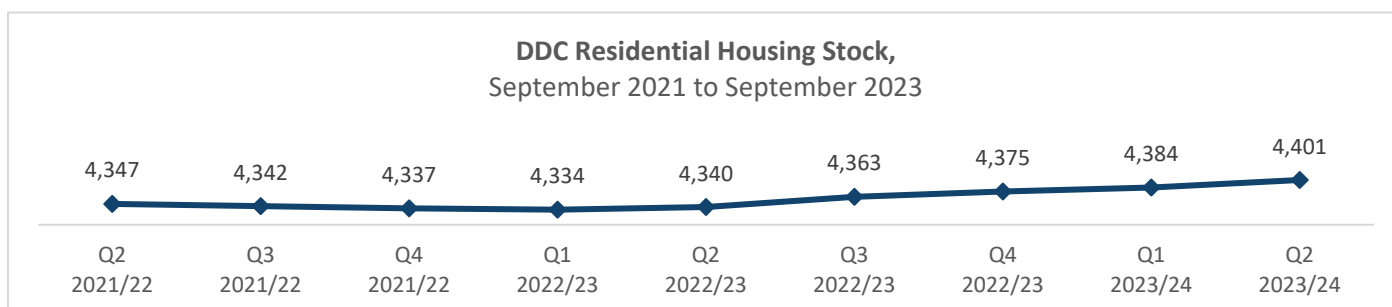
Dover District Council Homes Sold Under the Right to Buy.

Reported for information purposes only.



Dover District Council Residential Housing Stock.

Reported for information purposes only.



Successes and Areas of Concern – Quarter Two 2023/24

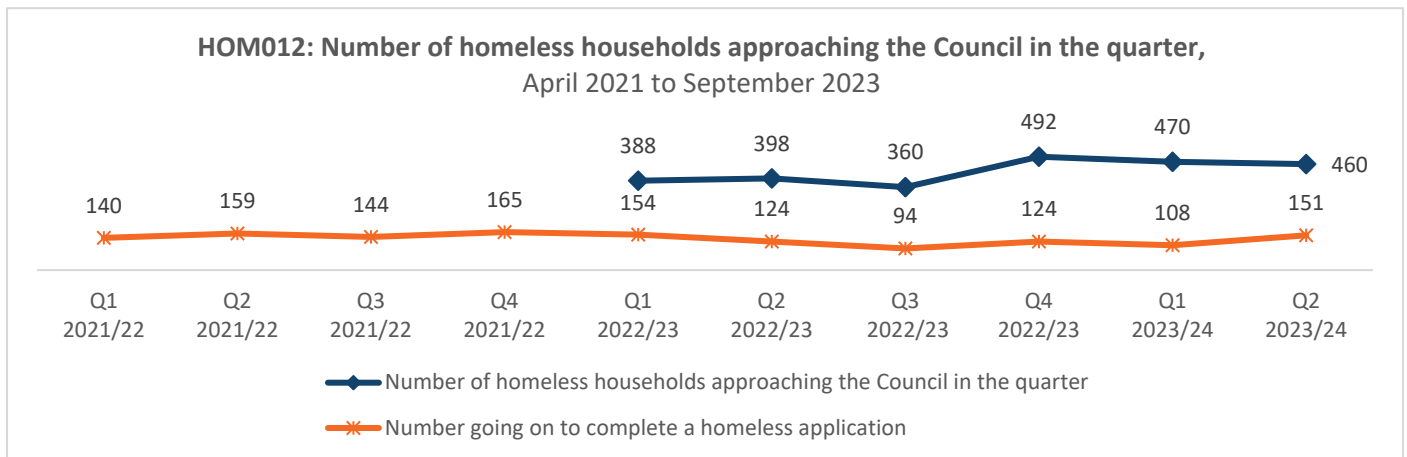
CORPORATE PROJECT PROGRESS UPDATE: DELIVERY OF AFFORDABLE HOMES

- During Quarter Two 2023/24, July-September, we added an additional four homes to DDC Housing Stock. One of these has been purchased through the Local Authority Housing Fund (LAHF) scheme for refugee accommodation (see below for further information), two affordable rent, one social rent, zero temporary accommodation.
- Since 2020/21, we have added 154 homes to DDC Housing Stock, broken down as follows: 54 (35%) temporary accommodation (including LAHF properties), 69 (44.8%) general needs accommodation, and 31 (20.1%) shared ownership.
- The Council is committed to delivering an ambitious affordable housing development programme, to provide much-needed homes for local people. This new house building/acquisition programme is funded through a combination of our Housing Initiatives Reserve (HIR), retained Right-to-Buy receipts, external grants and borrowing. You can find further details of the HIR in our [Medium-Term Financial Plan](#).¹⁰
- The government’s definition of ‘affordable housing; includes social and affordable rented homes and shared ownership properties. We also include new interim accommodation in these figures, which, although this is not included in the Government’s definition, it is let at social rent levels, and helps address homelessness in the district.
- The affordable housing development projects currently in progress, include new build developments at Military Road and Poulton Close, Dover, Great Mongeham and Willowbank, Deal.
- The Council is currently undertaking a property acquisition programme following successful funding bids and allocations under the Governments Local Authority Housing Fund (LAHF) Rounds One and Two. This is to provide housing for Afghan and Ukrainian refugees, with round two also providing three properties for general needs temporary accommodation. In total, we anticipate acquiring 22 properties. Currently three purchases have completed, two in Quarter One and one in Quarter Two, with eight others currently in the process of conveyancing.
- Most development staff resources during this quarter have been allocated to compiling offers to purchase affordable housing under section 106 (S.106) planning obligations on developer-led sites, together with an opportunity to acquire units through private sale. We considered this a priority to avoid losing potential S.106 housing because, if a developer demonstrates they cannot find an interested Registered Provider (RP), they can apply to remove the obligation to provide affordable housing – resulting in these units being lost. Consequently, this has impacted on the progression of DDC-led developments.
- Additional staff appointments have been made, with two Development Officers starting in Quarter Two and Quarter Three, which will increase the capacity of the Team to deliver a more diverse portfolio of developments and help increase the number of homes delivered.
- The Right to Buy scheme allows most council tenants to buy their council home at a discount. There were zero homes purchased under the Right to Buy scheme in Quarter Two 2023/24.

¹⁰ dover.gov.uk/Corporate-Information/Financial-Information/Budgets--Accounts.aspx

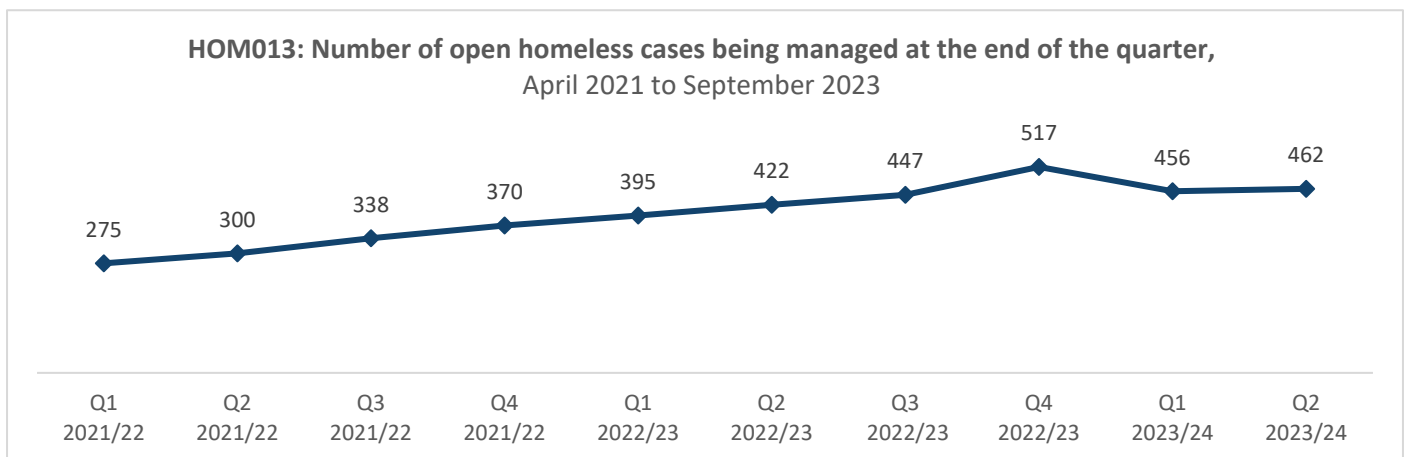
HOUSING OPTIONS

HOM012: Number of homeless households approaching the Council in the quarter and the number of homeless applications made.

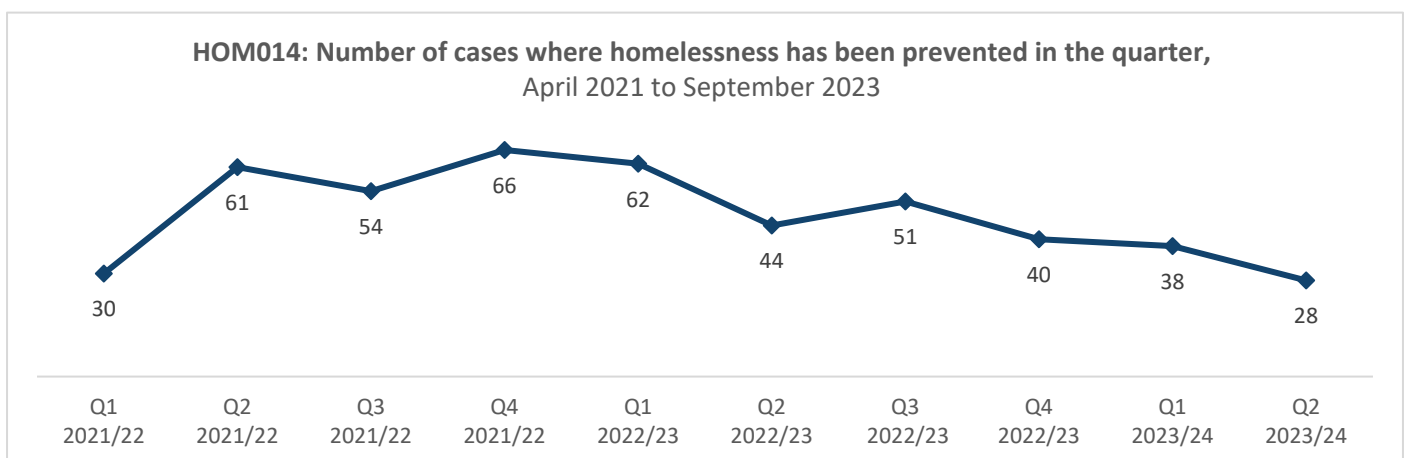


Changes made to reporting this KPI from Quarter One 2022/23 – please see explanation in the commentary below.

HOM013: Number of open homeless cases being managed at the end of the quarter.

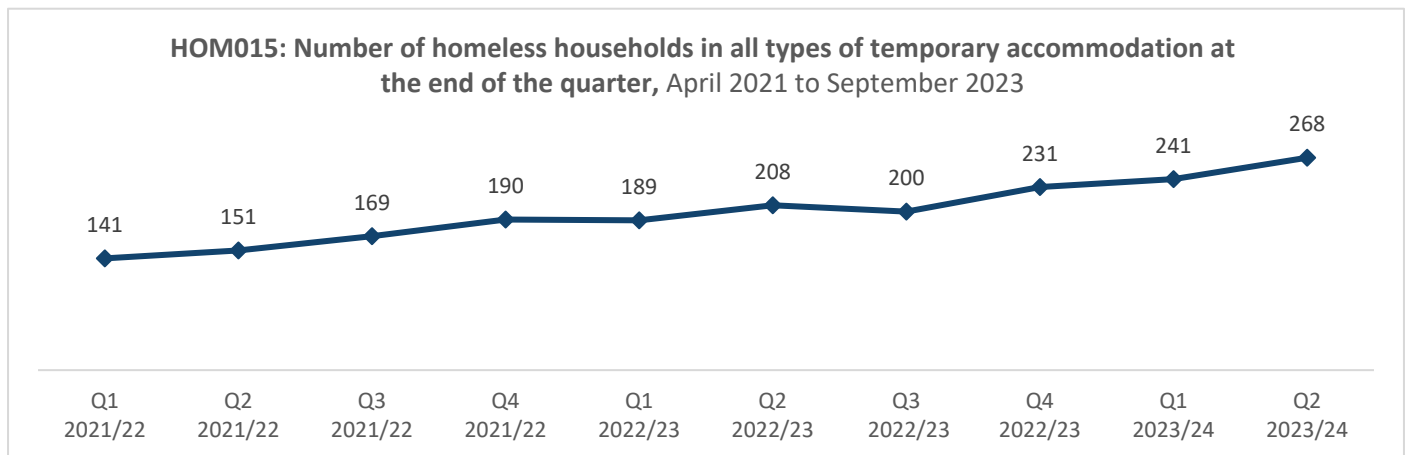


HOM014: Number of cases where homelessness has been prevented in the quarter.



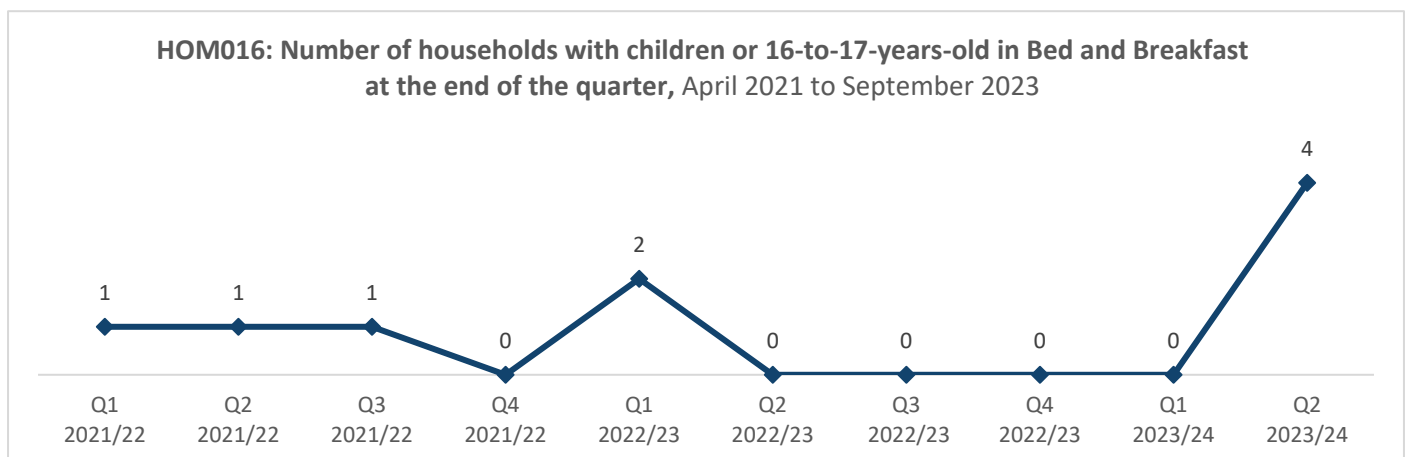
HOM015: Number of homeless households in all types of temporary accommodation at the end of the quarter

A low value is good.



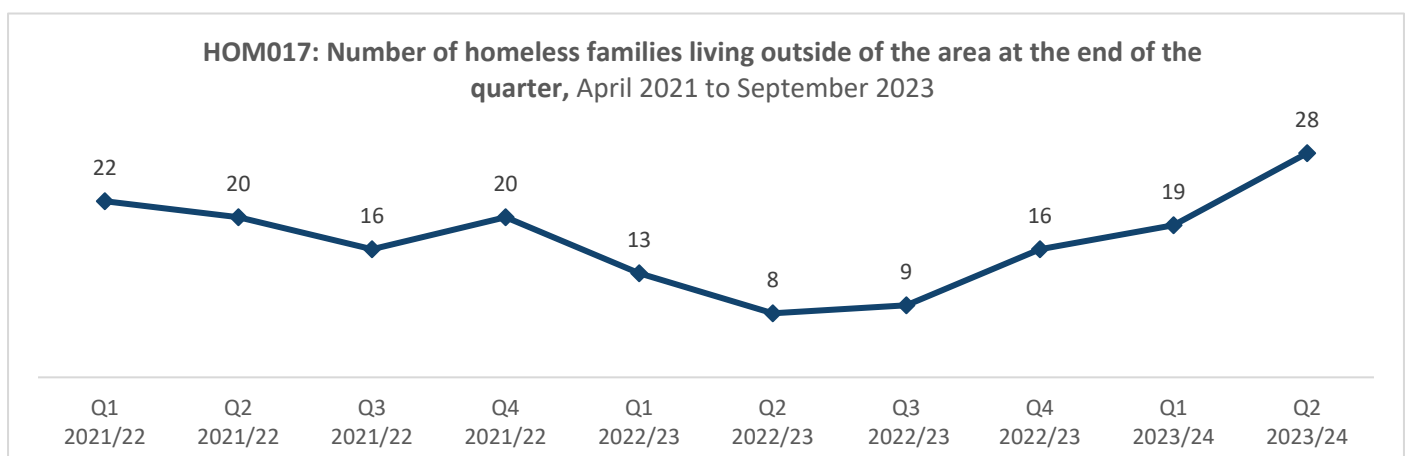
HOM016: Number of households with children or 16-to-17-years-old in Bed and Breakfast at the end of the quarter

A low value is good.



HOM017: Number of homeless families living outside of the area at the end of the quarter.

A low value is good. These figures include acquisitions.



Housing Options

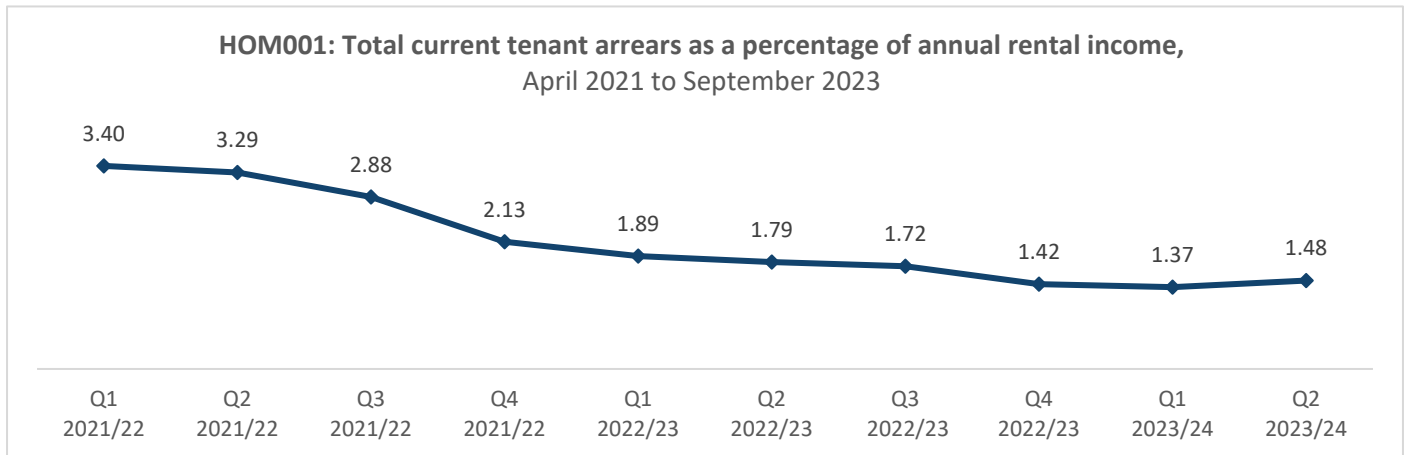
- HOM012: At the start of 2022/23, we made changes to the way we report the 'Number of homeless households approaching the Council in the quarter'. The graph now shows two datasets – the total number of households approaching the Council for advice and assistance as well as the number that have gone on to lodge a formal homeless application. This reflects more accurately the number of households in the district accessing the Housing Options service.
- Every local authority in England must make sure that advice and information about homelessness and its prevention is available to anybody in its district. The duty to provide advice and information is a general one and is intended to assist a very broad range of people, many of whom may not currently be homeless or threatened with homelessness, or who may not pass one of the other statutory tests. The advice and information service forms part of our homelessness strategy and its purpose is to assist people as early as possible to maximise the chance of preventing homelessness.
- The number of households completing a homeless application has risen significantly over the quarter, from 108 in Quarter One to 151 in Quarter Two (+39.8%).
- The number of households in temporary accommodation at the end of the quarter (HOM015) has also risen from 241 in Quarter One to 268 in Quarter Two (+11.2%).
- There were also four households with children or 16-to-17-year-old in B&B at the end of the Quarter Two – up from zero at the end of Quarter One (HOM016).
- The number of homeless families living outside the area at the end of the quarter (HOM017) has also risen significantly from 19 in Quarter One to 28 in Quarter Two (+47.4%).
- The level of homelessness in the district and the pressures it generates continue to be an issue at local, regional, and national level. The rise in households in temporary accommodation reflects the lack of supply of permanent accommodation for people to move into, both in the social or private housing sector as demand continues to outstrip supply. We continue to work hard to move households into our own stock and housing association properties, thereby reducing the use and cost of larger private temporary accommodation. The shortage of smaller studio and one-bedroom properties in the district in both private and social housing sectors is inevitably leading to longer stays for couples and single people in temporary accommodation.
- We always try, where reasonably practicable, to secure accommodation within the district. Where this is not possible, we will place the homeless household as close as possible to where they were previously living and move them back into the area as soon as possible. Those living outside of the district are in Folkestone, Ashford, and Thanet.

10. HOUSING

HOUSING MANAGEMENT

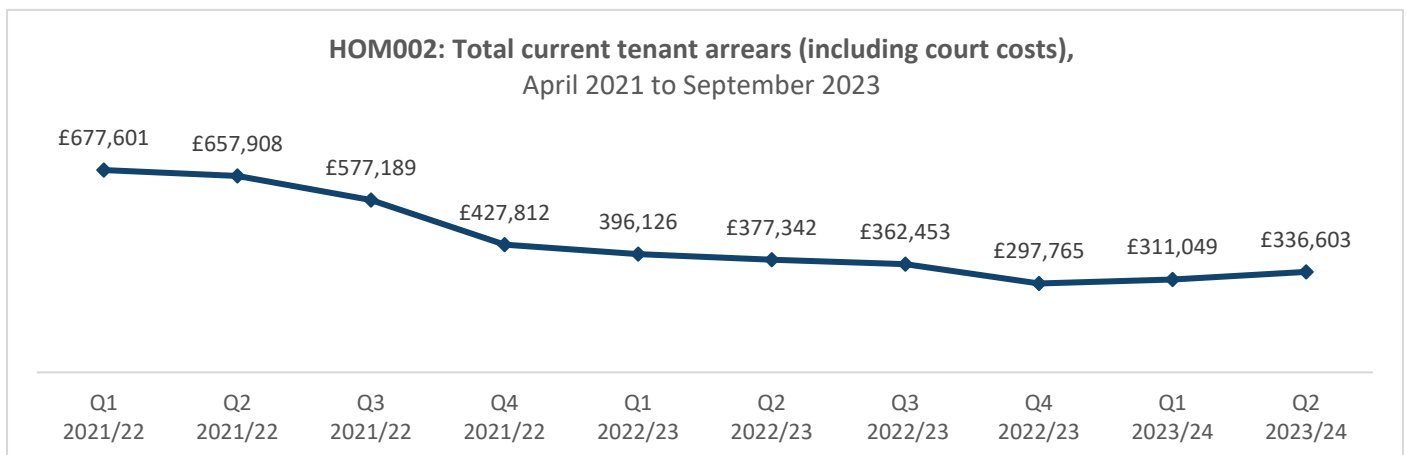
HOM001: Total current tenant arrears as a percentage of annual rental income

A low value is good.



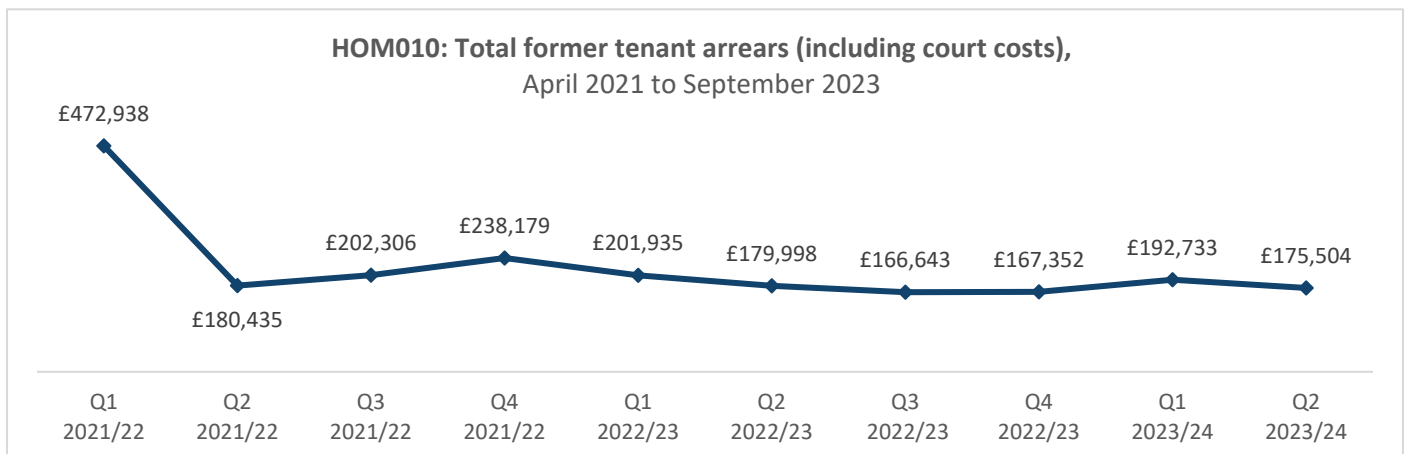
HOM002: Total current tenant arrears (including court costs)

A low value is good.



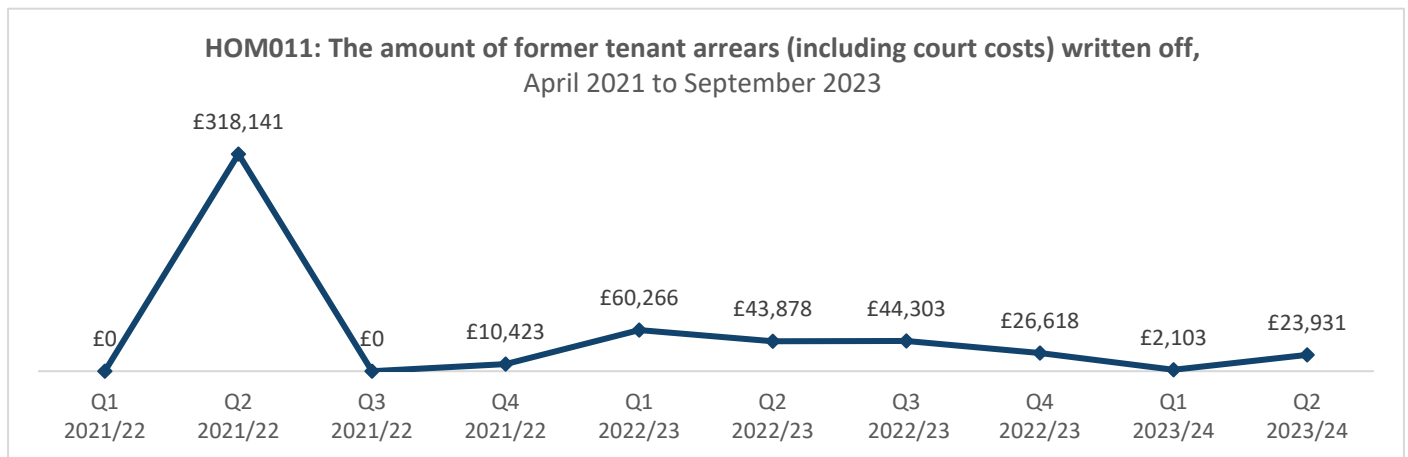
HOM010: Total former tenant arrears (including court costs)

A low value is good.



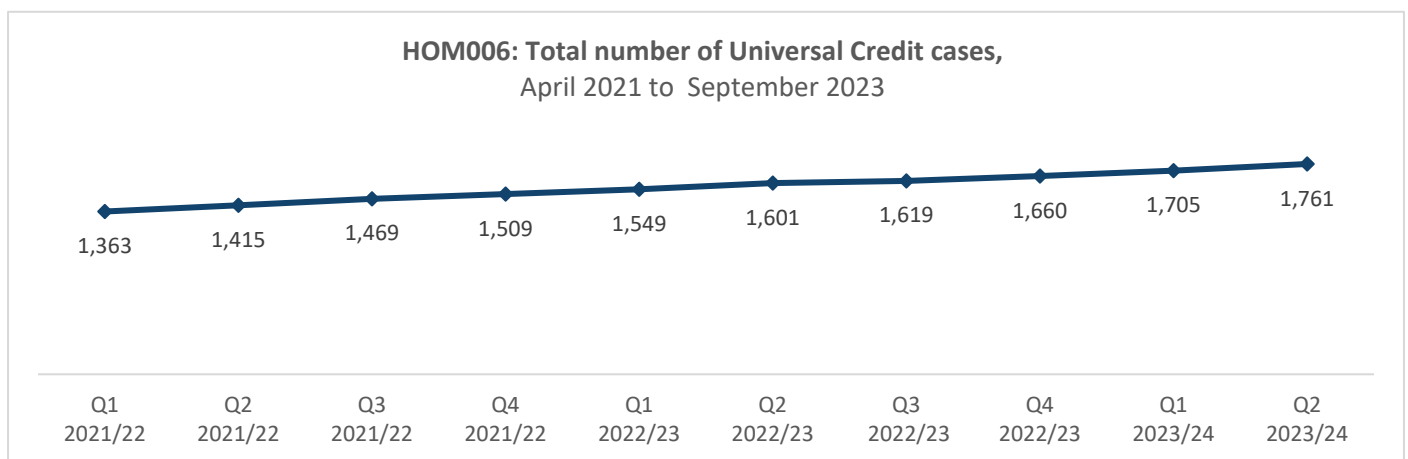
HOM011: The amount of former tenant arrears (including court costs) written off.

A low value is good.



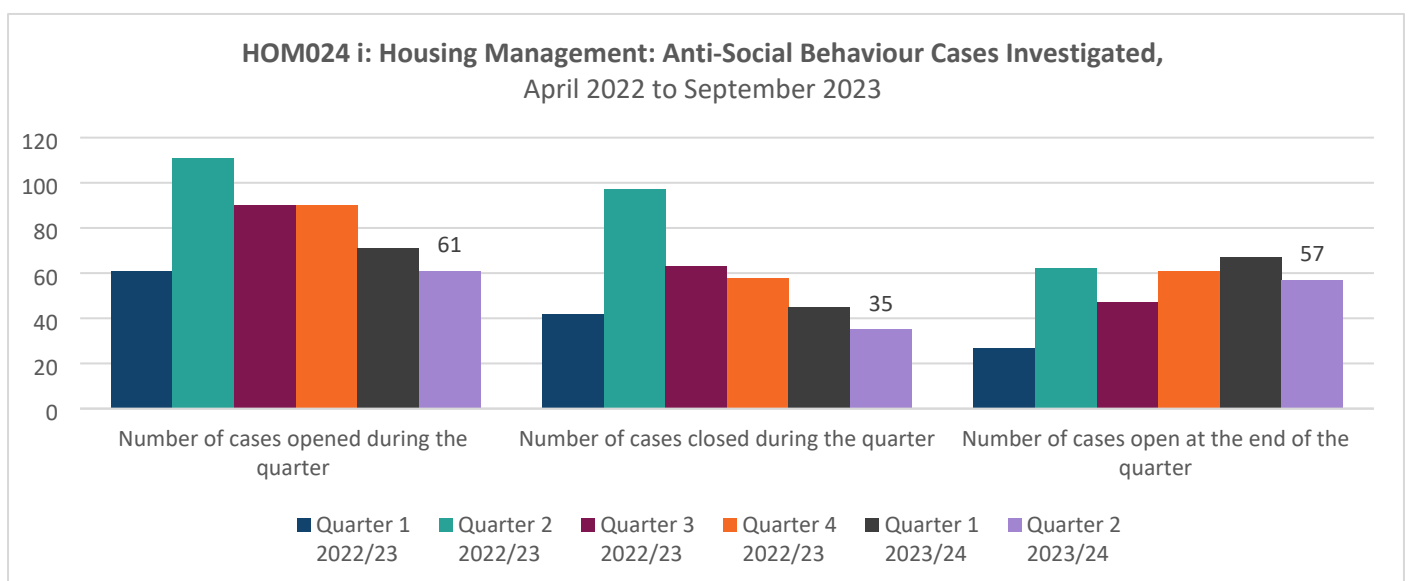
HOM006: Total number of Universal Credit Cases - all tenants

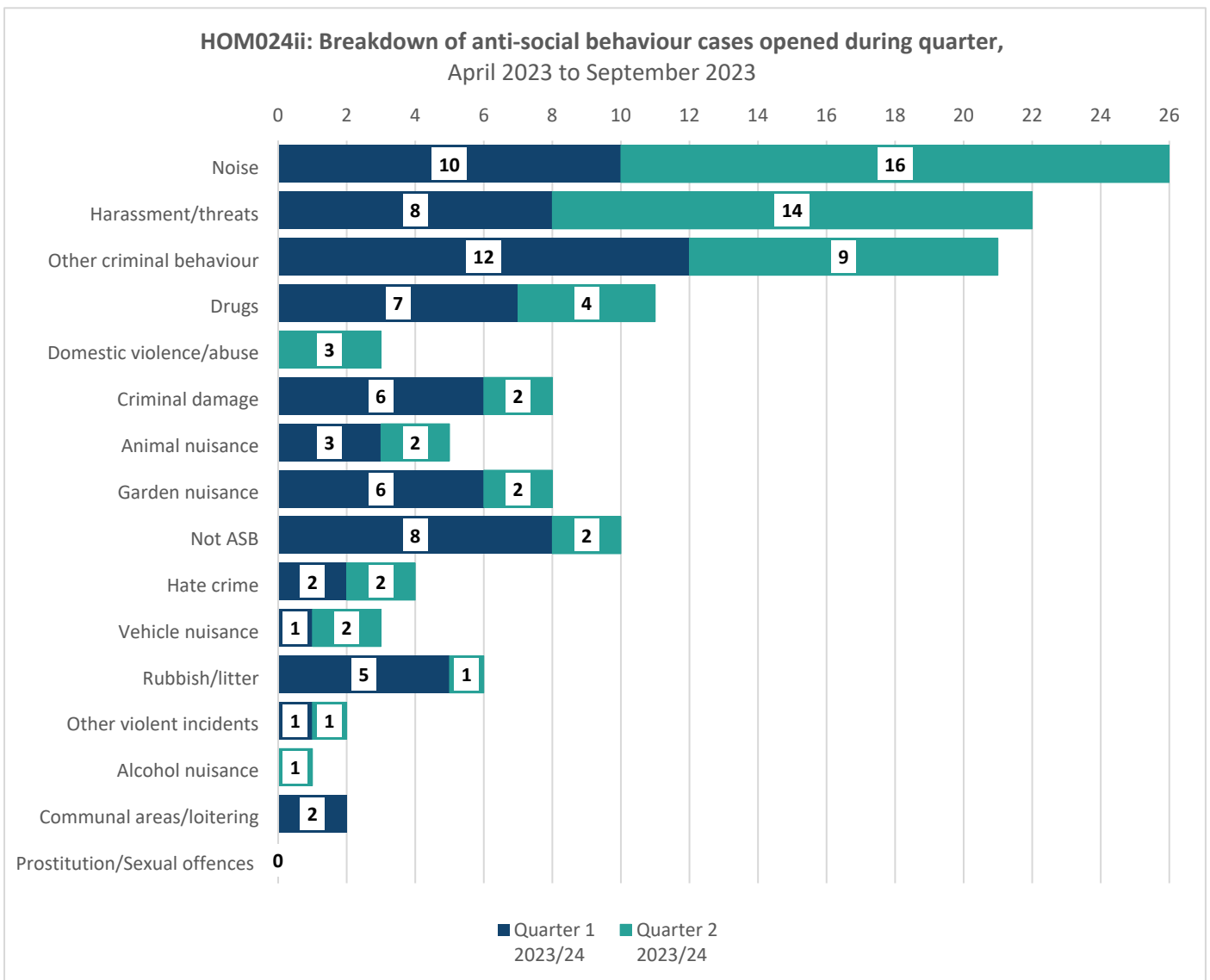
Information purposes only.



HOM024: Number of Housing Anti-Social Behaviour (ASB) Cases Investigated

A low value is good.





Successes and Areas of Concern – Quarter Two 2023/24

Louise Taylor, Head of Housing

Income Collection

- Total current arrears have increased slightly again this quarter by £25,554. However, the performance and collection rates of the team still put them in the top-performing quartile for social housing landlords nationally. This increase is likely due to resource issues within the team, which has had unfilled vacancies for two full-time income collection officers for many months and increased caseloads for the two remaining officers of some 1,500 cases each. Some of these cases will also be due to Universal Credit direct payments that clear and then go back into arrears again due to the monthly cycle of payments.
- Two new officers start at the end of October 2023 and will receive training from the Specialist Income Recovery Officer. This training requirement will regrettably reduce the number of arrears cases he can work on. We anticipate that we will, therefore, not see the result of filling those roles until next year at the earliest.
- We have used some of our limited resources to write off a portion of the larger former tenant arrears, so they do not escalate. That means former tenant arrears have reduced this quarter by £17,229.
- There have been no evictions due to rent arrears in this financial year. The last eviction to take place was in July 2022, so the work carried out by the team to sustain tenancies for our tenants is working well.

- Benefit and Money Advisors have supported 262 tenants this quarter and prevented two court referrals. They have worked with tenants to achieve £19,3018 in welfare benefits and Universal Credit back payments and increased their annual income by £93,606.

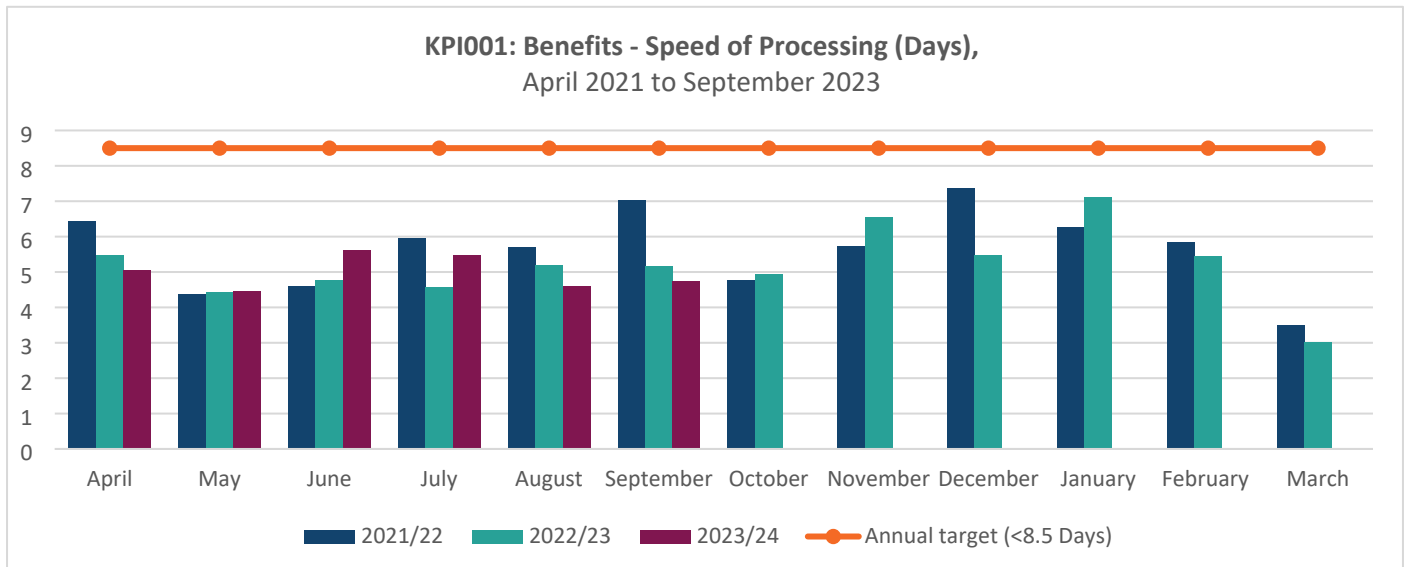
Anti-Social Behaviour

- The housing team have dedicated Anti-Social Behaviour (ASB) housing officers who respond promptly to enquiries and, in cases where they are not the lead investigator, refer these to appropriate agencies and close the case.
- During Quarter Two 2023/24, we saw a fall in the number of Anti-Social Behaviour (ASB) cases opened, from 71 in Quarter One to 61. Our team closed 35 ASB cases during Quarter Two, meaning we had 57 open cases at the end of the quarter.
- We have investigated numerous types of complaints this quarter, with the top five categories being noise (16 cases), harassment/threats (14 cases), other criminal behaviour (9 cases), drugs (4 cases) and domestic violence/abuse (3 cases).
- Enforcement action during the quarter includes two Community Protection Warnings, two Notice of Seeking Possession and one suspended possession order. We have several legal matters at various stages in the county court, which we should be able to report on next quarter.

11. EKS - CIVICA

KPI001: Benefit Claims - Speed of Processing

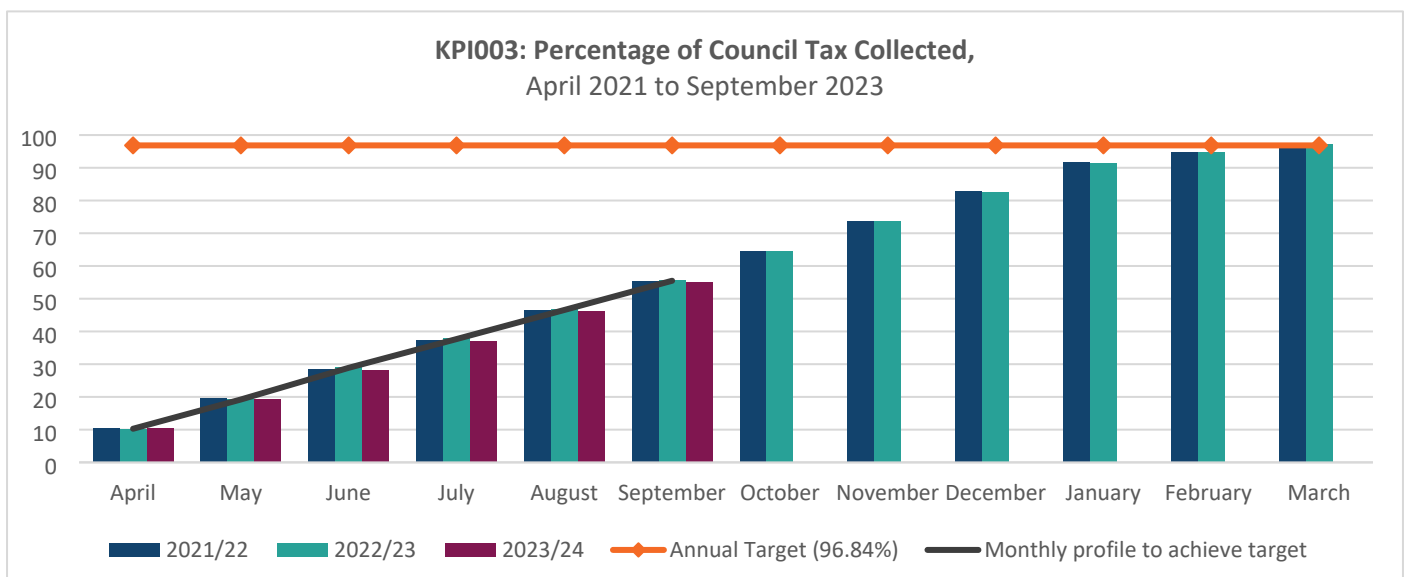
A low value is good.



- This target was achieved, with Housing Benefit claims being processed in 4.73 days during September 2023 (target 8.5 days).

KPI003: Council Tax In-House Collection

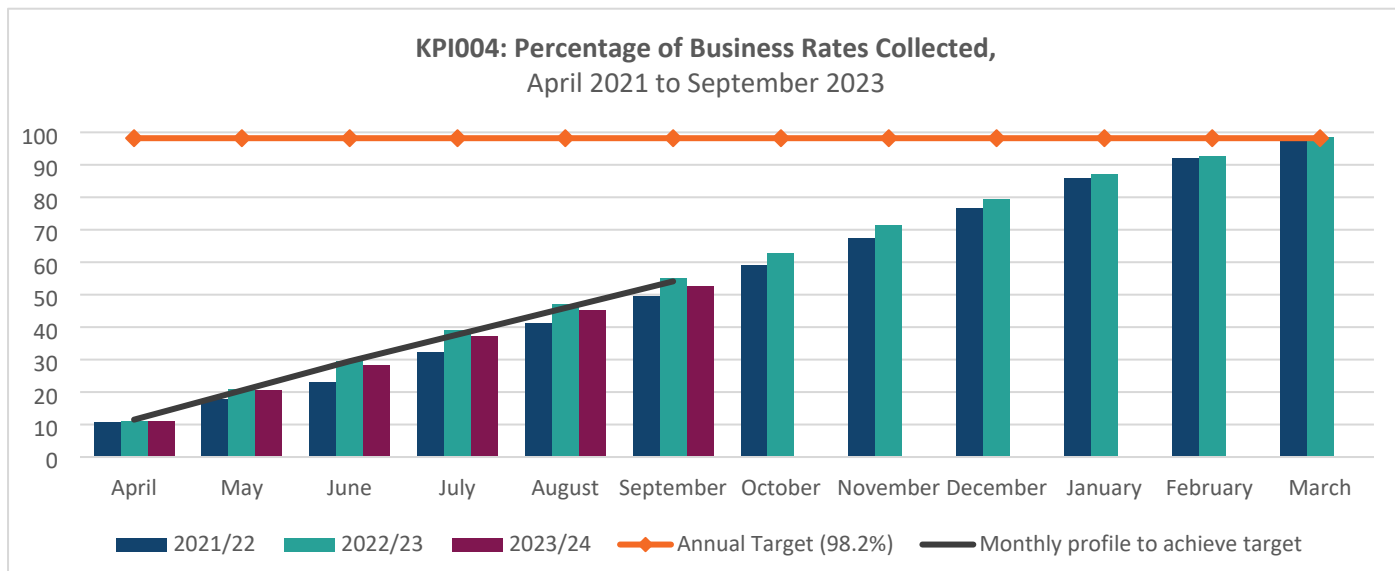
A high value is good.



- The headline Council Tax collection rate is 0.44% below profile. Further analysis by Civica in September indicates that although the legacy impact of Energy Rebate Scheme (ERS) scheme credits has diminished, there has been an accelerated in-year shift from 10 to 12 monthly instalments which is the primary cause for missing the September profile. This would also appear to confirm previous concerns about the macro environment impacting collection. More information will be presented next quarter.

KPI004: Business Rates In-House Collection

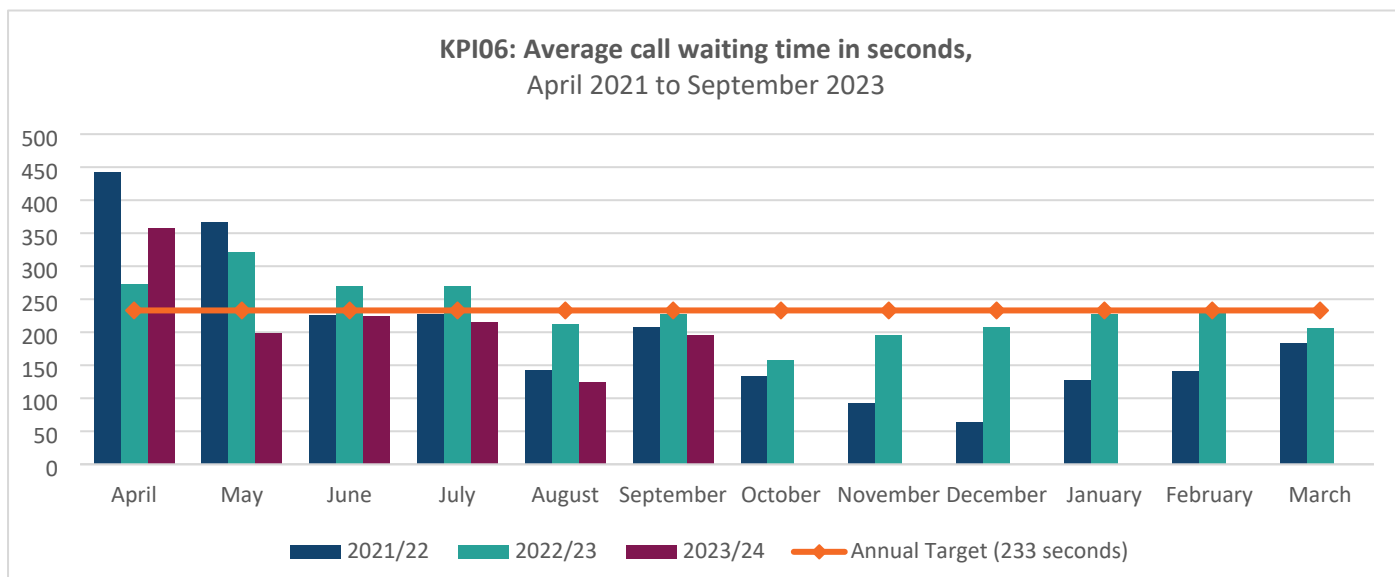
A high value is good.



- Business Rates collection was 1.62% below profile. This is mainly due to recovery for multiple accounts at a single site being held, whilst outstanding queries relating to the use of the properties are resolved. Civica is actively discussing this case with Dover District Council officers.

KPI006: Average call waiting time in seconds.

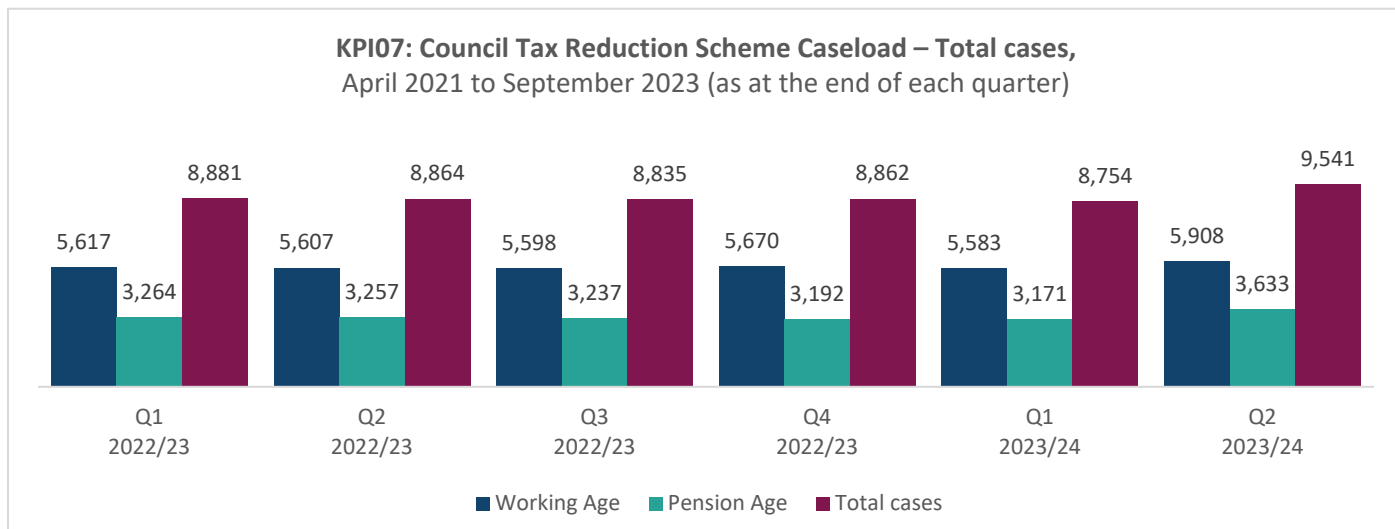
A low value is good.



- Call wait time was within the monthly performance profile.

KPI007: Council Tax Reduction Scheme Caseload

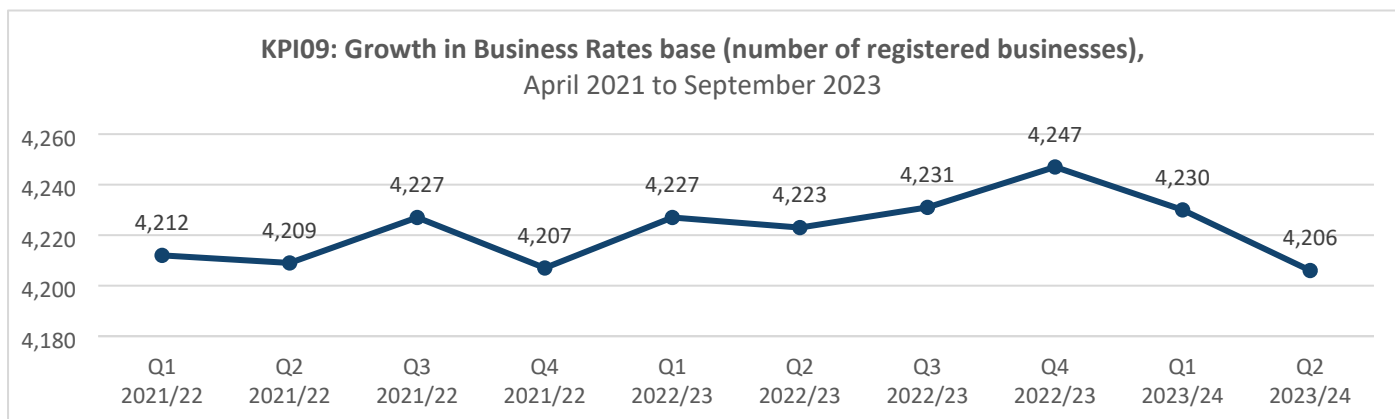
No polarity. Information purposes only.



- Council Tax Reduction Scheme:** Compared with the same time last year, there has been a -0.1% reduction in the total caseload (-0.9% working age and -1.9% pension age). Please note: The data relates to August 2023 and not the end of the quarter as normal.

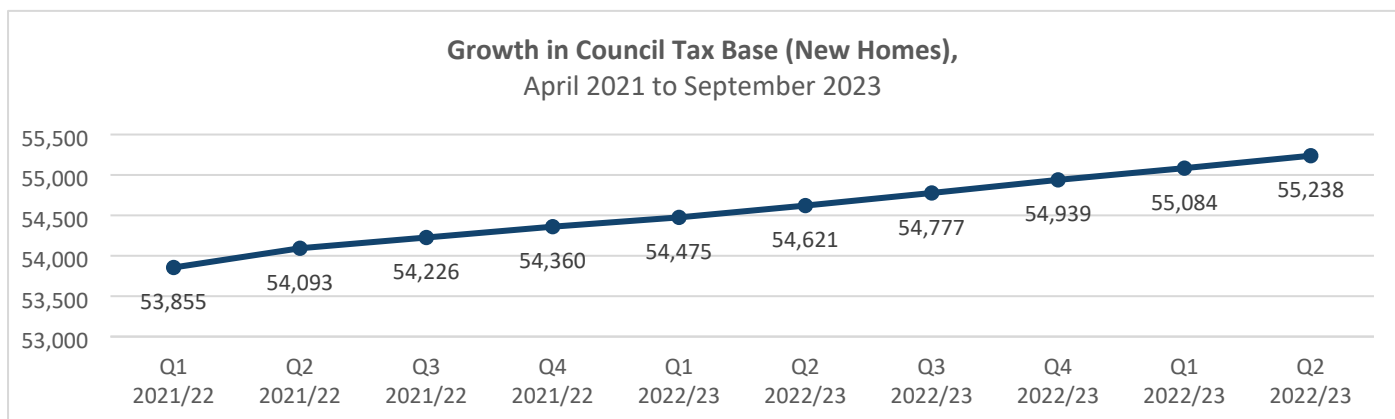
KPI009: Growth in Business Rates base (number of registered businesses)

A high value is good. Information purposes only.



KPI011: Growth in Council Tax Base (New Homes)

A high value is good. Information purposes only.



G. CORPORATE RISKS

This section includes the corporate risks identified that remain a high risk despite management mitigating actions.

Ref	Risk	Impact	Likelihood	Management Action	Residual Risk
1.	The impact of recession, inflation, and reduced Government funding results in a lack of sufficient financial resources which impacts on service provision and the capital programme	High	Medium	<ul style="list-style-type: none"> The future of the key elements of local government finance, including the fair funding review, Business Rates, New Homes Bonus, and the referendum threshold for Council Tax are all uncertain. Early indications are that government may decide to roll over the current settlement for the next two years which may provide some certainty. The ability to use Digital Service Reviews when required to improve current efficiencies and to determine other appropriate longer-term strategies. Use of advisors to monitor the position and lobby government as required. The MTFP requires that no new major capital projects be added unless they are self-financing, funds are available or other projects are cancelled. A full range of financial risks are included in the budget and Cabinet have been briefed on the anticipated financial pressures for future years, although there is a high degree of uncertainty in medium term projections. 	High
2.	Volatility of funding from Business Rates results in unexpected reductions in resources for the Council	High	High	<ul style="list-style-type: none"> The projections of future BR income, and assumptions around the impacts of appeals and bad debts, have been made on a prudent basis to minimise the impact of any reduction in BR income and reserves will be used to smooth out volatility where possible. The current BR regime is unstable, and Government's plans are unclear. The Council continues to engage proactively with the DLUHC and CIPFA to try and ensure the accounting and resourcing adjustments and the resource allocations from the new system are made on a reasonable basis for Dover. 	High
3.	Increased homelessness and demand for social housing	High	High	<ul style="list-style-type: none"> This is a demand led service, with peaks and troughs. The level of demand and the duties of the Council are being increased by the impacts of the Homelessness 	High

Ref	Risk	Impact	Likelihood	Management Action	Residual Risk
				<p>Reduction Act, Universal Credit the Ukrainian war, and the government's proposal for full migrant dispersal.</p> <ul style="list-style-type: none"> The Council is increasing the stock of affordable housing in the district. Alternatives to B&B and nightly paid accommodation are also being purchased / developed for those accepted as homeless and B&B accommodation, where required, is being purchased at lower nightly costs. Those in B&B are also pro-actively managed to reduce the average length of stay and the costs to the Council. 	
4.	Failure/delay in producing a Local Plan. This leads to the loss of a 5-year Housing Land Supply which results in successful appeals on unallocated sites, leading to reputational damage	High	Medium	<ul style="list-style-type: none"> The current position on 5-year Housing Land Supply is 6.03 years. There has been a delay in reaching the next stage of the Local Plan process due to issues raised by statutory bodies which are being worked through. Priority action is on resolving issues raised and the Reg 19 stage of Local Plan is now timetabled for Cabinet and Council, to start the consultation. This progress will improve the housing supply position further. 	High
5.	The continuing and total uncertainty from DEFRA over the border controls, use of Bastion Point, the operating model to be operated and the funding and staffing requirements at Dover (and all other ports) exposes DDC as Port Health authority. The absence of bio-security control requirements from DEFRA at Dover and other ports exposes the UK.	High	High	<ul style="list-style-type: none"> The government continue to defer the implementation of any border controls and the publication of the final Target Operating Model remains outstanding. As such, there are further delays to the implementation of controls into 2024. We continue to work with Defra to obtain from them funding to cover full set-up and operational costs for the service, but the level of uncertainty is increasing rather than reducing. 	High