



NATIONAL NON-DOMESTIC RATES
Application for Rate Relief under Section 47 of the
Local Government Finance Act 1988
CHARITIES AND NOT FOR PROFIT ORGANISATIONS

Babergh District Council and Mid Suffolk District Council may award Discretionary Rate Relief to charities and not for profit bodies if certain conditions are satisfied. These are:

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

Finally, there is an overriding requirement that all decisions must be based on being in the general interests of the Council Tax payer.

Since circumstances of each organisation will be different it is impossible for the Council to give a prescriptive list. However a variety of factors including, the contribution that the organisation makes to the Council's amenities and its inhabitants' lifestyle and well being as well as the financial resources available to the Ratepayer will be considered but these will be varied from one organisation to another.

If the property is used by more than one organisation, the Council will require the information for all significant users in order to assess the application.

Babergh District Council and Mid Suffolk District Council will review all applications in accordance with the latest relevant case law.

All applicants should be aware that if circumstances change they must notify the Council.

Please be aware that the Council may inspect the property to confirm the information provided in the application.

Babergh District Council and Mid Suffolk District Council has adopted a Zero Tolerance approach towards fraud. It is a criminal offence to deliberately make a false statement. If you give false or incomplete information or fail to report a change in circumstances this may result in prosecution.

In addition, each Council will robustly seek recovery of Non Domestic Rates that are owed as a result of any misleading or inaccurate information provided regardless of whether the provision of such information was deliberate or otherwise.

I HEREBY CERTIFY that the particulars given in the application are correct to the best of my knowledge and belief.

Signature:

Capacity in which signed:
(for example, Company
Director, Secretary etc)

Date:

Documents to be included with the completed application
• Copy of the constitution/memorandum and articles of association
• Copy of the latest audited trading accounts and balance sheet
• State aid declaration

The law governing the granting of Discretionary Rate relief is found in Section 47 of the Local Government Finance Act 1988 and subsequent amending legislation. This is property specific and it is the use of the property that determines whether or not relief should be granted. The property must be used wholly or mainly for charitable or recreational purposes.

Case law, in particular **Oxfam V Birmingham City Council 1975** and **RSPB v Brighton Borough Council 1981** has clarified that revenue raising was not a charitable activity, even if the revenue went to the good causes of the charity.

Additionally, recent case law **Public Safety Charitable Trust v Milton Keynes Council and others 2013** has clarified the importance of use and non-use of the premises.

Failure to supply the required information may result in the application being refused

Please complete the application and if necessary continue on a separate page(s) and send, together with all relevant documentation to:

**Shared Revenues Partnership
Revenues Services,
Grafton House,
Russell Road
Ipswich
IP1 2DE**

Tel (01473) 433851

If you prefer, you may email the application, together with all relevant documentation to business.rates@ipswich.gov.uk

1. DETAILS OF ORGANISATION APPLYING FOR RELIEF	
Name of Ratepayer	
Address of Property which relief is being claimed	
Account Reference	
Email contact details (of person completing the form)	
Contact Details (daytime) (of person completing the form)	
<p>If the organisation is a registered charity, please give charity registration number</p> <p>If exempt from registration, please state grounds</p> <p>If the organisation is not a registered charity, is all or part of the property occupied by a club, society or other organisation not established or conducted for profit</p>	
<p>Please describe the legal structure of the organisation. {If the organisation is a sports club, is it registered as a CASC (Community Amateur Sports Club) with HMRC, the Inland Revenue? If so, please supply the registration number. Please state if the organisation is a Community Interest Company (CIC)} If other organisation, please provide details</p>	
<p>If the organisation can register with HMRC as a CASC please explain why you have not done so.</p>	

<p>Please provide details of the primary objectives of the organisation. Are they:</p> <ul style="list-style-type: none"> • Charitable • Philanthropic • Religious • Concerned with education • Concerned with social welfare • Concerned with literature • Concerned with the fine arts • Concerned with recreation • None of the above (please ensure you give details of the objectives) 	
<p>Please provide further details of the main objectives of the organisation and the services that you provide</p>	
<p>Please provide details of the categories of 'service' the organisation provides?</p> <ul style="list-style-type: none"> • support for disadvantaged groups, for example. disabled, unemployed, the elderly, health problems, drug & alcohol misuse, young people • support with housing needs • support with debt & financial management • provision of education & training opportunities • facilities for scouts, guides, youth clubs and other groups associated with young people • community centres or community halls • sports clubs and other organisations providing recreational facilities • support for the reduction of crime, rehabilitation of offenders, promotion of safer neighbourhoods • promoting and supporting a healthy lifestyle • other – please provide details 	

<p>Does the organisation operate or does the organisation primarily provide services/activities solely within Babergh or Mid Suffolk District Council's area? Please provide details.</p> <p>If 'No', what is the area of the organisation's operation?</p> <ul style="list-style-type: none"> • Regional • National • International 	
<p>How does the organisation meet local needs in the borough and benefit local people?</p>	
<p>If the organisation has an Equal Opportunities Policy please provide details</p>	
<p>If the organisation does not own the property which relief is being claimed, does it pay:</p> <ul style="list-style-type: none"> • full commercial rent • Nominal rent • No rent, occupied rent free 	
<p>2. DETAILS OF THE PROPERTY FOR WHICH RELIEF IS CLAIMED</p>	
<p>Please describe the main uses of the premises and the link to the charitable purposes?</p> <p>Is the building used for generating income to fund the organisation's charitable objectives or for delivering the objectives?</p> <p>(this should not merely be a restatement of the objectives but rather a description of the use of the property and shows a direct link to the charitable use and the objectives of the organisation)</p> <p>If necessary, please continue on a separate page</p>	

<p>Is the property currently occupied?</p> <p>If 'Yes', please give the date of occupation</p> <p>If 'No', please state the purpose for which it will be used when next occupied</p>	
<p>How often does your organisation use the property during the year?</p>	
<p>Please supply details if your organisation makes the property available to other organisations for their purposes or if the property is occupied by anyone else other than the organisation claiming the relief. This would include for example details of any significant lettings which the rate payer is dependent on.</p>	
<p>Please explain how your organisation use the property to provide training etc to help particular groups among its members/users to develop their skills</p>	
<p>Is the property used for the sale of goods? If so, please provide details</p>	
<p>What percentage of goods sold are;</p> <ul style="list-style-type: none"> • Manufactured specifically for the organisation • Donated • Purchased for re-sale from other sources 	
<p>What percentage of the proceeds from sales are donated to the charity?</p>	
<p>Are any goods sold on behalf of another organisation? If yes, please give details of the other organisation(s)</p>	

3. GENERAL INTERESTS OF BABERGH/MID SUFFOLK DISTRICT COUNCIL TAXPAYERS AND FINANCIAL AND STATUTORY DETAILS

<p>To what extent do the activities of the organisation contribute to Babergh/Mid Suffolk District Council's plans? This should include, for example details of how the provision either indirectly or directly relieves the Council of the need to provide the services or supplements those that it does.</p>	
<p>Are the services available to anyone in the Babergh/Mid Suffolk areas wishing to use them?</p> <p>If no, what criterion is used to decide who should receive them?</p> <p>Are members of the public excluded because fees are high? Please provide the evidence.</p>	
<p>Please explain how the organisation provides residents of Babergh and Mid Suffolk services, opportunities or facilities that are not provided locally by another organisation?</p>	
<p>Is the organisation affiliated to any other local or national organisation? If so, please provide details and any funding received.</p>	
<p>Please provide details of how your organisation measures 'success' in relation to achieving your charitable objectives. Please provide the last two year's measures and any explanations.</p> <p>(This could be for example the number of residents assisted)</p>	
<p>What percentage of the organisation's customers/clients/beneficiaries/members</p> <ul style="list-style-type: none"> • Reside within Babergh or Mid Suffolk District Council • Reside outside the areas of Babergh/Mid Suffolk District Council 	

<p>How does the organisation provide a valuable service to the community? Services provided should be complementary to those provided or supported by the Council or relieve the Council of the need to provide such services</p>	
<p>How can the organisation demonstrate that the way it operates does not discriminate against any section of the community?</p>	
<p>Please provide details of the sections of the community that have access to the services provided by the organisation and explain how your organisation encourages people from all sections of the community to become members/users.</p>	
<p>Have the staff/volunteers working with children/young people/vulnerable adults been DBS checked?</p>	
<p>Does the organisation receive any form of financial grant from Babergh or Mid Suffolk District Council or other national bodies? Please give details and specify the body, amount and any conditions, if applicable.</p>	
<p>Does your organisation receive any other state aid? Complete the declaration stating that granting of relief will not result in the organisation exceeding the State Aid threshold of 200,000 euros over the last 3 years?</p>	
<p>How much money in reserves does your organisation hold and how many months running costs does this equate to?</p>	

4. TO BE COMPLETED BY ALL ORGANISATIONS WHERE A MEMBERSHIP EXISTS OR AN ENTRY FEE IS CHARGED

Please give full details where applicable:

- total number of members
- number of female members
- number of male members
- number of members under 18 years of age
- number of members aged 18-60
- number of members aged over 60
- number of social members (i.e. not sporting members, if relevant)

Please give details of the subscription rates or entry fees charged by the organisation

Does the organisation actively encourage membership from particular groups e.g. young people, older age groups, persons with disability, ethnic minorities? Is membership/use of facilities open to and affordable by all sections of the community – please explain. If ‘yes’ please give details.

Are facilities made available to people other than members e.g. schools, public sessions? If ‘yes’ please give details.

Does the organisation provide facilities which would otherwise not be available within the local area, and that are available to the community? If ‘yes’ please give details.

<p>Does the organisation provide facilities complementary or of a higher standard to those supported or provided by the Council? If 'yes' please give details.</p>	
<p>Is the organisation run on a voluntary basis? Please provide details</p>	
<p>Does the organisation pay its players to play and if so how much?</p>	
<p>Does the organisation have an actively trading body eg licensed bar / shop? If yes, please provide a copy of your latest trading accounts in relation to this activity. If yes, what percentage of profits go back into subsidising the organisations charitable / not for profit making objectives</p>	
<p>What fund-raising and income generation strategies do you have? Please provide details</p>	
<p>Are you receiving financial help from other sources (eg bank loan, council funding, government funding, etc)? If so, please provide details of how much help and where from</p>	

5. STATE AID MINIMIS DECLARATION (FINANCIAL ASSISTANCE FROM A PUBLIC BODY)

Discretionary Rate Relief is a form of state aid.

Have you or any company within your business group, **received or expect to receive any State Aid** in the current financial year or in the previous 2 financial years? Yes No

If yes, please provide details below of the previous aid received under De Minimis Aid:

Organisation providing the assistance / aid	Value of assistance	Date of assistance	Nature of assistance

De Minimis Aid is not permitted to a “business in difficulty” as defined at 2.1 of the Community Guidelines and State Aid for Rescuing and Restructuring Firms in Difficulty (2004/C22/02)

Is the business applying for discretionary rate relief in financial difficulty? Yes No

In order to ensure that the European free market works effectively and that businesses don't get unfair advantage, the EU regulates the funding businesses can receive from the public sector, known as State Aid (De Minimis aid).

You are being considered for assistance under the De Minimis Regulation¹. The De Minimis Regulation allows a business to receive up to €200,000 aid over any period of three fiscal years. If you are a subsidiary of a larger company or group, you will need to include any support received by the whole business.

To establish whether you are eligible to receive De Minimis aid you must declare the full amount of De Minimis aid which you have already been granted during the previous two fiscal years and the current fiscal year. Any assistance you may have received from a public body might be a De Minimis aid. This could be from central, regional, devolved governments or agencies or a local authority. If you are in any doubt as to whether previous assistance received would constitute De Minimis aid please raise your concerns with us as soon as possible). The Council will not accept any responsibility for any decisions that you take in this regard.

The following is not a comprehensive list of all possible forms of aid, However it should help you determine what support counts as State Aid:

- **Is aid granted by the State or through State resources?**
State resources includes public funds from the EU, and central, regional or local government, or other public or private bodies designated or controlled by the State, such as the Arts Council, Skills Funding Agency, UK Life Sciences and Innovate UK. It includes indirect benefits such as tax exemptions that affect the public budget. Normal purchases by a State body at market value (including commissions, supplies and services) are not State Aid.
- **Does aid favour certain undertakings or the production of certain goods?**
An undertaking is an entity engaged in economic activity for which there is a market in comparable goods or services. It can include voluntary and non-profit making public or private bodies such as charities or universities when they engage in activities which have commercial competitors. It includes self-employed/sole traders, but generally not employees as long as the

¹ (Regulation 1998/2006)

aid does not benefit the employers, private individuals or households. A benefit available to all businesses is not State Aid, it is a general measure.

To count as State Aid, the aid must be only available to certain undertakings but not others in (for example to individual businesses, sectors, areas, sizes of business, or production of certain goods). State Aid favours businesses by conferring a direct or indirect advantage on them.

- **Does aid distort or threaten to distort competition?**

Does it potentially or actually strengthen the position of the recipient in relation to competitors? Almost all selective aid will have the potential to distort competition – regardless of the scale of potential distortion or market share of the aid recipient.

- **Does aid actually or potentially affect trade between EU Member States?**

Most products and services can be traded internationally therefore aid for almost any selected business or economic activity is capable of affecting trade between EU States, even if the aided business itself only operates within one country. The only likely exceptions are single businesses with a purely local market not close to a border.

Examples of State Aid

- Grants from government funded bodies such as: New Anglia Local Enterprise Partnership; Manufacturing Advisory Service (MAS); Innovate UK, Skills Development Agency; Local Authorities
- National Lottery grants
- Interest rate relief or favourable loan terms (the value of State Aid is the difference between the preferential and commercial rate)
- Tax relief, exemptions or credits
- State guarantees or holdings
- State provision of goods or services on preferential terms
- Direct subsidies
- Relief from charges a business would normally bear e.g. Business Rates
- Acquisition of land or buildings either gratuitously or on favourable terms
- Provision of assets, goods and services at below market value
- Indemnities against operating losses
- Reimbursement of costs in the event of success
- Dividend guarantees
- Public bodies buying assets, goods or services at above market value
- Preferential public procurement
- Reduction of, or exemption from, charges or taxes, including accelerated depreciation and the reduction of social contributions
- Assistance financed by special levies
- Capital transfers; and
- Certain State holdings in the capital of undertakings

Less obvious examples where State Aid might arise

- Consultancy advice
- Advantages resulting from the activities of agencies for urban renewal
- Assistance to help companies invest in environmental projects
- Assistance to help a public enterprise prepare for privatisation
- Legislation to protect or guarantee market share
- Public private contracts and partnerships not open to competitive tendering
- Receipt of landfill tax credit funding
- Free advertising on State owned television, and
- Infrastructure projects benefiting specific users

Further information can be found on the Government's website www.gov.uk/state-aid