



**Reading**  
Borough Council  
Working better with you

## DECISION BOOK

**Issue: 660      Date: 16 SEPTEMBER 2022**

Decisions set out in the book have been made under delegated powers by the Chief Executive, Executive Directors or the Chief Finance Officer and Monitoring Officer, in consultation either with the relevant committee or Lead Councillor.

This issue of the decision book will be in public circulation up until **Monday 26 September 2022**. During that period three Councillors may request in writing to the Assistant Director of Legal and Democratic Services that a decision should be referred either to a committee, or to the Council (as appropriate) for formal resolution.

The decision book is open to public inspection at the Civic Offices between 9.00 am and 5.00 pm, Mondays to Fridays and can be accessed on the Council's website -

<https://democracy.reading.gov.uk/mgListOfficerDecisions.aspx?bcr=1&BAM=0>

The officer reports accompanying the decisions are attached.

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## DECISION BOOK - ISSUE 660 - 16 SEPTEMBER 2022

### 1. COVID ADDITIONAL RELIEF FUND

<u>DECISION</u>	<u>LEAD COUNCILLOR(S)</u>	<u>WARDS AFFECTED</u>	<u>PAGE NO.</u>
1. COVID ADDITIONAL RELIEF FUND	COUNCILLOR BROCK	BOROUGHWIDE	1

This report sets out the decision to how support through the Covid Additional Relief Fund (CARF) should be awarded to businesses and agree the Council's scheme. Awards will relate to liabilities for the 2021/22 financial year only

**It is the decision of the Chief Executive, in consultation with the Leader of the Council that a Covid Additional Relief Fund Scheme set out in the policy attached at Appendix 1 is approved.**

**READING BOROUGH COUNCIL**  
**REPORT BY CHIEF EXECUTIVE**

<b>LEAD COUNCILLOR:</b>	<b>COUNCILLOR BROCK</b>		
<b>DATE:</b>	<b>16 SEPTEMBER 2022</b>		
<b>TITLE:</b>	<b>COVID ADDITIONAL RELIEF FUND</b>		
<b>SERVICE:</b>	<b>FINANCE</b>	<b>WARDS:</b>	<b>BOROUGHWIDE</b>
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**1. EXECUTIVE SUMMARY**

- 1.1 This report sets out the decision to how support through the Covid Additional Relief Fund (CARF) should be awarded to businesses and agree the Council's scheme. Awards will relate to liabilities for the 2021/22 financial year only.
- 1.2 Funding has been provided via central Government to support businesses within the borough who have been impacted by the pandemic. The Department for Levelling Up, Housing and Communities (DLUHC) has provided a further sum of money to local authorities for distribution to businesses affected by the pandemic who were ineligible for existing support linked to business rates. This scheme is felt to be the best way in which to support existing businesses to continue to trade and continue to provide employment within the borough, as well as being in accordance with the Government guidance.
- 1.3 This report sets out the proposed offer to Reading businesses, taking into consideration demand and economic need.
- 1.4 An Equality Impact Assessment for these proposals has been carried out and is set out in Appendix Two.

**2. DECISION**

- 2.1 It is the decision of the Chief Executive, in consultation with the Leader of the Council that a Covid Additional Relief Fund Scheme set out in the policy attached at Appendix 1 is approved.

**Appendix 1 - Covid Additional Relief Fund Policy**  
**Appendix 2 - Equality Impact Assessment**

### 3. POLICY CONTEXT

- 3.1 In spring 2021 businesses in the retail, hospitality and leisure sector were awarded extended retail relief giving them a reduction of 66% from their business rates. The Government was aware that many other businesses were also adversely affected by Covid-19. As a result, the CARF was announced in Spring 2021 although the guidance was not published until December 2021. As the awards of CARF are paid as a business rates relief rather than a cash payment the Council has until September 2022 to agree and implement its scheme.
- 3.2 Funding has been allocated to authorities based upon the estimated rateable value in each local authority rating list which falls within the scope of the scheme. The funding allocation to Reading Borough Council is £7,132,467.
- 3.3 The proposed scheme will assist in retaining businesses in the borough.
- 3.4 It is for each authority to design the discretionary relief scheme in their area, however in developing the scheme authorities must:
- not award relief to ratepayers who for the same period of the relief (2021/22) have been eligible for the Extended Retail Discount (covering retail, hospitality, and leisure) the Nursery Discount or the Airport and Ground Operations Support Scheme.
  - not award relief for a period when a property was unoccupied during 2021/22 (other than properties that closed temporarily due to the Government's advice on Covid 19).
  - direct support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;

In addition, Councils cannot award relief to themselves or certain precepting authorities.

- 3.5 It is for each authority to determine the categories of businesses that fall within their scheme and the level of relief for individual ratepayers, subject to the overall grant allocation received.
- 3.6 It is therefore recommended that the Council's Covid Additional Relief Fund Scheme will:
- Not award relief to ratepayers who in 2021/22 were eligible for:
    - Extended Retail Discount (covering retail, hospitality, and leisure)
    - Nursery Discount
    - Airport and Ground Operations Support Scheme;
    - Small Business Rate Relief
    - Mandatory Rate Relief
    - Discretionary Rates Relief under Sections 44a, 47 and 49 of the Local Government Finance Act 1988
    - Discretionary Rates Relief under Section 69 of the Localism Act 2011
  - Not award relief when a property has been unoccupied;
  - Direct support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;

- Not award relief to themselves or certain precepting authorities;
- Not award relief to ratepayers who were not liable for the full financial year, commencing on 1st April 2021
- Not award relief to ratepayers with a net business rate liability of zero
- Not award relief to ratepayers subject to any personal or corporate insolvency procedures - including but not limited to:
  - Individual Voluntary Arrangement (IVA)
  - Company Voluntary Arrangement (CVA)
  - Debt Relief Orders
  - Bankruptcy proceedings
  - In receipt of a striking off notice
  - In administration

3.7 The following further exclusions are recommended either because these are generally areas of the economy that will not have been impacted by the pandemic and either will have seen increased demand or were able to carry on without impact or are valuations for areas where they are part of infrastructure rather than actual employers.

3.8 It is recommended that the following business sectors and hereditament types be excluded from this relief:

- Financial Services e.g. Banks, building societies, Insurance providers and brokers, accountancy, insolvency practitioners
- Professional Services e.g., Solicitors, Architects, Surveyors, planning consultants (unless a negative impact can be robustly demonstrated)
- Storage and distribution e.g. Warehouses, self-storage, Couriers
- Information, Communications & Technology e.g. network and infrastructure providers, consultancy services
- Public Services e.g. Government agencies, NHS premises, Rail Operators, Royal Mail, Housing providers and
- Education e.g. private and public schools and colleges
- Advertising right
- Betting or gaming establishments
- Car parking space
- Computer centres
- Photovoltaic installation
- Adult establishments
- Electricity Buildings
- Petrol Stations
- Public Conveniences
- Sewage Treatment Works
- Site of ATM's

3.11 The list of examples set out above is not definitive, and the Council will consider on a case by case basis if a business fits into one of the categories above.

- 3.12 Any business that is in administration, liquidation or subject to a strike off notice on Companies House, or business who entered a CVA or IVA since 1 April 2021 are ineligible.
- 3.13 The DLUHC guidance confirms the funding is available to reduce chargeable amounts in respect of the financial year 2021/22 only.
- 3.14 In line with other business support throughout the pandemic, awards are subject to overall subsidy control limitations and reporting requirements in relation to the scheme and awards made. The proposed scheme award notification contains the recommended paragraph to ensure that applicants declare any other subsidies received.

#### **4. DISPUTES**

- 4.1 Where the Council receives a dispute from a ratepayer regarding the granting, non-granting or the amount of any discretionary relief the case will be reviewed by the Revenues & Benefits Manager. The ratepayer will be informed of the result of that review (decision upheld or revised).
- 4.2 Where a ratepayer disagrees with the decision of the Revenues & Benefits Manager the case will be considered by the council's Director of Finance (S.151 Officer) whose decision on behalf of the Council will be final.
- 4.3 The formal appeal process for a ratepayer is via a Judicial Review although the Council will always endeavour to explain any decision as fully and openly as possible.

#### **5. FRAUD**

- 5.1 The Council will not accept deliberate manipulation and fraud - and any business caught falsifying their records to gain grant money will face prosecution and any funding issued will be subject to claw back, as will any relief awarded in error.

#### **6. CONTRIBUTION TO STRATEGIC AIMS**

- 6.1 This proposal will contribute the Council's aims by:

Securing the economic success of Reading - The proposed policy enables financial support to businesses that would otherwise have little or no support during crisis.

#### **7. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

- 7.1 None to note.

#### **8. COMMUNITY ENGAGEMENT AND INFORMATION**

- 8.1 Details of the scheme will be published on the Council's website, businesses identified as eligible will be issued correspondence regarding the scheme.

## **9. EQUALITY IMPACT ASSESSMENT**

9.1 A Full Equality Impact Assessment is set out at Appendix 1.

## **10. LEGAL IMPLICATIONS**

10.1 Under Section 47 of the Local Government Finance Act 1988 permits the Council as billing authority to grant discretionary relief. In deciding on a scheme, the Council must determine that is the reasonable to do so, having regard to the interests of persons liable to pay council tax set by it. The Council must also have regard to any guidance issued by the Secretary of State. Any scheme must be made within 6 months after the end of the financial year to which is applies, otherwise it will be deemed invalid. Subsection 8A confirms that section 47 does not apply to hereditaments that are excepted, which includes those occupied by the billing authority or a precepting authority.

10.2 Due to the timing of this funding, the Council will have to complete a reconciliation exercise to account of payments made in accordance with this scheme to ensure that the difference between the full allocation and the actual amounts claimed can be paid or recovered. DLUHC require local authorities to collect data to assist it in monitoring the implementation, including reporting take-up at a Parliamentary constituency level and local authority level and by special category code of the hereditament.

10.3 The guidance confirms that relief should only be applied after mandatory reliefs and other discretionary reliefs funded by a s.31 grant have been applied for but should be applied before a local authority grants any further relief under a local funded relief scheme.

## **11. FINANCIAL IMPLICATIONS**

11.1 Accepting the recommendation will demand new spend of up to £7,701,826. This cost is met in full through a grant from the Department for Levelling Up, Housing and Communities.

11.2 Expenditure on the CARF relief is cash and time limited and will be monitored to ensure it is not overspent or incorrectly awarded.

## **12. BACKGROUND PAPERS**

12.1 There are none

## Reading Borough Council

### Policy for the granting of COVID-19 Additional Relief Fund National Non-Domestic Rate Relief

#### 1. Introduction

- 1.1 The purpose of this policy is to determine the level of discretionary relief payable under the Council's COVID-19 Additional Relief Fund (CARF) scheme.
- 1.2 Central Government has provided the Council with funding to assist those ratepayers whose businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.
- 1.3 The funding has been allocated to authorities based upon the estimated rateable value in each local authority rating list which falls within the scope of the scheme. The funding allocation to Reading Borough Council is £7,132,467.
- 1.3 The Government has not changed the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria set out in this policy, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 1.4 Whilst funding is provided it is for the Council to decide its own local scheme and determine in each individual case whether to grant this relief.
- 1.5 Relief under the CARF scheme is only available to reduce chargeable amounts in respect of the 2021/22 financial year.

#### 2. Eligibility for CARF

- 2.1 It is for each authority to design the discretionary relief scheme in their area, however in developing their scheme authorities must:
  - Not award relief to ratepayers who for the same period of the relief (2021/22) have been eligible for the Extended Retail Discount (covering retail, hospitality, and leisure) the Nursery Discount or the Airport and Ground Operations Support Scheme;
  - Not award relief for a period when a property was unoccupied during 2021/22;
  - Direct support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;
  - Not award relief to themselves or certain precepting authorities.



- 2.2 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by Section 31 grants have been applied, excluding those where the Council has provided relief using its wider discretionary relief powers which are not funded by section 31 grants.
- 2.3 Where a reduction or remission is granted to a rate payer under Section 49 of the Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant CARF relief for that amount.
- 2.4 In line with other business support throughout the pandemic, awards are subject to overall subsidy control (previously known as state aid) limitations and reporting requirements in relation to the scheme and awards made.
- 2.5 The Council's CARF scheme will:
- Not award relief to ratepayers who in 2021/22 were eligible for:
    - Extended Retail Discount (covering retail, hospitality, and leisure)
    - Nursery Discount
    - Airport and Ground Operations Support Scheme;
    - Small Business Rate Relief
    - Mandatory Rate Relief
    - Discretionary Rates Relief under Sections 44a, 47 and 49 of the Local Government Finance Act 1988
    - Discretionary Rates Relief under Section 69 of the Localism Act 2011
  - Not award relief when a property has been unoccupied;
  - Direct support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;
  - Not award relief to themselves or certain precepting authorities;
  - Not award relief to ratepayers who were not liable for the full financial year, commencing on 1st April 2021
  - Not award relief to ratepayers with a net business rate liability of zero
  - Not award relief to ratepayers subject to any personal or corporate insolvency procedures - including but not limited to:
    - Individual Voluntary Arrangement (IVA)
    - Company Voluntary Arrangement (CVA)
    - Debt Relief Orders
    - Bankruptcy proceedings
    - In receipt of a striking off notice
    - In administration
- 2.6 The following further exclusions are either because these are generally areas of the economy that will not have been impacted by the pandemic and either will have seen increased demand or were able to carry on without impact or are valuations for areas where they are part of infrastructure rather than actual employers.

2.7 The following business sectors and hereditament types will be excluded from the Council's CARF Scheme:

- Financial Services e.g., Banks, building societies, Insurance providers and brokers, accountancy, insolvency practitioners
- Professional Services e.g., Solicitors, Architects, Surveyors, planning consultants (Unless a negative impact can be robustly demonstrated)
- Storage and distribution e.g., Warehouses, self-storage, Couriers
- Information, Communications & Technology e.g., network and infrastructure providers, consultancy services
- Public Services e.g., Government agencies, NHS premises, Rail Operators, Royal Mail, Housing providers and
- Education e.g., private, and public schools and colleges
- Advertising right
- Betting or gaming establishments
- Car parking space
- Computer centres
- Photovoltaic installation
- Adult establishments
- Electricity Buildings
- Petrol Stations
- Public Conveniences
- Sewage Treatment Works
- Site of ATM's

2.8 The list of examples set out above is not definitive, and the Council will consider on a case-by-case basis if a business fits into one of the categories above.

2.9 The Council will specify how (and if) applications are to be made and received. This may vary from time to time. Where possible, relief will be awarded automatically and, in all cases, ratepayers **must** notify the Council immediately where they:

- (a) no longer qualify, for the relief (as defined in section 2 and 3); or
- (b) are subject to subsidy control; or
- (c) no longer wish to receive the relief.

2.10 Where appropriate, ratepayers are required to provide such evidence necessary to allow the Council to decide. 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 ratepayers claiming relief to facilitate this where necessary.

2.11 The Council will provide this service and provide guidance free of charge. Rate payers are encouraged to approach the Council direct and NOT pay for such services. Applications will be accepted from ratepayers only.

### 3. Awards

- 3.1 The Council has been provided with £7,132,467 of CARF funding and will look to maximise the awards of this to eligible businesses.
- 3.2 The Council will distribute the balance of funding through a direct automatic award to the business rates account of all eligible businesses in the borough.
- 3.3 The amount of relief awarded will be a minimum of 10% of the 2021/22 business rates charge after all other eligible reliefs have been considered / applied in the manner set out in Section 4.4 of this policy. This percentage award may be increased for all successful eligible applicants subject to the number and value of applications received and awarded. The award will be a one-off award but may be adjusted for changes in circumstances.
- 3.4 Any award of relief in accordance with this policy shall be applied after mandatory rate reliefs and other discretionary rate reliefs funded by Section 31 grants have been applied, excluding those where Reading Borough Council has provided relief using its wider discretionary relief powers introduced by the Localism Act 2011 and not funded by Section 31 grants.
- 3.5 All awards of relief will be by a credit against the Business Rates bill. No cash or BACS payments for any amount awarded will be made. If a business has paid its Business Rates and subsequently has a credit on its account due to the awarding of relief under this policy, the credit will in the first instance be allocated to the 2022/23 Business Rates or any arrears liability on the account. If there are no arrears it may be refunded if an application for that purpose is received.
- 3.6 If an award is made and a subsequent award of another discount, exemption or relief is awarded the award of CARF will be reviewed to ensure that the award remains in line with the current policy.

### 4. Disputes

- 4.1 Where the Council receives a dispute from a ratepayer regarding the granting, non-granting or the amount of any discretionary relief the case will be reviewed by the Revenues & Benefits Manager. The ratepayer will be informed of the result of that review (decision upheld or revised).
- 4.2 Where a ratepayer disagrees with the decision of the Revenues & Benefits Manager the case will be considered by the Council's Director of Finance (S.151 Officer) whose decision on behalf of the Council will be final.
- 4.3 The formal appeal process for a ratepayer is via a Judicial Review although the Council will always endeavour to explain any decision fully and openly as possible.

## **5. Subsidy Control**

- 5.1 There is a requirement for all grants made under this Discretionary Grants fund to be subsidy allowance compliant. Please see further government guidance on this via this [link](#) (Section 19-29).

## **6. Fraud**

- 6.1 The Council will not accept deliberate manipulation and fraud - and any business caught falsifying their records to gain grant money will face prosecution and any funding issued will be subject to claw back, as will any relief awarded in error.



Provide basic details

**Name of proposal/activity/policy to be assessed**

1. Covid Additional Relief Fund

**Directorate:** Corporate Resources

**Service:** Finance

**Name and job title of person doing the assessment:**

Samantha Wills

**Job Title:** Revenues & Benefits Manager

**Date of initial assessment:** 25 August 2022

Scope your proposal

**What is the aim of your policy or new service?**

The relief scheme widens access to support to businesses who are struggling to survive due to the Corona virus and were unable to access other relief funding

**Who will benefit from this proposal and how?**

Businesses and self-employed individuals that were not eligible for the Covid Relief schemes.

**What outcomes will the change achieve and for whom?**

Assist businesses to ensure their future sustainability and secure Reading's economic success.

**Who are the main stakeholders and what do they want?**

Reading Businesses

Consultation

Relevant groups/experts	How were/will the views of these groups be obtained	Date when contacted
Berkshire Authorities Revenues Group	Series of regular meetings	Monthly since Jan 2022

## Collect and Assess your Data

### **Describe how this proposal could impact on Age**

Specific data is not available on those protected characteristics

#### **Is there a negative impact?**

This policy will have no differential impact on people of any age group. Age is not a consideration in awarding the relief. The relief will be applied transparently to businesses that meet the eligibility criteria.

### **Describe how this proposal could impact on Racial groups**

Data regarding ethnicity is not available

#### **Is there a negative impact?**

This policy will have no differential impact on people of any race. Race is not a consideration in awarding the relief. The relief will be applied transparently to businesses that meet the eligibility criteria.

### **Describe how this proposal could impact on Gender/transgender (cover pregnancy and maternity, marriage)**

Specific data is not available on those protected characteristics

#### **Is there a negative impact?**

This policy will have no differential impact on people of any gender, people who are transgender, married or civil partnership, pregnant, or on maternity leave. These are not a consideration in awarding the relief. The relief will be applied transparently to businesses that meet the eligibility criteria.

### **Describe how this proposal could impact on Disability**

Specific data is not available on those protected characteristics

#### **Is there a negative impact?**

This policy will have no differential impact on people with any disabilities. Disability is not a consideration in awarding the relief. The relief will be applied transparently to businesses that meet the eligibility criteria.

### **Describe how this proposal could impact on Sexual orientation**

Specific data is not available on those protected characteristics

#### **Is there a negative impact?**

This policy will have no differential impact on people's sexual orientation. Sexual orientation is not a consideration in awarding the relief. The relief will be applied transparently to the businesses that meet the eligibility criteria.

**Describe how this proposal could impact on Religious belief?**

Specific data is not available on those protected characteristics

**Is there a negative impact?**

This policy will have no differential impact on people of any faith, no faith or all faiths. Faith is not a consideration in awarding the relief. The relief will be applied to the businesses that meet the eligibility criteria.

Make a Decision

If the impact is negative then you must consider whether you can legally justify it. If not you must set out how you will reduce or eliminate the impact. If you are not sure what the impact will be you **MUST** assume that there could be a negative impact. You may have to do further consultation or test out your proposal and monitor the impact before full implementation.

Tick which applies

- 1. **No negative impact identified**                      Go to sign off    X
- 2    **Negative impact identified but there is a justifiable reason**

**How will you monitor for adverse impact in the future?**

Listen to business feedback, comments, appeals and complaints.

The Department for Levelling Up, Housing and Communities (DLUHC) is undertaking a monthly DELTA collection exercise to monitor the implementation of the scheme. Once the agreed scheme is authorised the funding will be allocated. The business rates team will assess the effects of the relief as either reducing debt or providing credits for the impacted ratepayers.

Signed (completing officer) Samantha Wills  
(reviewed)

Date 25 August 2022

Signed (Lead Officer) Jackie Yates

Date