

Local Discretionary Fund Criteria

Criteria	Considerations	Justification
RV less than £200k at 1.4.2017	Government guideline. Is this per individual property or sum total of all RV in the district/borough/nationally?	Aggregate of RV's for all business owned – locally or nationally. Designed to support small businesses.
Increase greater than 12.5% as a result of revaluation and nothing else	Government guideline. Before or after all reliefs?	After all reliefs. This makes it easier to compare total value of 2016/17 net liability and 2017/18 net liability
Status of property	Occupied or empty	Occupied only. Difficult to justify public funds supporting empty properties. For those applicants who occupied part way through 2016/17, their part year liability will be annualised before comparing with the 2017/18 liability to ensure they comply with the 12.5% increase requirement.
Funding allocation	How much to give? Differential schemes for different sized or type of business?	Allocate available funds in proportion to total increase in £, of all the qualifying applicants. The % to be granted will be determined once all qualifying applicants have been approved. Total assistance limited to funding allocated for 2017/18. Same scheme to apply to all to keep the scheme as simple as possible. Difficult to justify differential treatment between types or sizes of property. £200,000 RV limit applies in any case.
	Maximum or minimum awards?	Keep to allocation formula – no De Minimis but capped so that businesses pay at least what they paid in 2016/2017

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First past the post or application closing date process		Closing date process – NHDC will know in advance how many businesses are likely to qualify and can model the scheme accordingly. Applications needed to ensure compliance with State Aid Rules
Changes in circumstances	What happens when the RV goes down (A)	If RV reduces leading to a less than 12.5% increase on 2016/17 then all LDF removed. Can be redistributed in subsequent years subject to DCLG approval
	What happens when the RV goes down (B)	If RV reduces but retains an increase in excess of 12.5%, - recalculate entitlement based on initial allocation %. Any difference can be redistributed in subsequent years subject to DCLG approval
	What happens if RV goes up	Nothing – there are no spare funds to award after the initial allocation. – may entertain consideration in subsequent years allocation
	New occupier	LDF ends – pro rata award to original applicants occupation
	Property becomes empty	LDF ends– pro rata award to original applicants occupation
How long to award for		Award for all of 2017/18 – until there is; <ul style="list-style-type: none"> • a change of owner • the property becomes empty • change in RV excludes from entitlement
Occupied or Empty properties		Occupied only
State Aid rules	State Aid Rules must be applied	Must have declaration
Application process	Advertise or invite	Both – in case any qualifying properties are missed
Needs to be in writing?	Do we need a new application form to address these specific requirements	Yes. Declarations needed on State Aid Rules, occupation etc.

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Hardship?	Are we asking them to prove hardship or just giving it on the RV criteria	<p>Award if they meet the basic conditions arising from Revaluation.</p> <ul style="list-style-type: none"> • Total RV under £200k • Increase over 12.5% from Revaluation and nothing else • State aid rules compliant <p>The scheme's intention is to assist those most adversely affected by the revaluation. Hardship is not a consideration.</p>
Appeals process	Should have a 'review' stage	Needs to be part of the process
New policy or just guidelines	Depends on your existing DRR scheme	Provide 'guidelines' for this specific pot – but refer to overall policy for authorisation, reviews etc.
Who authorises?		Systems & Technical Manager
Who considers 'Reviews'		Head of Revenues, Benefits & IT
Period of award	<ul style="list-style-type: none"> • One years notice 	All ratepayers to be advised that relief is only awarded up to the end of the financial year in question and they will need to reapply for relief for future years. This will meet the requirements of Regulation 2 to SI 1989/1059 as there will be no revocation and 12 months' notice to end the relief awarded is not required.
Consultation	How does HCC want to be consulted	<p>Email – with what we propose to steven.pilsworth@hertfordshire.gov.uk and copy in Lindsey.Mcleod@hertfordshire.gov.uk</p>