



RATES REMISSION **POLICY**



Rates Remission Policy

Introduction

Environment Canterbury carries out its rating function in accordance with the requirements of the Local Government (Rating) Act 2002 and the Local Government Act 2002.

This document provides the policy framework for granting remission of the payment of rates.

Legislative summary

Section 102(3) of the Local Government Act 2002 states that a local authority may adopt a rates remission policy.

Section 85 of the Local Government (Rating) Act 2002 allows a local authority to remit all or part of the rates on a rating unit if the local authority has adopted a remission policy and the local authority is satisfied that conditions and criteria in the policy are met.

Section 109 of the Local Government Act 2002 states what a rates remission policy must contain.

Remission policy

The Canterbury Regional Council has decided to make provision for remission of all or part of the rates of rating units in accordance with this remission policy provided that the conditions within this policy have been met. Rates remission will be provided for the following categories of rating units or under the following circumstances:

- remission of rates for community, sporting and other organisations
- remission of rates on land protected for natural, historical or cultural conservation purposes
- remission of rates for other purposes
- remission of penalties.

General provisions relating to the remission of rates

The Council intends the policy to operate equitably over the entire region and to ensure wherever possible that the remission policy is consistent with the remission policy adopted by the territorial authority that has been appointed by the Council to collect the rates.

Applications may be forwarded to the territorial authority that has been appointed by the Council to collect the rates. Where an application is forwarded to the territorial authority or where an application for a remission is made directly to the territorial authority that has been appointed by the Council to collect the rates for the Canterbury Regional Council, a remission will only be granted by the territorial authority in relation to the Canterbury Regional Council rates where it is consistent with this policy.

When the Council is considering any other application for a remission of rates, it will take into consideration the remission policy of the territorial authority acting as collector on behalf of the Council, to ensure there is consistency.

All applications for rates remission under this policy must be made in writing by the ratepayer or the ratepayer's authorised agent. Applications may be forwarded to the territorial authority that has been appointed by the Council to collect the rates.

The Council will consider remission for each individual application according to the circumstances of that application. When considering each application, the Council will take into account any information provided to the territorial authority acting as collector on behalf of the Council.

Any ratepayer granted rates remission is required to meet all remaining and applicable rates in full after the application of the rates remission.

All remissions are at the discretion of the Council and will be assessed on a case-by-case basis.

DELEGATION: The Chief Executive Officer or Director Finance and Corporate Services is to approve remissions of rates on applications that meet the criteria of this policy.

Remission of rates for community, sporting and other organisations

The Council may provide rates remission to ratepayers who meet the objectives, conditions and criteria of this policy.

Objective

The remission of rates for community, sporting and other organisations is to facilitate the ongoing provision of non-commercial community services and non-commercial recreational opportunities.

The purpose of granting rates remission to an organisation is to:

1. recognise the public good contribution made by such organisations
2. assist the organisation's survival
3. make membership of the organisation more accessible to the general public, particularly disadvantaged groups, including children, youth, young families, aged people and economically disadvantaged people.

Conditions and criteria

The remission of rates may apply to land, which is used *exclusively or principally* for sporting, recreation or community purposes. The policy does not apply to organisations operated for private pecuniary profit. The policy will also not apply to groups or organisations that have the primary purpose of addressing the needs of adult members (over 18 years) for entertainment or social interaction, or that engage in recreational, sporting or community services as a secondary purpose only.

Remission of rates on land protected for natural, historic or cultural conservation purposes

The Council may provide rates remission to ratepayers who met the objectives, conditions and criteria of this policy.

Objective

Rates remission is provided where it is necessary to preserve and promote natural resources and heritage by encouraging the protection of land held for a natural, historic or cultural purpose.

Conditions and criteria

Ratepayers who own rating units with some feature of cultural, natural or historic heritage that is voluntarily protected may qualify for remission of rates under this policy.

Applications should be supported by documentary evidence of the protected status of the rating unit, for example, the copy of the covenant or other legal mechanism.

In considering any application for remission of rates under this part of this policy, the Council will consider the following criteria:

1. The extent to which the preservation of natural, cultural or historic heritage will be promoted by granting remission of rates on the rating unit
2. The degree to which features of natural, cultural or historic heritage are present on the land
3. The degree to which features of natural, cultural or historic heritage inhibit the economic utilisation of the land.

In granting remissions under this policy, the Council may specify certain conditions before remission will be granted. Applicants will be required to agree in writing to these conditions and to pay any remitted rates if the conditions are violated.

Remission of rates for other purposes

The Council may provide rates remission for other purposes, if these remissions ensure ratepayers are treated equitably by the Council and the territorial authority where the rating unit is situated.

Examples of other purposes are remissions on dwellings in commercial zones, contiguous properties in common usage and rating units that are used for residential purposes that include a separately inhabited part occupied by a dependent family member.

Remission of penalties

The Council may provide rates remission of penalties to ratepayers who meet the objectives, conditions and criteria of this policy.

Objective

The remission of penalties is to enable the Council to act fairly and reasonably in its consideration of rates that the Council has not received by the penalty date due to circumstances outside the ratepayer's control.

Conditions and criteria

Remission of penalties may be considered where payment has been late due to a significant family disruption. Remission will be considered in the case of death, illness or accident of a family member, as at the due date.

Remission of penalties may be considered where a ratepayer chooses to make payments different from the instalment dates, typically in full on an annual one-payment basis.

Remission of penalties may be granted if the ratepayer is able to provide evidence that their payment has gone astray in the post or the late payment has otherwise resulted from matters outside their control.

Remission of penalties may be granted where the ratepayer has established a history of regular automatic payments or direct debit that have been continuous throughout the year.

Each application will be considered on its merits and remission will be granted where it is considered just and equitable to do so.