

**FORM 2**

**NOTICE OF DECISION OF CABINET MEMBER**

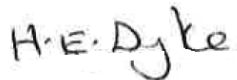
Pursuant to Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

<b>Subject</b>	<b>Decision</b>	<b>Reason for decision</b>	<b>Date for Decision to be taken</b>
Amendment to the Wyre Forest Community Lottery Good Causes criteria	The Good Causes criteria should be amended to remove the reference to non-domestic rates relief.	To enable as many local organisations as possible to join the lottery as a Good Cause, subject to meeting the remaining criteria.	29 October 2021

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

Dated: 29 October 2021

Signed: 

Councillor: Helen Dyke  
Leader of the Council

To: Leader

From: Ian Miller,  
Chief Executive

29 October 2021

## **Amendment to the Wyre Forest Community Lottery Good Causes criteria**

### **1. PURPOSE**

- 1.1 To seek approval to amend the Good Causes criteria to enable more local organisations to apply for and benefit from the Wyre Forest Community Lottery.

### **2. RECOMMENDATION**

**That the Leader is asked to DECIDE that:**

- 2.1 The Good Causes criteria are amended to remove the reference to non-domestic rates relief to enable as many local organisations as possible to join the lottery as a Good Cause, subject to meeting the remaining criteria.**

### **3. BACKGROUND**

- 3.1 The Wyre Forest Community Lottery was launched on 16 September 2020 where Good Causes were invited to sign up. Tickets went on sale 21 October 2020, with the first draw held on 28 November 2020. Draws are held every Saturday and there are currently 60 Good Causes signed up. All net proceeds from the lottery are distributed to the Good Causes – none of the money comes to the Council.

### **4. KEY ISSUES**

- 4.1 At Cabinet on 12 November 2019, decisions on approving Good Causes was delegated to the Corporate Director: Community Well-being and Environment in consultation with a cross-party member working group. At its first meeting on 28 January 2020, the cross-party member working group supported the Good Causes criteria. The criteria exclude “Charities above the threshold of qualification for NNDR relief. They will be prohibited from the lottery scheme”. This is reflected in the contract with Gatherwell, which operates the lottery on behalf of the Council.
- 4.2 The wording is imprecise and creates uncertainty, because all registered charities are automatically entitled to 80% relief of their business rates under section 43 of the Local Government Finance Act 1988. The Council’s scheme of discretionary rate relief under section 47 of the Act provides that access to 100%

rate relief is subject (among other things) to “there being a limit of £25,000 of net current assets held on the organisation’s balance sheet, unless the council is provided with satisfactory evidence that such an amount is being accumulated for a specific project to enhance or maintain the organisation’s facilities”. If the criterion being applied to the Good Causes was meant to replicate this, as noted above, the wording is imprecise. In any case, it is not clear that it has been rigorously and consistently applied. A random sample of some of the 60 Good Causes has shown that a number have current assets, such as cash in a bank account, that exceed £25k.

- 4.3 In order to bring clarity to the position, it is proposed to remove the reference to non-domestic rates relief to ensure that as many local organisations as possible can join the lottery as a Good Cause, subject to meeting the remaining criteria. The criteria include that an organisation must provide community activities or services within Wyre Forest, which are of benefit to the residents of Wyre Forest; and exclude organisations that do not do work within the boundaries of Wyre Forest. The latter ensures that charities that operate nationally, but have a branch in Wyre Forest, are not eligible
- 4.4 In order to avoid any doubt about the validity of a change to the criteria being made in reliance on the delegation of November 2019, and because it involves an amendment to the contract, it is appropriate for a Cabinet decision to amend them.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications for the Council arising from this report. There is potential for more Good Causes to benefit from the Wyre Forest Community Lottery, and this might lead to the benefits being spread more widely among recipient organisations. There are no costs to the Good Causes in participating in the lottery.

## **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Council is a lottery operator under the relevant provisions of the Gambling Act 2005 and the Section 151 officer is licence holder. These are executive functions and therefore decision-making on them falls to Cabinet.
- 6.2 The Good Causes criteria are outlined at Schedule 4 to the Council’s contract with Gatherwell Ltd, which administers the lottery on behalf of the Council. Contractually, any movement from this will need the agreement of Gatherwell and a variation.

## **7. RISK MANAGEMENT**

- 7.1 There is a reputational risk to the Council if we do not amend the criteria, as the Council could be seen as being unsupportive to local organisations who would be expected to be able to sign up as a Good Cause.

## **8. EQUALITY IMPACT NEEDS ASSESSMENT**

8.1 An impact needs assessment is not required.

## **9. CONCLUSION**

9.1 Amending the Good Causes criteria will provide funding to a wider group of local good causes and therefore bring potentially wider benefit to the local community.

## **10. CONSULTEES**

10.1 Corporate Leadership Team

10.2 Contracts / General Solicitor

## **11. APPENDICES**

11.1 None

## **12. BACKGROUND PAPERS**

12.1 Report to Cabinet 12 November 2019

12.2 Contract for the provision of Lottery Services 20 May 2021

12.3 Current eligibility criteria for good causes

[Terms & Conditions for good causes - Wyre Forest Community Lottery](#)