

Incentive Scheme for Vacant Properties

WHEREAS:-

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1. This Scheme shall be cited as the Carrick on Suir Incentive scheme for Vacant Properties
2. In this Scheme, except where the context otherwise requires, the following words and phrases shall have the following meanings respectively: -
 - a. “Council” means Carrick on Suir Town Council.
 - b. “functional area” means the town of Carrick on Suir.
 - c. “Operative Date” means the date that is 30 days after the date on which the scheme is made.
 - e. “new Qualifying Business” means a retail business or a restaurant business which:
 - (i) has not been open for trade in the functional area within the period of 2 years prior to the commencement of trade in the Qualifying Premises and
 - (ii) is carried on in a Qualifying Premises, the use of which is, in the opinion of the Town Clerk, consistent with the requirements of the Development Plan for the functional area and in compliance with any planning permission relating to the Qualifying Premises in question.
 - (iii) Does not, in the opinion of the Town Manager, displace existing businesses
 - (iv) Is in the area covered by the scheme
 - (v) Meets any of the other criteria identified in this scheme
 - f. “Qualifying Premises” means a property in respect of which:
 - (i) a rate has been made or may be made; and
 - (ii) which has been vacant and available for sale or letting for a period of no less than 2 years prior to the occupation thereof by a Qualifying Occupier commencing a new Qualifying Business; and

- g. “Qualifying Occupier” means a person carrying on a new Qualifying Business in the functional area and who has not, within the period of 2 years prior to the commencement of the relevant Qualifying Business, carried on such Qualifying Business from a property situated in the functional area.
3. For the purposes of this Scheme, a person is connected with an applicant if he/she/ is—
- a. a spouse, parent, grand-parent, brother, sister or child of such applicant; or
 - b. a person acting in the capacity of a trustee of any trust, the principal beneficiaries of which are the applicant, his spouse or any of his children or any body corporate which he controls; or
 - c. a partner of the applicant; or
 - d. acts under the control or direction of such person; or
 - e. a body corporate which is controlled by the applicant or any person listed at 3.a to 3.d above.
4. This scheme shall exclusively apply to Qualifying Occupiers commencing a new Qualifying Business in a Qualifying Premises in the functional area.
5. Subject to compliance with the terms of the Scheme, a Qualifying Occupier commencing a new Qualifying Business in a Qualifying Premises in the functional area and who has paid his or her commercial rates in full for the financial year in question (calculated pro-rata on a daily basis as appropriate where the Qualifying Occupier has occupied the premises in question for part of a year only), may apply at the end of the financial year for a grant under the scheme.
6. Subject to compliance with the provisions of this Scheme, the grant paid shall be calculated in accordance with the following schedule to Qualifying Occupiers who comply with the requirements of the Scheme
- | | | |
|--------|---|---|
| Year 1 | - | Grant payable equal to 75% of rates liability |
| Year 2 | - | Grant payable equal to 50% of rates liability |
| Year 3 | - | Grant payable equal to 25% of rates liability |
7. The occupier of the premises alleged to be a Qualifying Premises shall provide documentary evidence satisfactory to the Council for the purpose of verifying that the premises in question were vacant and advertised as available for letting for a minimum period of 2 years prior to the commencement of

occupation by the Qualifying Occupier for the purpose of the Qualifying Business.

8. A Qualifying Business must remain in operation for a minimum period of one calendar year to qualify for a grant under the terms of this Scheme.

9. Anti-Avoidance

In addition to any other grounds, the Council shall be entitled to refuse an application for a grant under this Scheme where the Council is satisfied that:

a) the business in question is not a new business set up in the functional area;

b) the applicant or persons connected with the applicant have previously carried on such business or a similar business in the functional area within the period of 2 years prior to the application [but this shall not prevent the Council from allowing such a grant where the Council is satisfied that such businesses are each separate bona fides undertakings unconnected with each other];

c) the premises in question were not genuinely vacant and available for sale or letting at a reasonable rent during the period of 2 years prior to the commencement of occupation and trade by the applicant;

d) the premises were not bona fides open for trade for the entire of the year in question (save for normal holiday periods not exceeding 4 weeks in any calendar year);

e) An applicant for a grant shall make full and open disclosure of all relevant facts and details when making such application. Without prejudice to the generality of the foregoing, the applicant shall make full and open disclosure of details of all similar businesses carried on by the applicant or persons connected with the applicant in the functional area within the period of 2 years prior to the date of the application.

f) If an applicant provides false or misleading information in connection with an application for a grant the application shall be refused and that person or business shall be barred from making any future application under this scheme.

g) If a grant is paid on the basis of false or misleading information any monies paid by the Council must be refunded in full, the application will be considered void and that person or business shall be barred from making any future application under this scheme.

h) An entitlement to a grant under this Scheme is personal to the Qualifying Occupier entitled thereto and shall not be capable of being assigned to any third party. Any provision in an Agreement or lease for the assignment for such entitlements shall be void.

10. A decision on the validity of an application for a grant shall be an executive function and shall be made by the Town Manager.
11. When making a decision the Town Manager will consider the impact of the proposed business on the character of the retail area and if in the opinion of the Manager a business would detract from the character of the street that business shall not be grant aided.
12. Only premises opening in the prescribed areas as outlined on appendix 1 shall be eligible to apply for a grant.
13. It is a condition of the scheme that a business signs up for a direct debit payment of commercial rates and water charges and any other charge that may be levied by the Council.
14. It is a condition of the scheme that there are no rates water charges or any other local authority charges owing on the building for which grant aid is sought.
15. It is a condition of the scheme that any individual or business applying for a grant does not have any rates, water charges or any other local authority charges owing to the Council.
16. An application for a grant under this Scheme shall be made within 6 calendar months of the end of the calendar year to which the claim relates and shall thereafter expire for the year in question.
17. The Town Manager may at his absolute discretion consider an application for a grant for a business setting up outside the area identified in the eligible locations
18. The scheme will be effective for the period 1st January 2012 to 31st December 2012 at which stage it will be reviewed

Dated the _____ day of _____ 2010

Present when the seal of Carrick on Suir Town Council was affixed hereto:

MAYOR

MANAGER

TOWN CLERK

Appendix 1

Eligible Locations

- **Main Street**
- **Kickham Street**
- **Bridge Street**
- **New Street**
- **West Gate**
- **Sean Kelly Square**
- **William Street**
- **Greystone Street**
- **Abbey Road**
- **Old Bridge**
- **Greenside South**
- **Chapel Street**