



Discretionary Rate Relief Policy

South Holland District Council

2020/21

Discretionary Rate Relief Policy

Introduction

This policy sets out the decision making process of the Council when dealing with applications for discretionary rate relief.

This includes applications from Charities, Community Amateur Sports Clubs (CASC's), Non-Profit Making Organisations, rural businesses (village shops, post offices, food stores, petrol filling stations, public houses and other small rural businesses), and other businesses situated within South Holland.

The policy has regard to the use of the business premises, and in particular the contribution that businesses seeking rate relief make to local communities. It also has regard to the financial cost to council taxpayers.

Addendums to this Policy include time limited specific local discretionary rate relief schemes.

Legislation

The Council has discretionary powers with regard discretionary rate relief under: -

The Local Government Finance Act 1988 and
The Local Government and Rating Act 1997

European Union competition rules generally prohibit Government subsidies to business and relief from taxes, including non-domestic rates, can constitute state aid. Consideration must be had to this when granting discretionary rate relief.

Relief for charities and non-profit making bodies is not normally considered to be state aid because the recipients are usually not in market competition with other businesses. However, if the charities or non-profit making bodies are engaged in commercial activities, or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid, and EU rules will apply.

Policy Aims

Through this policy, South Holland District Council seeks to support its vision 'to be a thriving, living, working, rural community'.

Each case will be assessed on its own merits having regard to: -

- The eligibility criteria set out in this policy,
- The benefit that the organisation or business brings to the local community and
- The cost to the Council Taxpayer of awarding the relief.

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CHARITIES, COMMUNITY AMATEUR SPORTS CLUBS (CASC'S), AND NON-PROFIT MAKING ORGANISATIONS

Eligibility Criteria

We will expect organisations to: -

- Be open to all sections of the community, except where legitimate restrictions apply.
- Have membership rates set at levels that do not exclude the general community.
- Demonstrate that the criteria by which it considers application for membership is consistent with open access.

We will also consider: -

- Whether the organisation actively encourages membership from particular groups in the community
- Whether facilities are made available other than to members
- Whether the organisation provides training or education for its members, or schemes for particular groups to develop their skills.
- How the organisation acquired its premises and facilities
- What would happen to the organisations assets in the event that it should cease to exist
- Whether the organisation is involved in the local or national development of its interests through affiliation to, or membership of a relevant Council, governing or representative body or similar organisation.

Information that will be required to support an application for discretionary rate relief: -

- A copy of the organisations constitution.
- Copies of the last 2-years audited accounts.

Organisations not eligible for Discretionary Rate Relief

The Council is not permitted to award discretionary rate relief to a precepting authority, or itself as a billing authority.

In addition, under this policy, the following organisations will not normally be eligible:-

- Charity shops selling donated and **new** goods.
- Schools, including academies, voluntary aided, voluntary controlled, church or grant aided

Additional criteria where either a licence exists, or may be granted, that permits alcohol to be available on the premises

Rate relief will **not** be reduced where a premises licence, club premises certificate or Temporary Event Notice exists, or is granted under the Licensing Act 2003, **providing** alcohol is only available on occasions when the premises are used for a function to raise funds for the club or organisation. Relief will be reduced in all other cases as set out in Appendix A of this policy. This will prevent full discretionary rate relief being given where members of an organisation have regular access to licensed bar facilities.

Levels of Rate Relief

Rate relief is awarded at different levels for the different categories of qualifying organisations and businesses. These are shown at Appendix A.

Period of Discretionary Rate Relief Award

Discretionary Rate Relief will be granted to 31 March of the financial year for which the award relates. Continuation of relief will be subject to reapplication or review.

RURAL RATE RELIEF

The districts Rural Settlement List is reviewed annually, and designates settlements within a rural area which have a population of 3,000 or less.

Rural Rate Relief is available for post offices, village shops, public houses and petrol filling stations subject to rateable value restriction, where they are the only business of that type in the rural settlement.

The Chancellor announced in the Autumn Statement on 23 November 2016 that rural rate relief will double from 50% to 100% from 1 April 2017.

The government has confirmed that it intends to amend the relevant primary legislation to require local authorities to grant 100% Mandatory Rural Rate Relief, but to ensure that ratepayers are not unfairly penalised, they have announced a scheme to allow Council's to use their powers under section 47(3) of the Local Government Finance Act 1988 to award discretionary relief to the relevant cases which meet the specific criteria for this relief.

For further information regarding this additional relief, please see pages 12-13.

Other business in a defined rural settlement may apply, but will need to demonstrate some exceptional nature of business, or benefit to the local community.

HARDSHIP RELIEF

The Local Government Finance Act 1988 permits discretionary relief to be awarded on the basis of hardship, with consideration to the interest of local taxpayers.

We will consider written applications for Hardship Relief from ratepayers whose business if it were to cease trading would have a detrimental effect on the local community, including local employment.

Every case will be considered on its own merit, and we will have particular regard to evidence of exceptional or unforeseen circumstances to justify reduction.

Applications will need to be supported by:

- Details of the reason for an application, including evidence of any exceptional or unforeseen circumstances
- Details of the business and its importance to the local community
- Copies of the last 2 years audited accounts
- Nature of the hardship
- Other evidence that the rate payer feels supports their application
- Details of the number of people who are employed by the business who reside in South Holland.

Any award of hardship relief will be exceptional, and will be time-limited.

Any reduction will be short term assistance and should not be considered to be a means of reducing rates liability in the longer term.

LOCAL DISCRETIONARY DISCOUNTS

The Localism Act 2011 introduced a new power for local authorities to be able to grant discounts on business rates as they think fit.

Every case will be considered on its own merit. Any award will be the exception rather than the rule, and will be time-limited.

Written applications will need to be supported as a minimum by:-

- Clear reasoning for the request, including a statement of the business type and the impact on the local community if the business were to come into the area/move away from the area.
- Details of the business and its importance to the local community, including an explanation as to what is unique and how the business sets itself apart from other businesses.
- Copies of the last 2 years audited accounts.
- Copy of any business plan.
- Details of any other support already received from other sources, or reasons why support was not forthcoming.

- Details of the number of people who are, or will be, employed by the business who reside in South Holland. Information about future employment opportunities and business growth.
- Any other evidence that the rate payer feels supports their application and that would assist us to be satisfied that the granting of the relief would be in the interest of the local council taxpayer.

Specific local schemes, determined by Portfolio Holder for Strategic Finance and Democratic Services, in conjunction with the Section 151 Officer, that are in place at any time will be included as Addendums to this Policy.

SECTION 44A, PARTLY OCCUPIED PREMISES

A ratepayer is liable for the full non-domestic rate whether a property is wholly occupied or only partly occupied. Where a property is partly occupied for a short time, we have discretion in certain cases to award relief in respect of the unoccupied part.

Written applications must be supported by: -

- Detailed maps which outline the whole property and indicate the partly occupied section.
- Details of the planned period of time for the part occupation.
- Details of future intentions.
- Details of the cause for the part occupation.

In the first instance it will be considered if a split of the assessment is appropriate, and if so a report will be referred to the Valuation Office Agency to consider amending the valuation list entry.

If it is not capable of being separately assessed then the application for Section 44A will be considered.

A site visit will normally be undertaken.

Making an Application

Any Non-Domestic Rates payment due must be paid in line with the most recent bill until such time as any relief is awarded.

Written applications with the exception of applications for Section 44a relief are required on the approved application form. Application forms can be printed from our website www.sholland.gov.uk, or a paper version can be provided on request.

Applications must be accompanied by evidence as outlined in this policy and on the application form. Where necessary the ratepayer may be required to provide additional information to support their application.

Failure to complete the application in full or provide requested information will cause delays in the decision making process.

State Aid

The award of discretionary rate relief is considered likely to amount to State Aid. State Aid is the means by which the European Union regulates state funded support to businesses. Discretionary Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations EC 1407/2013. The De Minimis Regulations allow an undertaking to receive up to €200,000 aid over a rolling three year period.

Businesses applying for Discretionary Relief will be required to sign a declaration to confirm that, including any relief award, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Timescales

Wherever possible applications should be made within the financial year for which the relief is being sought.

Requests for backdating will be considered at the discretion of the Council. However, in accordance with the Local Government Finance Act 1988, applications must be determined within 6 months of the end of the financial year for which the relief is being sought.

Decision Making

Applications will be administered within the Business Rates Team.

Decisions in respect of applications for discretionary relief for the following categories will be made by officers: -

- Charity,
- Community Amateur Sports Clubs (CASC's),
- Non-Profit Making Organisations
- Rural Rate Relief
- S44A Partly Occupied Premises

Decisions will be made by the Portfolio Holder for Strategic Finance and Democratic Services in respect of individual applications for: -

- Hardship Relief
- Local Discretionary Discount

The decision making process in respect of schemes introduced under the Localism Act is set out for each relevant scheme included as Addendums to this Policy.

Successful applicants will be notified of the amount of discretionary rate relief awarded by the issue of a new rates bill. The relief will be shown as a reduction on the bill. If the account is in credit as a result of the award, a refund will be made to the ratepayer.

Unsuccessful applicants will be notified in writing and the reason for the decision will be provided.

Complaints and appeals

Any customer who feels that they have not been correctly dealt with can use the Customer Feedback procedure to make a complaint.

Rating Law does not allow for a ratepayer to appeal a decision by the Council on discretionary rate relief. However in the interest of natural justice and in keeping with good customer care practice and principles of open government, this policy provides a mechanism for review of any decision.

If a ratepayer is unhappy with the decision made, full details should be submitted, in writing to the Business Rates Team within 30 days of notification of the decision.

The case will be reviewed, and where the outcome remains the same the case will be referred to the Portfolio Holder for Finance for further consideration, or Cabinet in the event the Portfolio Holder made the original decision.

We aim to conclude any review within 30 days.

Appendix A

Category of Ratepayer	Mandatory Relief	Discretionary Relief
Charity Shop selling donated and new goods	80%	Nil
Charity Shop selling only donated goods	80%	10%
Certain voluntary and foundation schools	80%	Nil
Charities where members have regular access to licensed bar facilities (see policy)	80%	10%
Any charities not covered in the categories above	80%	20%
Registered Community Amateur Sports Clubs (CASC's) where members have regular access to licensed bar facilities (see policy)	80%	Nil
Registered CASC's with no bar on site	80%	20%
Sports clubs that could register as CASC's but fail to do so, with a bar on site	Nil	Nil
Sports clubs that could register as CASC's but fail to do so, with no bar on site	Nil	60%
Non-Profit Making Organisations where members have regular access to licensed bar facilities (see policy) and where Rateable Value of the property is greater than £8,500	Nil	50%
Non-Profit Making Organisations where members have regular access to licensed bar facilities (see policy) and where Rateable Value of the property is £8,500 or less	Nil	80%
Any other Non-Profit Making Organisation	Nil	100%
Any business meeting the rateable value criteria in a rural settlement which demonstrates exceptional circumstances and benefits to the local community	Nil	Individual merit
Hardship relief, and Local Discretionary Discount	Nil	Individual merit

Addendums

The following local discount schemes are currently in place, and are administered under the provisions of Section 47 of the Local Government Finance Act 1988, as inserted by Clause 69 of the Localism Act 2011

(Please refer to page 8 of this policy for State Aid requirements and Timescales for applications and backdating restrictions)

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Rural Rate Relief

Rural Rate Relief is available for post offices, village shops, petrol filling stations and public houses subject to rateable value restriction, where they are the only business of that type in the rural settlement.

The Government announced in the Autumn Statement on 23 November 2016 that the relief will double from 50% to 100% from 1 April 2017.

As a measure the government is not changing legislation, instead local authorities are required to adopt a local scheme and decide each individual case using their discretionary relief powers introduced by the Localism Act (under Section 47 of the Local Government Finance Act 1988).

Eligibility Criteria

Properties that will benefit from the relief will be hereditaments that:

- Are those which are located in a rural settlement with a population of less than 3,000 and are either
- The sole general store, food shop or post office with a rateable value of up to £8,500 or
- The sole public house or petrol filling station with a rateable value of up to £12,500

The districts Rural Settlement List is reviewed annually, and designates settlements within a rural area which have a population of 3,000 or less. The Rural Settlement List currently includes all parishes in South Holland except Crowland, Holbeach, Long Sutton, Pinchbeck, Spalding and Sutton Bridge.

Amount of Rural Rate Relief available

Anyone who is entitled to mandatory Rural Rate Relief will be eligible for the increased level of discount to 100% off their business rates bill.

Recalculation of Rural Rate Relief

The amount of relief awarded will be recalculated in the event of a change in circumstances, including a backdated change to the rateable value or the hereditament, whether arising during the year in question or during a later year.

Application for Rural Rate Relief

Where possible ratepayers entitled to relief under this local scheme will be identified by South Holland District Council.

Ratepayers who believe they might be entitled to this relief should contact the Business Rates team.

Amounts of Rural Rate Relief awarded under this policy will be notified by the issue of a rates bill.

State Aid

Recipients of this relief may be required to sign a declaration to confirm that, including the amount of rural relief under this scheme, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

Decisions in respect of Rural Rate Relief will be made by officers.

Complaints and Appeals

Will follow the process set out in the main Policy.

Retail Discount

The Government announced in the Budget on 29 October 2018 that it would provide a Business Rates Retail Discount, to apply in the years 2019/20 and 2020/21. In response to the coronavirus, in the Budget on 11 March the Government announced that it would increase the discount for 2020/21 to 100% and extend it to include the leisure and hospitality sectors.

Following an announcement on 23 March 2020 of further measures to limit the spread of coronavirus, the government confirmed that that some previous exclusions for this relief, such as estate agents and letting agents, have been removed, so that retail, leisure, and hospitality properties that will have been forced to close as a result of the COVID-19 restriction measures will now be eligible for the relief.

South Holland District Council will administer the scheme in line with Government guidance set out in its Retail Guidance (links below) using its discretionary powers under section 47 of the Local Government Finance Act 1988 to grant relief to eligible businesses

2020/21 Retail Discount Guidance:

www.gov.uk/government/publications/business-rates-retail-discount-guidance.

State Aid

Whilst the UK left the EU on 31 January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during a transition period State aid rules will continue to apply as now and will be subject to control by the EU Commission as at present.

For 2020/21 The Government has notified the EU of its intention to bring forward an immediate change to the UK's tax treatment of non-domestic property, in response to the ongoing Covid-19 emergency, and to seek clearance under Article 107(3)(b) of the Treaty on the Functioning of the European Union. Subject to this approval, the Expanded Retail Discount scheme will become a notified State aid. Authorities have been instructed to prepare to award the discount ignoring de minimis limits and MHCLG will inform them of the outcome of the notification as soon as it is known.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

The scheme will be administered by the Business Rates team. Decisions in respect of applications for Retail Discount Relief will be made by officers.

Complaints and Appeals

Will follow the process set out in the main policy.

Business Rate Relief Scheme for Pubs

The Government announced a business rate discount for public houses with a rateable value of less than £100,000 for one year from 1 April 2020. Eligibility for the relief itself will be assessed and calculated on a daily basis.

South Holland District Council will administer the scheme in line with Government guidance set out in its Pub Guidance (link below) using its discretionary powers under section 47 of the Local Government Finance Act 1988 to grant relief to eligible businesses.

www.gov.uk/government/publications/business-rates-pubs-discount-2020-to-2021-local-authority-guidance

Eligibility Criteria

The scheme will be available to eligible occupied property with a rateable value of less than £100,000.

The majority of pubs are independently owned or managed and will not be part of chains. Where pubs are part of a chain, relief will be available for each eligible property in the chain, subject to meeting State Aid requirements.

The Government's policy intention is that eligible pubs should:

- be open to the general public
- allow free entry other than when occasional entertainment is provided
- allow drinking without requiring food to be consumed
- permit drinks to be purchased at a bar.

For these purposes, it should exclude:

- restaurants
- cafes
- nightclubs
- hotels
- snack bars
- guesthouses
- boarding houses
- sporting venues
- music venues
- festival sites
- theatres
- museums
- exhibition halls
- cinemas
- concert halls
- casinos

In cases where eligibility is unclear, South Holland District Council will consider broader factors i.e. in meeting the stated intent of policy that it demonstrates the characteristics that would lead it to be classified as a pub, for example being owned and operated by a brewery. Additionally, the Government recognises that local authorities may also wish to consider other methods of classification, such as the planning system and the use classes order to help them decide whether a property is a pub or not. However, permission for a particular use class will not necessarily mean that the property meets the definition of a pub.

Application for Pub Relief

There is a maximum cap on this relief and where the net rates liability is lower, the pub relief will be no more than the value of the net rate liability.

Successful applicants will be notified of the amount of discretionary relief awarded by the issue of a new rates bill.

Ratepayers are required to notify the Council of any change in circumstances. The amount of pub relief will be recalculated on change in liability or occupation.

State Aid

Applicants for Retail Relief may be required to sign a declaration to confirm that, including this pub relief award in 2020/21 they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

Decisions in respect of applications for Pub Relief will be made by officers.

Complaints and Appeals

Will follow the process set out in the main policy.

Relief for Local Newspapers

From 1 April 2017 the Government announced a business rates discount of up to £1,500 a year to business rates accounts for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament. This relief scheme has been extended to 31 March 2025.

Local Authorities are required to adopt a local scheme and decide each individual case using their discretionary relief powers introduced by the Localism Act (under Section 47 of the Local Government Finance Act 1988).

South Holland District Council will use the Government criteria to determine qualifying ratepayers, and will review this for 2025/26.

Eligibility Criteria

Properties that will benefit are those that meet the following criteria:

- The property must be occupied by a local newspaper and must be wholly or mainly used as office premises for journalists and reporters
- The local newspaper must be what is considered to be a 'traditional local newspaper'; the relief is not available to magazines.

'Wholly or mainly' is a test on use rather than occupation. Therefore, properties which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

Amount of Relief available

Up to £1,500 relief a year, the amount of relief is limited to a maximum of one discount:-

- Per newspaper title (e.g. per newspaper name)
And
- Per hereditament (property) that is wholly or mainly occupied by the local newspaper

Recalculation of Relief

The amount of local newspaper relief awarded will be recalculated in the event of a change in circumstances, including changes to occupation of premises by the local newspaper or identification that the relief has been applied on additional accounts.

Application for Local Newspaper Relief

Where possible ratepayers entitled to local newspaper relief under this local scheme will be identified by South Holland District Council.

Ratepayers who believe they might be entitled to this relief should contact the Business Rates team.

Amounts of relief awarded under this policy will be notified by the issue of a rates bill.

State Aid

Recipients of this relief may be required to sign a declaration to confirm that, including the amount of local newspaper relief under this scheme, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

Decisions in respect of Local Newspaper Relief will be made by officers.

Complaints and Appeals

Will follow the process set out in the main Policy.

Supporting Small Business Relief (SBRR)

At the Spring 2017 Budget, the Chancellor announced that a scheme of relief scheme would be made available to those ratepayers facing large increases as a result of the loss of small business or rural rate relief.

South Holland District Council will administer the scheme in line with Government guidance set out in Annex A of Business Rates Information Letter (4/2017) using its discretionary powers under section 47 of the Local Government Finance Act 1988 to grant relief to eligible businesses.

Eligibility Criteria

Ratepayers facing large increases in their rateable value due to revaluation who are losing some or all of their small business rate relief or rural rate relief.

To support these ratepayers, the Supporting Small Businesses relief will ensure that the increase per year in the bills of these ratepayers is limited to the greater of:

- a) A percentage increase per annum of 5%, 7.5%, 10%, 15% and 15% 2017/18 to 2021/22 all plus inflation. For the first year of the scheme the percentage increase is taken against the bill for 31 March 2017 after small business rates relief or rural rate relief, or
- b) A cash value of £600 per year (£50 per month). This cash minimum increase ensures that those ratepayers paying nothing or very small amounts in 2016/17 after small business rate relief are brought into paying something.

Application for Supporting Small Business Relief

Written applications are required. Those ratepayers who are likely to be eligible have been contacted and invited to make application.

Successful applicants will be notified of the amount of discretionary relief awarded by the issue of a new rates bill.

Ratepayers will remain in the Supporting Small Business relief scheme for either 5 years or until they reach the bill they would have paid without the scheme.

Conditions of the award

In the event of a change in circumstances Supporting Small Business Relief will be recalculated.

A change of ratepayer will not affect eligibility, but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club (CASC).

State Aid

Applicants for Retail Relief may be required to sign a declaration to confirm that, including this Supporting Small Business Relief they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

Decisions in respect of applications for Supporting Small Business Relief will be made by officers.

Complaints and Appeals

Will follow the process set out in the main policy.

Locally Administered Business Rate Relief Scheme (1 April 2017- 31 March 2021)

Guidelines

These guidelines set out the Council's intentions for dealing with the new discretionary rate relief for businesses most affected by the 2017 Business Rates Revaluation.

This scheme seeks to provide a transparent, fair and consistent approach to affected businesses across the district to the award of rate relief. There is no differentiation between types of business, and all businesses that meet the eligibility criteria will be awarded relief.

Business Rates remain due and payable in accordance with the most recent bill, until such time as any relief is awarded.

The scheme

In 2017/18 business ratepayers facing an increase in their rates bill as a result of the revaluation will have the increase limited to £600 where the ratepayer meets qualifying criteria.

Entitlement to discretionary relief is determined with reference to an increase in the rates bill due to the April 2017 revaluation.

In addition where a ratepayer of a small business (RV under £51,000) has an occupied business rates liability, after all other reliefs have been applied, and has had an increase of over 50% in their RV as a result of the 2017 revaluation; an award equal to 65% of the Transitional Relief awarded in 2017/18.

This locally administered relief will be calculated and awarded after all other relief that the ratepayer is entitled to has been applied to the rate bill with the exception of pub relief.

Ratepayers will be notified of the amount of local discretionary rate relief by the issue of a new rates bill.

The level of financial support drops dramatically across the 4 years that the Government is funding, and businesses need to be aware, and prepare for, an increasing business rates liability each year from 2018/19.

Awards of relief under this scheme will reduce at the same rate as the Government funding for financial years 2018/19 (49% of 2017/18), 2019/20 (41% of 2018/19). For 2020/21 (the final year of the scheme) relief will be awarded at 18% of 2019/20 entitlement for those businesses that still meet the scheme criteria.

The Council through delegated authority reserves the right to revise or extend the scheme within any financial year, subject to the extent of funding available.

Qualifying Criteria

Eligible Ratepayers will: -

- Be in occupation of a qualifying business property on 31 March 2017 and 1 April 2017,
- Have an increase in the net amount of rates payable (the amount after all relief and other reduction has been applied) on 1 April 2017 compared to 31 March 2017 as a result of the 2017 revaluation.

A qualifying business property will: -

- Have a Rateable Value (RV) on 1st April 2017 of less than or equal to £100,000.

The following will not be eligible under this scheme: -

- Properties that are empty.
- Charities, non-profit making organisations
- Schools, including academies, voluntary aided, voluntary controlled, church or grant aided.
- Local and Precepting Authorities
- Ratepayers where the award would mean a business exceeds state aid de-minimus level (currently €200,000).
- New occupiers who take on a qualifying business property on or after 1 April 2017.

Changes in liability will affect this relief

Eligibility for the relief will be assessed and calculated on a daily basis. Relief will be adjusted, including retrospective adjustment, in cases where the amount of rates payable changes.

All qualifying businesses and organisations are required to notify the Council of any change in circumstances that may affect their entitlement to Discretionary Rate Relief.

If a business moves address within the period that they are receiving rate relief (whether within or outside of the district), relief will not be carried forward to the new property as the business will have had an opportunity to consider the rates before moving. The relief is intended to cushion the effects of the revaluation only.

Application for Locally Administered Business Rate Relief

Those business that have been identified as potential recipients for this relief were contacted and where appropriate invited to make a written application and complete a state aid declaration.

Period of Award

The award period will be for a period of no more than 12 months and in any case will end on 31 March of the relevant financial year. Continuation of relief will be subject to any review of the scheme, in line with the level of funding available until such time as the scheme ceases.

Qualifying businesses will be notified of the amount of the Discretionary Rate Relief award by the issue of a new Rate Demand Notice. The rate relief will be awarded by means of a reduction in liability shown on the business rates bill issued to the ratepayer.

Annual Review of Relief Award

The Guidelines will be reviewed yearly and qualifying businesses and it is intended that businesses will have relief automatically granted for the next financial year. The amount will be shown on their annual rates bill.

State Aid

Applicants for local discretionary rate relief may be required to sign a declaration to confirm that, including this relief award, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Hardship

This scheme includes provision for hardship relief applications to be made by ratepayers facing hardship as a direct result of an increase in their rates bill due to revaluation, and who is in occupation of a property with a Rateable Value less than or equal to £200,000.

Applications must be made in writing and provide supporting information and evidence, including copies of accounts. Each case will be considered on its own merit, and in order to reach a decision further information might be requested.

Decision Making

The scheme will be administered by the Business Rates team. Decisions in respect of applications for Locally Administered Business Rate Relief will be made by officers.

Complaints and Appeals

Will follow the process set out in the main policy.

Nursery Discount 2020/21

As an extraordinary response to the coronavirus, the Government announced a business rates Nursery Discount on 18 March 2020.

This relief will apply to hereditaments occupied by providers on Ofsted's Early Years Register and wholly or mainly used for the provision of the Early Years Foundation Stage and which are subject to business rates in the year 2020/21. There will be no rateable value limit on the relief. Ofsted will ensure that all local authorities can access the Ofsted Early Years Register to help authorities identify eligible properties.

South Holland District Council will administer the scheme in line with Government guidance (link below) using its discretionary powers under section 47 of the Local Government Finance Act 1988 to grant relief to eligible businesses.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874284/Nursery_discount_guidance.pdf

Which properties will benefit from relief?

Properties that will benefit from the relief will be hereditaments occupied by providers on Ofsted's Early Years Register and wholly or mainly used for the provision of the Early Years Foundation Stage.

To qualify for the relief the hereditament should be wholly or mainly being used for the above qualifying purpose. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which have closed temporarily due to the government's advice on COVID19 will be treated as occupied for the purposes of this relief.

How much relief will be available?

The total amount of government-funded relief available for each property for 2020/21 under this scheme is 100% of the bill. The relief itself will be assessed and calculated on a daily basis.

State Aid

Whilst the UK left the EU on 31 January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during a transition period State aid rules will continue to apply as now and will be subject to control by the EU Commission as at present.

For 2020/21 The Government has notified the EU of its intention to bring forward an immediate change to the UK's tax treatment of non-domestic property, in response to the ongoing Covid-19 emergency, and to seek clearance under Article 107(3)(b) of the Treaty on the Functioning of the European Union. Subject to this approval, the Expanded Retail Discount scheme will become a notified State aid. Authorities have been instructed to prepare to award the discount ignoring de minimis limits and MHCLG will inform them of the outcome of the notification as soon as it is known.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

The scheme will be administered by the Business Rates team. Decisions in respect of applications for Retail Discount Relief will be made by officers.

Complaints and Appeals

Will follow the process set out in the main policy.