

ISLE OF ANGLESEY COUNTY COUNCIL

REPORT TO:	EXECUTIVE
DATE:	12 JUNE 2017
SUBJECT:	BUSINESS RATES – HIGH STREET RATES RELIEF
PORTFOLIO HOLDER(S):	COUNCILLOR JOHN GRIFFITHS - PORTFOLIO HOLDER (FINANCE)
HEAD OF SERVICE:	MARC JONES, HEAD OF FUNCTION (RESOURCES) AND SECTION 151 OFFICER
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LOCAL MEMBERS:	NOT APPLICABLE

A - Recommendation/s and reason/s

Recommendations

The Authority to use its discretionary relief powers granted under Section 47 of the Local Government Act 1988 to award the Welsh Government's temporary "High Street Rates Relief" scheme. Relief to be provided in accordance with the Welsh Government's "Non-domestic Rates High Street Rates Relief Guidance Wales Retail Relief – Guidance" 19 April 2017 as shown in Appendix A.

The Head of Function (Resources) / Section 151 Officer, under the Council's Scheme of Delegation to Officers (part 3.5.3.5.19 of the Constitution), to make suitable arrangements to administer and determine applications for the "Non-domestic Rates High Street Rates Relief" scheme.

Reasons

The Welsh Government has announced that it will provide a "Non-domestic Rates High Street Rates Relief" from 1 April 2017 which will be available until 31 March 2018. The relief is targeted at high street retailers in Wales, for example shops, pubs, restaurants and cafes – including those retailers which have seen their rates increase as a result of the 2017 revaluation. The scheme will provide two tiers of non-domestic rates relief, of up to £500 (Tier 1) or up to £1,500 (Tier 2) for eligible high street retailers occupying premises with a rateable value of £50,000 or less in the Financial Year 2017/18, subject to State Aid limits.

The relief provided is dependant on the rateable value of the property on 1 April 2017, whether liability has increased from April 2017 due to the revaluation and whether the business is already entitled to other Welsh Government support. More details of the eligibility criteria and exceptions are provided in Appendix A.

Authorities can award this relief in accordance with Section 47 of the Local Government Finance Act 1988 and will be fully reimbursed by the Government for any High Street Rates Relief that is awarded to ratepayers who qualify. The estimated costs of the scheme for the Isle of Anglesey County Council is £225,252 subject to at least one adjustment mid-year where some authorities may have received too much funding and others not enough.

State Aid

Awards under the “Non-domestic Rates – High Street Rates Relief” scheme must comply with the European Union Law on State Aid. This involves an applicant under the scheme returning a Declaration to an authority advising if they have received any other De Minimis State Aid, including any other Business Rates Relief which the applicant is receiving for premises throughout the European Union (other than the one in which the application relates) – confirming that the award of the “Non-domestic Rates – High Street Rates Relief” does not exceed the €200,000 which an applicant can receive under the De Minimis Regulations EC 1407/2013.

Awarding relief

Award of this relief will, therefore, be application based. A retail business wishing to apply for the “Non-domestic Rates – High Street Rates Relief” must complete an Application Form and Declaration. Retail businesses eligible under this scheme will be identified by the Service and application forms and declarations will be sent to them to apply.

It is estimated that 176 businesses will be eligible for relief under the scheme at Tier 1 and 121 businesses at Tier 2.

B - What other options did you consider and why did you reject them and/or opt for this option?		
The only other option was not to accept the grant award from the Welsh Government and, therefore, the “Non-domestic Rates – High Street Rates Relief” would not apply to high street retailers on the Island.		
C - Why is this a decision for the Executive?		
The Executive is being asked to use discretionary relief powers under Section 47 of the Local Government Act 1988 to adopt a temporary business rates relief scheme.		
CH - Is this decision consistent with policy approved by the full Council?		
This is a Welsh Government scheme to provide additional temporary business rates relief to high street retailers following the 2017 revaluation.		
D - Is this decision within the budget approved by the Council?		
The cost of the grant scheme will be reimbursed by the Welsh Government.		
DD - Who did you consult?		
What did they say?		
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	
2	Finance / Section 151 (mandatory)	Author of the report
3	Legal / Monitoring Officer (mandatory)	
4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	
7	Scrutiny	
8	Local Members	
9	Any external bodies / other/s	

E - Risks and any mitigation (if relevant)		
1	Economic	The Head of Service fully supports the intention and appreciates the effort to support businesses/regeneration.
2	Anti-poverty	
3	Crime and Disorder	
4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	
F - Appendices:		
Appendix A – Non-domestic Rates High Street Rates Relief Guidance: 19 April 2017.		
FF - Background papers (please contact the author of the Report for any further information):		
Non-domestic Rates High Street Rates Relief Guidance: 19 April 2017 High Street Relief Grant Claim Letter: 16 March 2017		



Llywodraeth Cymru
Welsh Government

Non-domestic Rates

High Street Rates Relief

Guidance

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Non-domestic Rates – High Street Rates Relief

Guidance

About this guidance

1. This guidance is intended to support local authorities in administering the High Street Rates Relief scheme (“the relief”) announced by the Cabinet Secretary for Finance and Local Government on 17 December 2016. This guidance applies to Wales only.
2. This guidance sets out the criteria which the Welsh Government will use to determine the funding for local authorities for relief provided to high street retail properties. The guidance does not replace any existing non-domestic rates legislation or any other relief.
3. Enquiries on the scheme should be sent to:
localtaxationpolicy@wales.gsi.gov.uk
4. The relief is being offered from 1 April 2017 and will be available until 31 March 2018.

Introduction

5. This relief is aimed at high street retailers in Wales, for example shops, pubs, restaurants and cafes – including those retailers which have seen their rates increase as a result of the 2017 revaluation undertaken by the independent Valuation Office Agency.
6. The Welsh Government will provide two tiers of non-domestic rates relief, of up to £500 (Tier 1) or up to £1,500 (Tier 2), to eligible high street retailers occupying premises with a rateable value of £50,000 or less in the financial year 2017-18, subject to State Aid limits.
7. This document provides guidance on the operation and delivery of the scheme.

Section 1

High Street Rates Relief

How will the relief be provided?

8. As this is a temporary measure, we are providing the relief by reimbursing local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual local authorities to adopt a scheme and decide in each individual case when to grant relief under section 47. The Welsh Government will then reimburse local authorities for the relief that is provided in line with this guidance via a grant under section 31 of the Local Government Act 2003.

How will the scheme be administered?

9. It will be for local authorities to determine how they wish to administer the scheme to maximise take-up and minimise the administrative burden for ratepayers and for local authority staff. Subject to State Aid considerations set out in paragraphs 28 to 32, the Welsh Government believes that this relief could be directly applied to eligible ratepayers' bills.
10. Local authorities are responsible for providing ratepayers with clear and accessible information on the details and administration of the scheme. If, for any reason, an authority is unable to provide this relief to eligible ratepayers from 1 April 2017, consideration should be given to notifying eligible ratepayers that they qualify for the relief and that their bills will be recalculated.
11. Local authorities will be asked to identify the total amount of relief provided under the scheme in their Non-Domestic Rates Return 3 (NDR3) return for data collection purposes only. A new line will be included in the NDR3 return for this.

Which properties will benefit from relief?

12. Properties that will benefit from this relief will be occupied high street properties such as shops, restaurants, cafes and drinking establishments, with a rateable value of £50,000 or less on 1 April 2017. More detailed eligibility criteria and exceptions to the relief are set out in paragraphs 15 to 19.
13. Two tiers of relief will be provided depending on the rateable value of the property, whether liability is increasing from 1 April 2017 as a result

of the revaluation and whether the business is already entitled to other Welsh Government support.

14. Relief should be granted to businesses as a one-off payment based on occupation as at 31 March 2017 (provided the same occupier continues to be in occupation on 1 April 2017). It is recognised that there may be some instances where a local authority is retrospectively notified of a change of occupier. In such cases, if it is clear that the occupier was in occupation on 1 April 2017, the local authority may use its discretion in awarding relief.

Tier 1 – lower level of support: £500 (or the total remaining liability if this is less than £500)

Eligible ratepayers will be high street retailers whose properties have a rateable value of between £6,001 and £12,000* for the financial year 2017-18 and who meet the following criteria:

- In receipt of Small Business Rates Relief (SBRR) on 1 April 2017; and / or
- In receipt of Transitional Relief on 1 April 2017.

*There will be a small number of ratepayers whose properties have a rateable value of £12,000 or above who are in receipt of Transitional Relief. These ratepayers will qualify for Tier 1 relief.

It is recognised that there may also be a small number of ratepayers whose properties have a rateable value of £12,000 who are not in receipt of Transitional Relief and who are on the very upper threshold of the SBRR taper and hence receive no SBRR relief. Such ratepayers will be eligible for Tier 1 relief.

Tier 2 – higher level of support: up to £1,500

Eligible ratepayers will be high street retailers whose property has a rateable value between £12,001 and £50,000 for the financial year 2017-18 and who meet the following criteria:

- Not in receipt of SBRR or Transitional Relief on 1 April 2017; and
- Have an increase in their liability on 1 April 2017 as a result of the 2017 Revaluation

15. It is intended that, for the purposes of this scheme, high street properties such as, “shops, restaurants, cafes and drinking establishments” will mean the following (subject to the other criteria in this guidance).

i. Hereditaments that are being used for the sale of goods to visiting members of the public

- Shops (such as florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off-licences, newsagents, hardware stores, supermarkets, etc)
- Opticians
- Pharmacies
- Post offices
- Furnishing shops or display rooms (such as carpet shops, double glazing, garage doors)
- Car or caravan showrooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale or hire)

ii. Hereditaments that are being used for the provision of the following services to visiting members of the public

- Hair and beauty services
- Shoe repairs or key cutting
- Travel agents
- Ticket offices, eg. for theatre
- Dry cleaners
- Launderettes
- PC, TV or domestic appliance repair
- Funeral directors
- Photo processing
- DVD or video rentals
- Tool hire
- Car hire
- Cinemas
- Estate and letting agents

iii. Hereditaments that are being used for the sale of food and / or drink to visiting members of the public

- Restaurants
- Drive-through or drive-in restaurants
- Takeaways
- Sandwich shops
- Cafés
- Coffee shops
- Pubs
- Wine Bars

16. To qualify for the relief a hereditament listed in (i) to (iii) should be wholly or mainly used as a shop, restaurant, café or drinking establishment. 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.
17. The list set out above is not intended to be exhaustive as it would be impossible to list all the many and varied high street retail uses that exist. There will also be mixed uses. However, it is intended to be a guide for local authorities as to the types of uses that the Welsh Government considers for this purpose to be high street and retail. Local authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.
18. As the grant of the relief is discretionary, local authorities may choose not to grant the relief if they consider that appropriate, for example where granting the relief would go against the local authority's wider objectives for the local area.

Types of hereditaments that are not considered to be eligible for the high street relief

19. The list below sets out the types of uses that the Welsh Government does not consider to be high street retail use for the purpose of this relief and would not be deemed eligible for the relief. However, it will be for local authorities to determine if hereditaments are similar in nature to those listed below and if they would not be eligible for relief under the scheme.
- i. ***Hereditaments that are being used wholly or mainly for the provision of the following services to visiting members of the public***
- Financial services (eg. banks, building societies, cash points, ATMs, bureaux de change, payday lenders, betting shops, pawn brokers)
 - Medical services (eg. vets, dentists, doctors, osteopaths, chiropractors)
 - Professional services (eg. solicitors, accountants, insurance agents, financial advisers, tutors)
 - Post office sorting office
 - Tourism accommodation, eg. B&Bs, hotel accommodation and caravan parks
 - Sports clubs
 - Children's play centres
 - Day nurseries
 - Outdoor activity centres

- Gyms
- Kennels and catteries
- Show homes and marketing suites
- Employment agencies

There are a number of further types of hereditaments which the Welsh Government believes should not be eligible for the high street relief scheme

ii. *Hereditaments with a rateable value of more than £50,000*

It is recognised there are some high street retail businesses with rateable value above the £50,000 relief threshold who are also experiencing increases in their rateable values as a result of the 2017 Revaluation. These properties will not be eligible for this relief. However, local authorities have the option to use their discretionary powers to offer discounts outside this scheme to such businesses if it is in the interests of the local community to do so.

iii. *Hereditaments that are not reasonably accessible to visiting members of the public*

If a hereditament is not reasonably accessible to visiting members of the public, it will be ineligible for relief under the scheme even if there is ancillary use of the hereditament that might be considered to fall within the descriptions in paragraph 15 (i), (ii) or (iii).

iv. *Hereditaments that are in out-of-town retail parks or industrial estates*

What constitutes a high street retailer will vary significantly across local authority areas and it is left to the discretion of authorities to determine this based on their local areas. However, hereditaments in out-of-town retail parks and industrial estates are not considered to constitute the high street for the purposes of this relief even if there is ancillary use of the hereditament that might be considered to fall within the descriptions in paragraph 15 (i), (ii) or (iii). As the grant of the relief is discretionary, it is for authorities to determine for themselves whether particular properties constitute a high-street retailer.

v. *Hereditaments that are not occupied*

Properties that are not occupied on 1 April 2017 should be excluded from this relief. However under the Empty Property Relief scheme, empty properties will receive a 100% reduction in rates for the first three months (and in certain cases six) of being empty.

vi. *Hereditaments that are in receipt of mandatory charitable rates relief*

These properties already receive mandatory charitable relief which gives an 80% reduction in liability and authorities may also choose to provide

discretionary charitable relief which can reduce the remaining liability to nil. As such, these properties will not be eligible for high street rate relief.

How much relief will be available?

20. The total amount of government funded relief available for each property for 12 months under this scheme is up to £500 for Tier 1 properties and up to £1,500 for Tier 2 properties.
21. This relief can be provided in addition to SBRR and Transitional Relief. The High Street Rates Relief should be applied against the net bill after these two reliefs have been applied. Any hardship or discretionary relief awarded by the local authority should be considered by the local authority once all other rates reliefs have been awarded.
22. The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a particular hereditament in the financial year:

Amount of relief to be granted = funding amount for Tier 1 or Tier 2 (delete as appropriate) x A/B

Where:

A is the number of days in the financial year that the hereditament is eligible for relief; and

B is the number of days in the financial year

23. When calculating the relief, if the net liability before High Street Rates Relief is £500 or less for Tier 1 or £1,500 or less for Tier 2, the maximum amount of this relief will be no more than the value of the net rate liability. This should be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.
24. Ratepayers that occupy more than one property will be entitled to High Street Rates Relief for each of their eligible properties, subject to State Aid de minimis limits.

Changes to existing hereditaments including change in occupier

25. Eligibility for the relief will be calculated based on the circumstances of the property and ratepayer as at 1 April 2017. Changes to properties which occur after this date will have no impact on eligibility for this relief.
26. Empty properties becoming occupied after 1 April 2017 will not qualify for this relief.

27. If there is a change in occupier part way through the financial year, after relief has already been provided to the hereditament, the new occupier will not qualify for the relief.
28. This treatment is intended to simplify the administration of the scheme but also reflects that the relief is to help support those affected by the revaluation. It is assumed that the rateable values for properties being occupied after 1 April 2017 will have been known in advance of occupation and would have been taken into account prior to occupation.

State Aid

29. State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. High Street Rates Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulation (1407/2013).
30. The De Minimis Regulation allows an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years). Local authorities should familiarise themselves with the terms of this State Aid exemption, in particular the types of undertaking that are excluded from receiving De Minimis aid, the relevant definition of undertaking and the requirement to convert the aid into Euros.
31. To administer De Minimis it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation).
32. Section 3 of this guidance contains a sample De Minimis declaration which local authorities may wish to use. Where local authorities have further questions about De Minimis or other aspects of State Aid law, they should seek advice from their legal department in the first instance.
33. Desk instructions covering the administration of De Minimis schemes are available at:

<http://gov.wales/funding/state-aid/de-minimis-aid/?lang=en>

http://ec.europa.eu/competition/state_aid/legislation/de_minimis_regulation_en.pdf

Section 2 – Calculation examples

SBRR – Small Business Rates Relief

TR – Transitional Relief

HSRR – High Street Rates Relief

Example 1	£
Rateable Value in 2010	= 6,000
2010 Base liability @ 0.486	= 2,916
2010 liability after SBRR	= 0

Rateable Value in 2017	= 8,000
Base liability @ 0.499	= 3,992
Liability after SBRR	= 1,331
Liability after TR	= 333
Tier 1 HSRR	= 333
2017 liability after Tier 1 HSRR	= 0

Example 2	£
Rateable Value in 2010	= 9,000
2010 Base liability @ 0.486	= 4,374
2010 liability after SBRR	= 2,187

Rateable value in 2017	= 14,000
Base liability @ 0.499	= 6,986
Liability after SBRR	= 6,986
Liability after TR	= 3,387
Tier 1 HSRR	= 500
2017 liability after Tier 1 HSRR	= 2,887

Example 3	£
Rateable Value in 2010	= 15,000
2010 Base liability @ 0.486	= 7,290
2010 liability after SBRR	= 7,290

Rateable value in 2017	= 24,000
Base liability @ 0.499	= 11,976
Liability after SBRR	= 11,976
Liability after TR	= 11,976
Tier 2 HSRR	= 1,500
2017 liability after Tier 2 HSRR	= 10,476

Section 3 – State Aid

Sample paragraphs that could be included in letters to ratepayers about High Street Rates Relief for 2017-18

The Cabinet Secretary for Finance and Local Government announced on 16 February 2017 that relief of up to £1,500 will be provided to eligible occupied retail properties with a rateable value of £50,000 or less in 2017-18. Your current rates bill includes this High Street Rates Relief for 2017-18.

Awards such as High Street Rates Relief are required to comply with the EU law on State Aid¹. In this case, this involves returning the attached declaration to this authority if you have received any other De Minimis State Aid, including any other High Street Rates Relief you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of High Street Rates Relief does not exceed the €200,000 an undertaking² can receive under the De Minimis Regulations EC 1407/2013.

Please complete the declaration and return it to the address above. In terms of declaring previous De Minimis aid, we are only interested in public support which is De Minimis aid (State Aid received under other exemptions or public support which is not State Aid does not need to be declared).

If you have not received any other De Minimis State Aid, including any other High Street Rates Relief you are being granted for premises other than the one to which this bill and letter relates, you do not need to complete or return the declaration.

If you wish to refuse to receive the High Street Rates Relief granted in relation to the premises to which this bill and letter relates, please complete the attached form and return it to the address above. You do not need to complete the declaration. This may be particularly relevant to those premises that are part of a large retail chain, where the cumulative total of High Street Rates Relief received could exceed €200,000.

Under the European Commission rules, you must retain this letter for three years from the date on this letter and produce it on any request by the UK public authorities or the European Commission. (You may need to keep this letter longer than three years for other purposes). Furthermore, information on this aid must be supplied to any other public authority or agency asking for information on 'De Minimis' aid for the next three years.

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

2 An undertaking is an entity which is engaged in economic activity. This means that it puts goods or services on a given market. The important thing is what the entity does, not its status. Thus a charity or not for profit company can be undertakings if they are involved in economic activities. A single undertaking will normally encompass the business group rather than a single company within a group. Article 2.2 of the de minimis Regulations (Commission Regulation EC/ 1407/2013) defines the meaning of 'single undertaking'.

‘De Minimis’ declaration

Dear []

NON-DOMESTIC RATES ACCOUNT NUMBER: _____

The value of the non-domestic rates High Street Rates Relief to be provided to [name of undertaking] by [name of local authority] is £ [] (Euros []).

This award shall comply with the EU law on State Aid on the basis that, including this award, [name of undertaking] shall not receive more than €200,000 in total of De Minimis aid within the current financial year or the previous two financial years). The De Minimis Regulations 1407/2013(as published in the Official Journal of the European Union L352 24.12.2013) can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>.

Amount of De Minimis aid	Date of aid	Organisation providing aid	Nature of aid
€	1 April 2017 – 31 March 2018	Local authorities (for the High Street Rates Relief total, you do not need to specify the names of individual authorities)	High Street Rates Relief

I confirm that:

1) I am authorised to sign on behalf of _____ [name of undertaking]; and

2) _____ [name of undertaking] shall not exceed its De Minimis threshold by accepting this High Street Rates Relief.

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

Refusal of High Street Rates Relief form

Name and address of premises	Non-domestic rates account number	Amount of High Street Rates Relief

I confirm that I wish to refuse High Street Rates Relief in relation to the above premises.

I confirm that I am authorised to sign on behalf of _____ [name of undertaking].

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE: