

Southend-on-Sea City Council

Non-Domestic Rates

Discretionary Rate Relief Policy

January 2024

1. Purpose

- 1.1** To set out the Council's policy for awarding Discretionary Rate Relief (DRR) Policy for Non-Domestic Rates.

2. Introduction and Scope

- 2.1** DRR is granted in accordance with Section 43 and Section 44a of the Local Government Finance Act 1988 (LGFA 1988) and Section 47-49 of the LGFA 1988 as amended by the Localism Act 2011.
- 2.2** This policy document outlines the areas of local discretion and the Council's approach to the various awards. This approach has regard to the impact:
- 2.2.1 Of granting DRR, including Section 44a Relief and Hardship Relief on the Council's wider financial position and Council taxpayers.
- 2.2.2 This policy covers other reliefs, being Supporting Small Business Relief and Retail Relief, however the Council are fully compensated by Government for the award of these reliefs through a grant (Section 31 of the Local Government Act 2003).
- 2.2.3 On the organisations and businesses that currently receive or may apply for relief in the future.
- 2.3** The principal consideration when making an award is that any relief granted is in the best interests of the residents and taxpayers of Southend-on-Sea and produces a local benefit.

3. Charitable Relief (Charities and Community Amateur Sports Clubs CASC)

- 3.1** A Mandatory Rate Relief of 80% is granted to charities in the following circumstances where the:
- 3.1.1 Ratepayer of a property is a charity or the trustees of a charity; and
- 3.1.2 Property is wholly or mainly used for charitable purposes (including charity shops, where the goods sold are mainly donated and the proceeds are used for the purpose of the charity).
- 3.2** The Council does not have discretion regarding the award of Mandatory Rate Relief, however the Council must be satisfied that the statutory criteria has been met. For this purpose, the Council will use guidance provided in both the LGFA 1988, and by reference to other enactments and case law.
- 3.3** The Council will refer to the Charity Register for evidence of charitable status however absence from the register does not mean an organisation has not been established for charitable purposes as certain organisations are exempt from registration under the Charities Act 1993.

- 3.4** A mandatory rate relief of 80% is granted to registered community amateur sports clubs (CASCs). To qualify as a CASC, a sports club must fulfil all of the following criteria. It must be:
- 3.4.1 Open to the whole community.
 - 3.4.2 Run as an amateur club.
 - 3.4.3 Non-profit making, and
 - 3.4.4 Aiming to provide facilities for, and encourage people to take part in, eligible sport.
- 3.5** In cases where a charity is in receipt of mandatory rate relief of 80%, or where a CASC is in receipt of Mandatory Rate Relief of 80%, the Council has discretion to grant up to 20% additional rate relief as a DRR top up.
- 3.6** The Council will consider applications for a DRR top up from charities and CASC's based on their own merits, on a case-by-case basis. However, the principal consideration is that the relief is in the best interests of the residents and taxpayers of Southend-on-Sea and produces a local benefit as the Council must contribute to the cost of each award.
- 3.7** In deciding which organisations to support the Council has considered the following factors and priorities.
- 3.7.1 That any award should support a local organisation/group to help retain the services in the Council's area and not compete directly with existing businesses in an unfair manner.
 - 3.7.2 The organisation should become self-reliant, and not rely on an award to continue to serve the local community.
 - 3.7.3 The award of relief should not distort competition or significantly change the services within the Council's area.
 - 3.7.4 Local organisations will be provided priority over national organisations.
 - 3.7.5 To enable organisations to start, develop and continue their activities which deliver outcomes that relate to key priorities for the Council, which without granting DRR they would be unable to do.
 - 3.7.6 To assist the Council to deliver services which could not otherwise be provided.
 - 3.7.7 To ensure the financial impact of awarding DRR is justified in terms of the local outcome achieved by the organisation.
- 3.8** DRR top up will be considered for the following charitable organisations/CASC's.
- 3.8.1 Trusts that are supporting the relief of poverty

- 3.8.2 Trusts for the advancement of education
- 3.8.3 Trusts for the advancement of religion
- 3.8.4 Trusts for other purposes beneficial to the community, but not falling under any of the preceding headings.
- 3.9** A DRR top-up will generally be awarded to charities whose work is beneficial to the community at large, or who actively encourage membership from a full cross section of the community, or who provide facilities which directly or indirectly relieve the local authority of the need to do so.
- 3.10** A DRR top up will be made to charitable organisations/CASC's meeting the following eligibility criteria:
 - 3.10.1 Relief will be made in respect of one property address for each charitable organisation/CASC; If the charitable organisation/CASC has multiple properties, the award will be applied to the property which has the greatest rateable value at the time the award is made. In the event of a further property with a greater rateable value being occupied by the organisation after the award of the relief, a reconsideration of the relief will be applied in the future financial year.
 - 3.10.2 The property is not in use for the sale of goods to visiting members of the public.
 - 3.10.3 The property is not in use for the provision of services to visiting members of the public.
 - 3.10.4 The property is not being used for the sale of food and/or drink to visiting members of the public.
 - 3.10.5 The property is not in use for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities).
 - 3.10.6 The property is not in use for the assembly of visiting members of the public.
 - 3.10.7 The principal use of the property is not that of storage.
 - 3.10.8 The property has been occupied by a charitable organisation under an agreement with a rental value equal to or greater than 50% of the rateable value of the property for which the relief is claimed.
- 3.11** An application form must be submitted to the Council for DRR top up and must include the following.
 - 3.11.1 The organisation's main purposes and objectives.
 - 3.11.2 A memorandum of association or set of membership rules.

- 3.11.3 A full set of audited accounts relating to the two years preceding the date of application. (It is recommended that applicant organisations submit audited accounts dating back further than two years, if such information is available.)
- 3.11.4 Where audited accounts are not available, projected figures should be provided instead.
- 3.11.5 Details of how the organisation meets the criteria outlined in these guidelines.
- 3.12** If an application for DRR is received without the necessary supporting information, it will result in a delay in the processing of the application. In the event that supporting information is not provided within one month of the initial application, the application will be considered ineligible and closed.
- 3.13** The Council will notify the requestor of the outcome of the decision made.
- 3.14** Where an application has been successful, the following will be notified in writing:
 - 3.14.1 The amount of relief granted and the date from which the relief is awarded.
 - 3.14.2 If the relief has been awarded for a specified period, the date on which it will end.
 - 3.14.3 The new chargeable amount.
 - 3.14.4 The details of any planned review dates, if this is known at the time of the award.
 - 3.14.5 Confirmation that any change in circumstances that may affect entitlement to relief should be notified to the Council immediately.
- 3.15** Where an application has not been successful, the following will be notified in writing:
 - 3.15.1 An explanation of the decision within the context of the Council's statutory duty.
 - 3.15.2 An explanation of the appeal rights.
- 3.16** A new application for DRR is required in each financial year, or at such a time period that the Council determines.
- 3.17** A variation in a decision will be notified to a qualifying recipient of DRR as soon as practicable;
 - 3.17.1 Where an amount is increased due to a change in the rate charge or a change in the Council's decision which increases the award, this will apply from the date of the increase in rate charge, or the date determined by the Council as appropriate.
 - 3.17.2 Where the amount is to increase for any other reason, it will take effect at the expiry of the financial year.

3.17.3 Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in the rate charge; and

3.17.4 Where the amount is to be reduced for another reason, it will take effect at the expiry of a financial year.

3.18 The council delegates the decision to award DRR to the Revenues Manager.

3.19 As this relief is a discretionary award there is no statutory right of appeal against any decisions that are made. An organisation can, however, appeal in writing to the Council within one month of the original decision to request a review.

3.20 Appeals will be reviewed by the S151 Officer.

3.21 The reviewer will determine the appeal within 20 working days, and the outcome will be notified to the applicant in writing.

3.22 If an appeal is unsuccessful then judicial review is the only way in which a billing authority, under its power to award DRR, may be challenged.

4. Not for Profit Organisations

4.1 The Council has the power to grant DRR of up to 100% to non-profit making organisations. The main objectives of the organisation must be related to:

4.1.1 Relief of poverty

4.1.2 Advancement of religion

4.1.3 Advancement of education

4.1.4 Social Welfare

4.1.5 Science

4.1.6 Literature

4.1.7 Fine arts

4.1.8 Recreation

4.1.9 Or be otherwise beneficial to the community.

4.2 An organisation must be able to demonstrate how it:

4.2.1 Meets local needs and benefits local people.

4.2.2 Provides a valuable service to the community and

- 4.2.3 Is open to all sections of the community and does not discriminate against any section of the community.
- 4.2.4 Is not conducted or established for the primary purpose of accruing profit.
- 4.3** The legislation allows for DRR to be awarded between 1% and 100% for any organisation that does not qualify for mandatory relief. It is Southend-on-Sea's policy to award 50% relief to all properties that qualify.
- 4.4** DRR will not be considered for public sector or public sector type organisations such as government bodies / housing associations and the like.
- 4.5** In deciding which organisations to support the Council has considered the following factors and priorities:
 - 4.5.1 That any award should support a local organisation/group to help retain the services in the Council's area and not compete directly with existing businesses in an unfair manner.
 - 4.5.2 The organisation should become self-reliant, and not rely on an award to continue to serve the local community.
 - 4.5.3 The award of relief should not distort competition or significantly change the services within the Council's area.
 - 4.5.4 Local organisations will be provided priority over national organisations.
 - 4.5.5 To enable organisations to start, develop and continue their activities which deliver outcomes that relate to key priorities for the Council, which without granting DRR they would be unable to do.
 - 4.5.6 To assist the Council to deliver services which could not otherwise be provided.
 - 4.5.7 To ensure the financial impact of awarding DRR is justified in terms of the local outcome achieved by the organisation.
- 4.6** DRR award will be considered for the following not-for-profit organisation.
 - 4.6.1 How the organisation supports the Council's corporate vision and priorities.
 - 4.6.2 Whether the facilities provided reduce the demand for Council services or produce savings.
 - 4.6.3 The not-for-profit organisation that does not have charitable status but is a charity that supports and actively encourages membership from particular groups in the community, for example young people, women, older age groups, disabled people, ethnic minorities etc. or make facilities available to people or groups other than members, for example use by schools, casual public sessions etc.

- 4.6.4 Whether the facilities provided reduce the demand for Council services or produce savings.
- 4.6.5 Whether the facilities provided include education and/or training for members as a whole or for special groups.
- 4.6.6 Any membership and fee structure and whether the facilities are accessible to all residents, including whether there are concessions for certain groups (for example people on a low income or young people under 18) and the value of the concession together with the number of concessions used in comparison to the overall use of the premises.
- 4.6.7 If covered by a membership scheme, the number and percentage of these members that are local residents.
- 4.6.8 Whether the organisation is local to Southend-on-Sea or operates in other cities/districts/boroughs
- 4.7** A DRR will generally be awarded to not-for-profit organisations whose work is beneficial to the community at large, or who actively encourage membership from a full cross section of the community, or who provide facilities which directly or indirectly relieve the local authority of the need to do so.
- 4.8** Each application for DRR will be considered individually on its own merits in accordance with the following eligibility criteria:
 - 4.8.1 Relief will be made in respect of one property address for each charitable organisation/CASC; If the charitable organisation/CASC has multiple properties, the award will be applied to the property which has the greatest rateable value at the time the award is made. In the event of a further property with a greater rateable value being occupied by the organisation after the award of the relief, a reconsideration of the relief will be applied in the future financial year.
 - 4.8.2 The property is not in use for the sale of goods to visiting members of the public.
 - 4.8.3 The property is not in use for the provision of services to visiting members of the public.
 - 4.8.4 The property is not being used for the sale of food and/or drink to visiting members of the public.
 - 4.8.5 The property is not in use for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities).
 - 4.8.6 The property is not in use for the assembly of visiting members of the public.
 - 4.8.7 The principal use of the property is not that of storage.

- 4.8.8 The property has been occupied by a charitable organisation under an agreement with a rental value equal to or greater than 50% of the rateable value of the property for which the relief is claimed.
- 4.9** An application form must be submitted to the Council for DRR and must include:
- 4.9.1 The organisation's main purposes and objectives
- 4.9.2 A memorandum of association or set of membership rules.
- 4.9.3 A full set of audited accounts relating to the two years preceding the date of application. (It is recommended that applicant organisations submit audited accounts dating back further than two years if such information is available.)
- 4.9.4 Where audited accounts are not available, projected figures should be provided instead.
- 4.9.5 Details of how the organisation meets the criteria outlined in these guidelines.
- 4.10** If an application for DRR is received without the necessary supporting information it will result in a delay in the processing of the application. In the event that supporting information is not provided within one month of the initial application, the application will be considered ineligible and closed.
- 4.11** The Council will notify the requestor of the outcome of the decision made.
- 4.12** Where an application has been successful, the following will be notified in writing:
- 4.12.1 The amount of relief granted and the date from which the relief is awarded.
- 4.12.2 If the relief has been awarded for a specified period, the date on which it will end.
- 4.12.3 The new chargeable amount.
- 4.12.4 The details of any planned review dates, if this is known at the time of the award.
- 4.12.5 Confirmation that any change in circumstances that may affect entitlement to relief should be notified to the Council immediately.
- 4.13** Where an application has not been successful, the following will be notified in writing:
- 4.13.1 An explanation of the decision within the context of the Council's statutory duty.
- 4.13.2 An explanation of the appeal rights.
- 4.14** A new application for DRR is required in each financial year, or at such a time period that the Council determines.
- 4.15** A variation in a decision will be notified to a qualifying recipient of DRR as soon as practicable:

- 4.15.1 Where an amount is increased due to a change in the rate charge or a change in the Council's decision which increases the award, this will apply from the date of the increase in rate charge, or the date determined by the Council as appropriate.
- 4.15.2 Where the amount is to increase for any other reason, it will take effect at the expiry of the financial year.
- 4.15.3 Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in the rate charge; and
- 4.15.4 Where the amount is to be reduced for another reason, it will take effect at the expiry of a financial year.
- 4.16** The council delegates the decision to award DRR to the Revenues Manager.
- 4.17** As this relief is a discretionary award there is no statutory right of appeal against any decisions that are made. An organisation can, however, appeal in writing to the Council within one month of the original decision to request a review.
- 4.18** Appeals will be reviewed by the S151 Officer.
- 4.19** The reviewer will determine the appeal within 20 working days, and the outcome will be notified to the applicant in writing.
- 4.20** If an appeal is unsuccessful then judicial review is the only way in which a billing authority, under its power to award DRR, may be challenged.

5. Rural Rate Relief

- 5.1** Organisations or businesses which reside within a designated rural settlement (with a population of 3,000 or less) may be eligible for Discretionary Rural Rate Relief. Eligible organisations/businesses must be located in one of the settlements identified in the Council's rural settlement list, which is reviewed periodically.
- 5.2** Discretionary Rural Rate Relief is open to any type of business within a classified rural settlement that satisfies the following criteria in that it is:
 - 5.2.1 The only qualifying village shop or post office with a rateable value of up to £8,500 and already in receipt of mandatory relief of 50%.
 - 5.2.2 The only qualifying public house or petrol station with a rateable value of up to £12,500 and already in receipt of mandatory relief of 50%.
 - 5.2.3 Within the boundaries of a qualifying rural settlement.
- 5.3** The Council also has the discretion to remit all or part of rate bills on other property in a settlement on the rural settlement list if the rateable value is £16,500 or less and is used for a purpose that benefits the local community.

- 5.4** Rural rate relief was doubled to 100% in April 2017 with the intention to introduce legislation to make the award of the relief mandatory.
- 5.5** Until the necessary legislation is in place to award 100% Mandatory Rural Rate Relief the Council will use its discretionary powers to award 50% DRR to ensure 100% relief is awarded in total to eligible businesses. Central Government will fully reimburse the Council using a grant under Section 31 of the Local Government Act 2003. Awards will be granted for the period of one financial year at a time.
- 5.6** At this current time there are no Rural Settlements within the Council's area.

6. Localism Relief

- 6.1** The Council is able to grant Business Rates discounts entirely as it sees fit within the limits of the primary legislation and European rules on state aid. The Council will place particular focus on using these powers to support the regeneration objectives of the Council, encouraging new business and investment into the Southend-on-Sea area.
- 6.2** Businesses seeking assistance will be required to submit an application form to the Business Rates Team detailing the rationale for seeking business rate relief and the business benefits it will bring.
- 6.3** The Council will review applications from businesses requesting DRR under these powers to determine if providing relief would support the economic objectives of the city.
- 6.4** The decision to award localism relief will be made by the Council's Section 151 Officer.

7. Hardship Relief

- 7.1** The Council has the power to reduce or remit the Business Rates charged in certain circumstances where the business is having temporary financial difficulties. This is known as Hardship Relief.
- 7.2** Section 49 of the Local Government Finance Act 1988 provides the Council with the power to remit or reduce the payment of rates where it is satisfied that the ratepayer would sustain hardship if it did not do so, and where it is reasonable to do so having regard to the interests of Council Taxpayers within the city.
- 7.3** Each application for hardship relief will be considered individually on its own merits:
 - 7.3.1** When assessing whether the ratepayer would face hardship the Council will require a written request from the ratepayer to include the latest trading accounts and a projection of those accounts for a further two years. In the case of partnerships and sole traders the Council may also require the personal financial details of relevant individuals to assist with any decision.

- 7.3.2 The ratepayer must be able to demonstrate that they are offering a unique service to the locality, which would not be replaced were the business to close, and which is of specific benefit to Council Taxpayers within the locality of the business.
- 7.3.3 Alternatively, the business must offer a specific service to vulnerable groups or provide significant employment throughout the borough as a whole, which is of significant benefit to Council Taxpayers in the city as a whole.
- 7.3.4 The award of relief must be capable of enabling the ratepayer to continue trading to the end of the financial year in which the relief is granted.
- 7.3.5 The decision to award hardship relief will be made by the Revenues Manager.
- 7.3.6 Relief may be granted at an appropriate amount up to 100% of the full charge.
- 7.3.7 An application form must be completed for this relief.
- 7.4** The start date of the relief shall not be earlier than the start of the financial year in which the application was made. Relief shall be awarded to the end of the financial year in which the application was made, with a new application being required from the ratepayer in respect of any hardship relief requested for subsequent financial years.
- 7.5** Hardship Relief is a temporary measure which should not be used to falsely sustain a failing business. Hardship Relief will be awarded where the applicant organisation is facing temporary financial difficulties and where the community would be significantly disadvantaged if the business were to close due to these temporary financial constraints.

8. Section 44A Relief – Part Occupied Properties

- 8.1** Section 44a of the LGFA allows the Council to request that the Valuation Officer apportions the rateable value of a property between the parts that are occupied and those unoccupied if it appears to the authority that this situation will remain for a short period of time only.
- 8.2** The use of section 44a is a discretionary power conferred on the Council and does not alter the general rule that occupation of part of a property constitutes occupation of the whole of the property.
- 8.3** The application of section 44a is intended to apply to those properties where there are practical difficulties in either occupying the premises or vacating the premises. It is not intended that all properties which temporarily become partly unoccupied should have their liability reduced.
- 8.4** The period of Relief will not exceed either 3 or 6 months depending on the type of property the claim has been made for, in line with the current legislation for part occupied properties.

- 8.5** An application must be made whilst the property is in a state of part occupation, so that the Council can inspect it and observe the current situation. The Council will not normally consider retrospective applications.
- 8.6** The application for Section 44A relief must be made in writing to the Council and include the following information:
 - 8.6.1** A plan of the property showing the dimensions of the occupied and unoccupied area of suitable quality to enable the Valuation Office Agency to apportion the rateable value of the property between the occupied and unoccupied areas. Applications will not be considered until such time as the plan is provided.
 - 8.6.2** The period to which the application relates.
 - 8.6.3** Contact details in order to inspect the site where necessary.
- 8.7** The council delegates the decision to award Section 44a Relief to officers working in the department.
- 8.8** As this relief is a discretionary award there is no statutory right of appeal against any decisions that are made. An organisation can, however, appeal in writing to the Council within one month of the original decision to request a review.
- 8.9** Appeals will be reviewed by the Revenues Manager.
- 8.10** The reviewer will determine the appeal within 20 working days, and the outcome will be notified to the applicant in writing.
- 8.11** If an appeal is unsuccessful then judicial review is the only way in which a billing authority, under its power to award DRR, may be challenged.

9. Supporting Small Business Relief

- 9.1** The Supporting Small Business Relief (SSBR) Scheme will operate for the financial years 2023/24 to 2025/26.
- 9.2** SSBR is applied to assist those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their Small Business, Rural Rate Relief or 2017 SSBR and, as a result, are facing large increases in their bills from 1st April 2023. Charities and Community Amateur Sports Clubs, who are already entitled to mandatory 80% relief, are not eligible for 2023 SSBR.
- 9.3** To support these ratepayers, 2023 SSBR will ensure that the increase in the bills of these ratepayers is limited to a cash value of £600 per year. This cash maximum increase ensures that ratepayers do not face large bill increases in 2023/24 after transitional relief and small business rate relief (as applicable) have been applied. To simplify the scheme, the 2023 SSBR will not include minimum percentage bill increases (unlike the 2017 scheme).

- 9.4** Those on 2023 SSBR whose 2023 rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief while they are eligible for 2023 SSBR.
- 9.5** The 2017 SSBR scheme was provided to support small and medium ratepayers who had seen large increases in their bills at the 2017 revaluation. They have, therefore, had 6 years of support to allow them to adjust to their full 2017 bills. Therefore, for those ratepayers receiving 2017 SSB relief in 2022/23, any eligibility for 2023 SSBR will end on 31 March 2024. All other eligible ratepayers remain in 2023 SSBR for either 3 years or until they reach the bill they would have paid without the scheme
- 9.6** A change of ratepayers will not affect eligibility for the Supporting Small Business scheme, but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.
- 9.7** There is no second property test for eligibility for the 2023 SSBR scheme. However, those ratepayers who during 2022/23 lost entitlement to Small Business Rate Relief (because they failed the second property test) but have, under the rules for Small Business Rate Relief, been given a 12- month period of grace before their relief ended - can continue on the 2023 SSBR scheme for the remainder of their 12-month period of grace.
- 9.8** For 1 April 2023, 2023 SSBR applies to properties for which:
- a) the chargeable amount for 31 March 2023 is calculated in accordance with:
 - i. section 43(4A) and in relation to 43(4A) the value of E for 31 March 2023 is greater than 1, or
 - ii. section (6A), or
 - iii. section 47 by virtue of being eligible for schemes introduced by local authorities in 2022/23 to deliver the Extension of Transitional Relief and Supporting Small Business Relief for small and medium properties, and
 - b) the chargeable amount for 1 April 2023 would otherwise be found in accordance with section 43(4), 43(4A), 43(6A) or regulations 12(3), 12(7) or 12(9) of the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2022, and
 - c) the chargeable amount for 1 April 2023 would be more than (£600/365 days) higher than the chargeable amount for 31 March 2023.
- 9.9** Where for 31 March 2023 the chargeable amount has been found under section 47 other than under a scheme introduced to deliver the Extension of Transitional Relief and Supporting Small Business Relief for small and medium properties, then eligibility for 2023 SSBR should be determined as if section 47 did not apply.

- 9.10** As with the transitional relief scheme, where the valuation officer issues a certificate of rateable value under regulation 18 of the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2022 certifying the correct rateable value at 1 April 2023 (in circumstances where they cannot by rule now amend the list for 1 April 2023) then eligibility for 2023 SSBR and the calculation of 2023 SSBR should be revisited using the regulation 18 certified value in place of the value shown in the list for 1 April 2023. As with the transitional relief scheme, this should have effect as regards the days referred to in regulation 18(4) (the effective date of when the list was altered to correct the inaccuracy and subsequent days) or regulation 18(5) (where no alteration has been made).

This ensures that those ratepayers whose compiled list 2023 rateable values are increased by the Valuation Office Agency but only from the date the list is altered may still be eligible for SSBR from that point onwards. This ensures those ratepayers are not penalised just because the increase in their rateable value was not backdated to 1 April 2023. This follows the same principle which currently exists in the transitional relief scheme.

- 9.11** After 1 April 2023, 2023 SSBR will cease to apply where:

- a) the chargeable amount for a day found under 2023 SSBR is the same as or more than the chargeable amount found in the absence of 2023 SSBR. This ensures that where, for example, the increase in the chargeable amount in 2023 SSBR would take the bill above the level it would otherwise have been then the property will drop out of 2023 SSBR. It also ensures that where, for example, with effect from after 1 April 2023, the property becomes eligible for 100% Small Business Rate Relief then they also fall out of 2023 SSBR,
- b) the chargeable amount for a day would otherwise fall to be found by section 43(5) of the 1988 Act or where paragraph 12(5) or sub-paragraphs 2(4), 3(4), 4(4), 5(4) of the Schedule of the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2022 applies (charities or registered community amateur sports clubs),
- c) the property for a day is unoccupied. Or
- d) in respect of days from the 1 April 2024 onwards the property had its chargeable amount for 31 March 2023 found by section 47 by virtue of being eligible for schemes introduced by local authorities in 2022/23 to deliver the Extension of Transitional Relief and Supporting Small Business Relief for small and medium businesses.

Furthermore, where the ratepayer during 2022/23 lost entitlement to small business rate relief because they failed the 2nd property test but have, under the rules for small business rate relief, been given a 12 month period of grace before their relief ended (and therefore was still entitled to small business rate relief on 31 March 2023), then eligibility for 2023 SSBR will cease at the end of that 12 months period of grace.

Properties which cease to be entitled to 2023 SSBR for a day cannot return to eligibility if their circumstances change from a later day. For example, if a property falls unoccupied it will not then be eligible for 2023 SSBR if it subsequently becomes occupied again.

- 9.12** The award of SSBR will be made subject to the organisation complying with the Minimal Amounts of Financial Assistance Subsidy.

The SSBR Scheme is subject to the Minimal Financial Assistance limits under the Subsidy Control Act. This means no recipient can receive over £315,000 over a 3-year period (consisting of the current financial year and the 2 previous financial years).

- 9.13** The Council will identify and award relief to all qualifying properties. No separate application is required to be submitted to receive SSBR, in the majority of cases, the relief will be automatically awarded to a property which meets the qualifying criteria.

- 9.14** The council delegates the decision to award SSBR to officers working in the department.

- 9.15** As this relief is a discretionary award there is no statutory right of appeal against any decisions that are made. An organisation can, however, appeal in writing to the Council within one month of the original decision to request a review.

- 9.16** Appeals will be reviewed by the Revenues Manager.

- 9.17** The reviewer will determine the appeal within 20 working days, and the outcome will be notified to the applicant in writing.

- 9.18** If an appeal is unsuccessful then judicial review is the only way in which a billing authority, under its power to award DRR, may be challenged.

10. Retail Discount

- 10.1** The 2024/25 Retail, Hospitality and Leisure Business Rates Relief scheme will provide eligible, occupied, retail, hospitality and leisure properties with a 75% relief, up to a cash cap limit of £110,000 per business.

- 10.2** This is a temporary relief for 2024/25 and the award of this relief will be for the period 1st April 2024 until 31st March 2025 only.

- 10.3** The ratepayer may refuse the relief for each eligible property anytime up to 30 April 2025. The ratepayer cannot subsequently withdraw their refusal for either all or part of the financial year. If a ratepayer does decide to refuse the relief, the property will remain outside of the scope of the decision as to which properties are eligible for relief.

- 10.4** In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves certain

precepting authorities (e.g. a parish or county council) or a functional body, within the meaning of the Greater London Authority Act 1999.

10.5 The relief will be applied in accordance with the calculation and priority of reliefs in accordance with government guidance notes.

10.6 The ordering of relief being in this sequence:

10.6.1 Transitional Relief

10.6.2 Mandatory Reliefs (as determined in legislation)

10.6.3 S.47 Discretionary Relief in the following order:

10.6.3.1 2023 Supporting Small Business (SSB)

10.6.3.2 Former categories of discretionary relief available prior to the Localism Act 2011 (i.e. charitable, CASC and rural top up, not for profit) should be applied first in the sequence of discretionary reliefs, after SSB.

10.6.3.3 Other discretionary (centrally funded) including, Freeport relief.

10.6.3.4 2024/25 Retail Hospitality and Leisure relief scheme

10.6.3.5 Other locally funded schemes (such as hardship)

10.7 Subject to the cash cap, the eligibility for the discount and the relief itself will be assessed and calculated daily. The following formula should be used to determine the amount of relief to be granted for a chargeable day for a particular property in the financial year 2024/25:

Amount of relief to be granted = $V \times 0.75$ where:

V is the daily charge for the property for the chargeable day after the application of any mandatory relief and any certain other discretionary reliefs in line.

This should be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.

Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties up to the maximum £110,000 cash cap, per business.

10.8 Properties that meet the eligibility for Retail, Hospitality and Leisure scheme will be occupied properties which meet all of the following conditions for the chargeable day:

a) they are wholly or mainly being used:

- i. as shops, restaurants, cafes, drinking establishments, cinemas or live music venues,
- ii. for assembly and leisure; or
- iii. as hotels, guest & boarding premises or self-catering accommodation

10.9 We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:

10.9.1 Properties 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, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/caravan show rooms.
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

10.9.2 Properties that are being used for the provision of the following services to visiting members of the public:

- Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

10.9.3 **Properties that are being used for the sale of food and/or drink to visiting members of the public:**

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

10.9.4 **Properties which are being used as cinemas.**

10.9.5 **Properties that are being used as live music venues:**

- Live music venues are properties wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Properties cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Properties can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music. Although we would expect this would be clear in most circumstances, guidance on this may be found in [Chapter 16 of the statutory guidance](#) issued in April 2018 under section 182 of the Licensing Act 2003.

10.10 We consider assembly and leisure to mean:

10.10.1 **Properties that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities).**

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs
- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas, massage parlours

- Casinos, gambling clubs and bingo halls

10.10.2 **Properties that are being used for the assembly of visiting members of the public.**

- Public halls
- Clubhouses, clubs and institutions

10.11 We consider hotels, guest & boarding premises and self-catering accommodation to mean:

10.11.1 **Properties where the non-domestic part is being used for the provision of living accommodation as a business:**

- Hotels, Guest and Boarding Houses
- Holiday homes
- Caravan parks and sites

10.12 To qualify for the relief the property should be wholly or mainly being used for the above qualifying purposes. In a similar way to other reliefs (such as charity relief), this 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.

10.13 The list below sets out the types of uses that the government does not consider to be an eligible use for the purpose of this discount. Again, it is for local authorities to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the discount under their local scheme.

10.13.1 **Properties that are being used for the provision of the following services to visiting members of the public**

- Financial services (e.g. banks, building societies, cash points, bureaux de change, short-term loan providers, betting shops)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, employment agencies, estate agents, letting agents)
- Post office sorting offices

10.13.2 **Properties that are not reasonably accessible to visiting members of the public**

10.14 The award of Retail Relief will be made subject to the organisation complying with the Small Amounts of Financial Assistance Subsidy.

The Retail, Hospitality and Leisure Relief Scheme is subject to the Minimal Financial Assistance limits under the Subsidy Control Act. This means no recipient can receive

over £315,000 over a 3-year period (consisting of the current financial year and the 2 previous financial years).

- 10.15** The Council will identify and award relief to all qualifying properties. No separate application is required to be submitted to receive Retail Relief, in most cases, the relief will be automatically awarded to a property which meets the qualifying criteria.
- 10.16** The council delegates the decision to award Retail Relief to officers working in the department.
- 10.17** As this relief is a discretionary award there is no statutory right of appeal against any decisions that are made. An organisation can, however, appeal in writing to the Council within one month of the original decision to request a review.
- 10.18** Appeals will be reviewed by the Revenues Manager.
- 10.19** The reviewer will determine the appeal within 20 working days, and the outcome will be notified to the applicant in writing.
- 10.20** If an appeal is unsuccessful then judicial review is the only way in which a billing authority, under its power to award DRR, may be challenged.