

## **Application Guidance for Discretionary Retail Rate Relief**

**Please ensure that you have confirmed eligibility before proceeding with an application**

### **Guidance notes for completing applications for discretionary retail rate relief**

#### **Discretionary Rate Relief Policy**

The Council will consider a Section 47 award to applicants who meet the qualifying criteria, as specified in this policy, providing sufficient funding for this purpose is available at the time of the Council's decision. All applications will be considered on their individual merits.

The features of the Breckland District Council Section 47 scheme are that:

- It is discretionary;
- An applicant does not have a statutory right to payment;
- The total expenditure in any one year resulting from awards under this scheme will not exceed the value of the funding allocated for the purpose in that financial year;
- The Council may choose to vary the way in which funds are allocated according to community needs and available funds;
- There is no right to statutory appeal of any application decision.

Breckland District Council recognises that it must be able to respond flexibly to the needs of business taxpayers within the district if it wants to support strong and sustainable local communities with vibrant business sectors.

Section 47 discount awards will be used to help town centres in the district by positively assisting with the reduction in the number of empty retail units and attract a wider pool of interest making town centres the place to visit.

A section 47 award of up to 80% will be available to eligible businesses situated within the primary areas allocated for relief within the market town.

#### **Benefit to the Community**

A business may benefit the local community in a number of ways. The Council does not believe that it can provide an exhaustive list of the ways in which a business may demonstrate benefit. These may include:

- a) Providing significant local employment
- b) Provide facilities that are easily obtained by residents who would not be able to obtain them otherwise
- c) Creating or supporting activities which support community life
- d) Creating or supporting opportunities for education or training
- e) Providing or supporting leisure activities for local residents
- f) Generally improving the quality of life for local residents

## Qualifying Conditions

Properties that will benefit from the relief will be newly occupied properties with a rateable value of £50,000 or less, that are wholly or mainly being used as retail, restaurants and cafes within the dedicated zones identified by the Council. Beneficiaries of section 47 relief must qualify as an independent business.

Retail establishments are considered to mean:

- a) Properties that are being used for the sale of goods to visiting members of the public;
- b) Properties that are being used for the provision of services to visiting members of the public;
- c) Properties that are being used for the sale of food and/or drink to visiting members of the public

The term wholly or mainly being used as a retail, restaurant, café or drinking establishment 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.

## Qualifying Criteria

- a) Properties that are being used for the sale of goods to visiting members of the public:

Shops (such as: florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licence, chemists, newsagents, hardware stores, supermarkets, etc)

Opticians

Furnishing shops/display rooms (such as: Carpet shops, double glazing, garage doors)

Second hand car lots

Garden centres

Art galleries (where art is for sale/hire)

- b) Properties that are being used for the provision of 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

Dry cleaners

Laundrettes

PC/TV/domestic appliance repair

Funeral directors

Photo processing

DVD/video rentals

Tool hire

Car hire

- c) Properties that are being used for the sale of food and/or drink to visiting members of the public

Restaurants

Sandwich shops

Coffee shops

The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied retail uses that exist. There will also be mixed uses.

The list below sets out the types of use that are excluded for the purpose of this relief.

### **Non Qualifying Criteria**

Please note that properties being used for the provision of the following services to visiting members of the public are not eligible for retail rate relief:

Financial services (e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops, pawn brokers)

Other services (e.g. estate agents, letting agents, employment agencies)

Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)

Professional services (e.g. solicitors, accountants, insurance agents/financial advisers, tutors)

Post office sorting office, Post Offices

Markets

Petrol stations

Takeaways

Pubs and Bars

### **Applying for a Section 47 Award**

In order for an application to be considered, there is a formal application form which should be submitted to Breckland Council under the Section 47 Relief Application. Each application shall include the following information:

1. Business Plan with 12 month financial forecast;
2. Purpose and use of the property;
3. Details of the organisation and the services performed;
4. What steps have been taken to meet or mitigate the Business Rates liability (i.e. any other discounts or reductions awarded);
5. How granting the discount will benefit the district (i.e. does it create or save jobs, does it provide growth to the community).

There are no pre-set criteria for the award of a Section 47 discount. Each application will be considered on its individual merits and will include the 5 conditions set out above. Particular consideration will be given to condition 5.

Where a scheme relates to a Government Scheme, the method of application and the eligibility criteria will be as set out by the Government or, where local discretion is allowed, as defined by the Council for that specific instance.

The discretionary retail rate relief application form requires each applicant to complete all sections of the form in as much detail as possible (this will help reduce the time needed to determine your application).

The funding declaration section on the application form must be completed with details of any funding received in the last year from any source; this must include any other business rate relief received or are applying for against the same property.

## **Awarding a Section 47 Discount**

In deciding whether to make a Section 47 award we will have regard to the applicants circumstances. In order to do this each applicant may be asked to supply reasonable supporting evidence to substantiate the answers that they give to the questions above.

This may include, but is not limited to:

- Growth or downsizing plans;
- Any sources of credit such as cash cards, credit cards, cheque accounts, overdraft facilities, loan arrangements;
- Any help which is likely to be available to the applicant from other sources;
- Any other special circumstance of which we are aware.

The Council will decide how much to award based on all of the applicants' circumstances and the Section 47 funds available and we will be mindful of the likely total calls on the Section 47 fund.

## **Payment of a Section 47 award**

All awards will be made by crediting the award value to the business rate account to which it applies.

If by crediting the award, the account moves to an overall credit balance, a refund of that balance will be considered in the normal manner.

## **Notification**

The Council will notify the applicant of the outcome of their request on the day the decision is made. The notification will be made in writing.

Where the request of a Section 47 discount award is unsuccessful or not met in full the Council will explain the reasons why the decision was made.

## **The Right to Appeal**

Section 47 awards are administered under the Local Government Finance Act 1988 and awards are not subject to a statutory appeals process. Appeals will therefore be decided by the Council.

The Council will operate the following policy for dealing with appeals:

- An applicant who disagrees with a decision may appeal the decision.
- Any appeal must be made in writing within one calendar month of the original decision.
- Where possible the Council will resolve the matter and provide reasons of the decision to the applicant either verbally or in writing.

Decisions on appeals will be made by the panel.

If the Council decide that the original decision should not be revised, we will provide full written reasons to the applicant within 14 working days.

## **Overpayments**

If the Council becomes aware that the information contained in an application for a section 47 discount award was incorrect or that relevant information was not declared, either internally or otherwise, the Council may seek to recover the value of any award made as a result of that application. The award will be removed from the relevant business rates account and any resulting balance will be subject to the normal methods of collection and recovery applicable to such accounts.

### **Fraud**

The Council is committed to fight against fraud in all its forms. Any applicant who tries to fraudulently claim a Section 47 award might have committed an offence under the Fraud Act 2006.

If the Council suspects that fraud may have occurred, the matter will be investigated as appropriate and this could lead to criminal proceedings.

### **Publicity**

The Council will publicise the scheme and provide information to relevant agencies, stakeholders and other Council services.

### **Monitoring**

The Council will monitor Section 47 Discount awards to ensure that this policy has been applied fairly and consistently and that expenditure does not exceed the budget available. This monitoring will be conducted by the Inward Investment team in liaison with Anglia Revenues Partnership.