

Corporate Resources Directorate

# **DERBY CITY COUNCIL NATIONAL NON-DOMESTIC RATES POLICY FOR THE AWARD OF DISCRETIONARY RATE RELIEF (DRR)**

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May 2014	1.1	Approved	Revised to include new discretionary Reliefs available to businesses from 1 April 2014
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February 2016	1.3	Approved	Revised to include Enterprise Zone, newly built unoccupied properties and changes to retail rate relief
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17 February 2020	6.0	Final	Checked & prepared for 11 March 2020 Cabinet

<b>Equality impact assessment record</b>	
Date of assessment	16 August 2017
Summary of actions from EIA	Officers to attend appropriate Diversity Forum meetings in November 2017 to raise awareness of Policy

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## 1. Background

This Policy is written in line with the most recent guidance from Government and The Institute of Revenues Rating and Valuation (IRRV). It is effective for all awards of Discretionary Rate Relief (DRR) made, for the financial year starting 1 April 2020 or later.

Section 47 of the Local Government Finance Act 1988 (as amended by Section 69 of the Localism Act 2011) empowers Local Authorities to grant DRR to ratepayers.

Awards of DRR can be made to various categories of ratepayer. These include:

- Charitable organisations;
- Organisations which are not established or conducted for profit whose main objectives are charitable and are either:
  - i. Established for philanthropic or religious purposes; or
  - ii. Concerned with education, social welfare, science, literature or the fine arts; or
  - iii. Occupying the property as a club or society.

Through various statements, the latest being a Written Ministerial Statement on 27 January 2020, the Government have announced a number of new discretionary rate reliefs including;

- Enterprise Zone Relief
- Office Space Occupied by Local Newspapers Relief
- Supporting Small Business Relief
- Revaluation Support Relief
- Pub Relief
- Retail Discount

The Council's approach for the granting of these discretionary rate reliefs is set out later in this policy document.

This Policy sets out the criteria under which DRR will normally be awarded. It does not remove Derby City Council's (DCC's) general power, under Section 47 of the Local Government Finance Act 1988, to reduce or remit the amount of Non-Domestic Rates payable. For the avoidance of doubt this general power will only be used in exceptional circumstances and providing DCC is satisfied that it would be reasonable for it to do so, having regard to the interests of persons liable to pay Council Tax set by DCC.

**DRR cannot be awarded to a billing or precepting authority.**

## **2. Purpose and Aim**

The purpose of this Policy is to set out how Derby City Council (DCC) will operate its DRR Scheme and to indicate the factors that will be considered when deciding whether to make an award. We aim to treat all ratepayers equally when administering this Policy.

The details set out in sections 3 to 14 of this Policy apply to all applications other than those made for Enterprise Zone Relief, Office Space Occupied by Local Newspapers Relief, Supporting Small Business Relief, Revaluation Support Relief, Pub Relief and Retail Discount. These are set out in sections 15 - 20 respectively of this Policy.

## **3. Priorities**

DCC will make awards of DRR to ratepayers who meet the qualifying criteria as set out in this Policy. DCC will treat all applications on their individual merits, but will seek through the operation of this Policy to meet its stated vision which is to create a city that is; "A caring and successful city at the heart of the Midlands, proud of its heritage and ambitious for the future" and which will deliver on its priorities which are:

- A city with big ambitions;
- A city of health and happiness;
- A Council focused on the things that matter.

Applications from organisations and businesses that can clearly demonstrate that the goods and/or services they provide are helping the Council meet its vision and deliver on its priorities are more likely to receive support than those that cannot or do not.

## **4. Applications**

All applications for DRR shall be in writing (including e-mail) either on the relevant application form or in a written format, which provides the information required by the application form.

All applicants will need to submit a copy of the previous two years' audited accounts for the organisation together with a copy of their constitution/articles of association. New businesses that are unable to produce two years' accounts should be asked to provide business projections/financial forecasts.

DCC may also request any other reasonable evidence in support of the organisation's application.

**If the ratepayer does not provide the required evidence, DCC reserves the right to either treat the application as withdrawn or to consider the application in the absence of the missing evidence. DCC may disregard any unsubstantiated statements or draw its own conclusions from other evidence available.**

DCC may verify any information or evidence provided by the ratepayer by contacting third parties, other organisations and the ratepayer, subject to Data Protection rules.

## **5. Period of DRR Award**

DCC will usually award DRR from the date on which the original application has been made. However, within statutory limits, DCC reserves the right to:

- a. Backdate the award to the start date of the current financial year;
- b. Backdate the award to the start of the previous financial year (providing the application was received by 30 September of the subsequent financial year);
- c. Within the overall limits for backdating awards, backdate the award to another specified date (for example, the start date of liability).

Awards for DRR will usually be open ended. However, DCC reserves the right to fix a date at which any award will end.

## **6. Consideration and authorisation of DRR**

A member of the Business Rates team will consider the application and make a recommendation. This will be passed to the Head of Revenues, Benefits & Exchequer Services who will decide whether to grant DRR and at what percentage. Consideration will also be given to decide if an end date for the award is applicable.

In certain cases, before a recommendation is made, the accounts accompanying an application may be referred to the Accountancy Team at DCC for analysis. This will provide for an expert opinion on the organisation's financial position and their charitable or not-for-profit status.

Accounts may be referred to the Accountancy Team in the following circumstances:

- The latest set of accounts show a profit in excess of £50,000;
- The accounts show a profit and the latest set of accounts show an increase in profit of greater than 50% when compared to the previous year.

Following a referral the Accountancy Team will provide a written opinion as to the organisation's charitable or not-for-profit status.

Appendix A lists the types of organisations that may qualify for DRR, criteria to be taken into account (as well as the general matters to be considered below) and recommended maximum percentage awards of relief.

## **7. Financial matters to be considered when making DRR Awards**

When considering applications for DRR emphasis will be placed upon the financial position of the organisation. This will be determined from the accounts provided. Relief will **not** be considered in the following circumstances:

- For charities, when the surplus in the net movement of unrestricted funds shown in the latest set of accounts, is at least five times higher than the total relief that could be awarded;
- For non-profit making organisations, when the Income and Expenditure surplus from the latest set of accounts is five times higher than the total Relief that could be awarded;
- Where the application is from a local branch of a national organisation and they can draw on the resources of the national organisation.

Each year DCC reserves the right to change the financial multiplier (currently x5) to ensure that the total amount of relief awarded remains affordable.

In some cases the position of the accounts may not be clear, for example the accounts for a charity do not clearly show what funds are unrestricted. In such cases it may be possible to determine the financial position of the organisation by studying other parts of the accounts. If any doubts remain the case should be referred to the Accountancy team before recommending a decision.

## **8. Other matters to be considered when making DRR Awards**

When deciding whether to make awards DCC will consider:

- Whether the application satisfies the legislative requirements and guidance.

DCC cannot award Relief to any organisation that does not meet the requirements of Section 47 of the Local Government Finance Act 1988 (as amended).

- Whether DCC's vision would be served by the award of Relief (see paragraph 3 of this Policy).

Relief is more likely to be awarded to organisations that can show they are helping DCC to achieve its ambitions.

- Whether the ratepayer is in direct competition with other ratepayers in the immediate vicinity.

DCC would not want to give any organisation a competitive advantage by the award of DRR.

- The specific benefit the ratepayer brings to the residents of Derby.

DCC wants to ensure that the award of DRR is to the benefit of the wider population of Derby. Any ratepayer whose customer base comes from largely



outside the City's boundaries is unlikely to qualify for Relief, unless they can show a specific and unequivocal benefit to the residents of the City.

- The cost to the Council Tax payer. From 1 April 2020 the cost of granting any DRR is 49% (that is, 49 pence for every £ awarded).
- Whether the ratepayer is a local organisation or a local branch of a national organisation. DCC will consider the overall benefit to the Derby community. If the benefit of the DRR is kept locally, Relief is more likely to be awarded than if it goes to the national organisation based elsewhere.

Further, DCC will prioritise help to local organisations whose activities wholly benefit the citizens of Derby. DCC is unlikely to support DRR applications from national organisations or local branches of national organisations that can draw on the resources available to a national organisation.

If refusal to grant an award of DRR would lead to the organisation suffering financial hardship, DCC should consider other Reliefs available, for example Hardship Relief.

## **9. Applications from Sports Clubs**

The Government issued guidance on the award of DRR for Sports Clubs in 2002. DCC has incorporated that guidance into this Policy document.

Following an application for DRR from a Sports Club, in addition to the factors indicated above we will also consider:

- Any restrictions on membership that may exist; DCC is more likely to award Relief where no restrictions exist. However it recognises that there may be legitimate restrictions based upon ability or safety factors (for instance a diving club is unlikely to accept someone as a member who cannot swim).
- The cost of membership. The cost of membership should not be used as a means to restrict membership.
- Whether the organisation actively promotes representation from under-represented groups in the community.
- Whether the facilities are available to users other than members (such as schools or casual use by the public) DCC is more likely to award Relief if there are no restrictions, but accepts that there may be valid safety reasons why restrictions should apply.
- What training facilities the club makes available to its members.
- Whether the organisation runs a bar or other ancillary activities, the existence of a bar will not preclude a club from DRR. However the existence of any bar will require DCC to further consider:
  - (i) What proportion of the club's members are active sporting members as opposed to 'social' members;
  - (ii) Whether the bar and ancillary activities are subsidising the club and if so to what extent;
  - (iii) The proportion of the club's expenses that are attributable to the bar and ancillary activities;

- (iv) Whether the club's bar and ancillary activities are operating in direct competition with other commercial licensed premises in the area;
- (v) Whether the bar and ancillary activities are linked to the main purpose of the organisation.
- Whether the membership of the club is drawn mainly from the City of Derby, or whether it attracts members from outside the City.  
The cost of DRR is met in part by the Council Tax payers of the City. If the membership was drawn mainly from residents of neighbouring Local Authorities, it may be inappropriate for DCC to award DRR.

## **10. Change of Circumstances**

Any ratepayer who is in receipt of an award of DRR has a duty to notify DCC of any change of circumstances that may affect their entitlement, within 21 days of the change.

If a ratepayer becomes liable for Business Rates at another property, they shall be required to make a new application for Relief on the new property.

## **11. Notification**

DCC aims to inform ratepayers of the outcome of the application within 14 days of the decision.

DCC will notify:

- Business ratepayers whose application is unsuccessful giving full reasons why, including their right of appeal;
- Business ratepayers whose application is successful including the amount of Relief awarded and their revised liability.

## **12. Appeals**

Appeals can be made in two circumstances:

- (i) In the light of additional evidence not submitted with the original application. Any such additional information must be in writing (including email) and will be passed to the Head of Revenues, Benefits & Exchequer Services for reconsideration;
- (ii) If new information is not available a ratepayer may still appeal against DCC's decision to refuse an award of DRR. These appeals must:

- Be in writing (including email); and
- Specify the reasons why the ratepayer feels the decision is incorrect; and
- Be made within **four weeks** of the ratepayer being notified of DCC's decision not to award DRR.

In (ii) the appeal will be referred to DCC's Section 151 Officer for a decision.

In both cases DCC aims to notify the ratepayer in writing of the outcome within 14 days. If the ratepayer remains dissatisfied then their right of appeal is by way of Judicial Review.

### 13. Reviewing Awards

DCC's renewal policy is underpinned by the principles of risk management. Therefore, whilst all awards will be renewed annually, the need to provide supporting documentation (for example, accounts) will depend upon the level of risk.

All organisations will be ranked **HIGH**, **MEDIUM** or **LOW** depending upon the perceived level of risk that their circumstances may change and therefore entitlement to DRR is no longer applicable. The risk categorisation will also be determined by the amount of contribution made by DCC. The final decision regarding ranking will rest with the Business Rates Team Leader (BRTL). The table below shows the type of organisation that will fit into each category. This is not an exhaustive list.

<b>Risk Factor</b>	<b>Type of Organisation</b>
<b>High</b> – Financial accounts to be provided yearly	Sports Clubs with bar facilities etc.
<b>Medium</b> – Financial accounts to be provided every two years	Village halls, Housing Associations
<b>Low</b> – Financial accounts to be provided every three years	Scout groups, play scheme/groups

All renewal applications will be passed to the BRTL for consideration. The BRTL will authorise the continuation of DRR for organisations with no change of circumstance. All applications from organisations which show a significant change in circumstances, for example, substantial increase in bar takings, will be referred to the Head of Revenues, Benefits & Exchequer Services for a decision.

### 14. Varying or Revoking Awards

Where a decision has been made to award DRR, and DCC wishes to vary or revoke that award, then in accordance with regulations at least one financial year's notice must be given.

However, when it is clear that the organisation is no longer non-profit making, a decision can be made to terminate the award with immediate effect. This decision will be made by the BRTL in consultation with the Local Taxation Manager.

Where this happens, the organisation will be notified within 14 days of the new facts being brought to DCC's attention. The notification will include full reasons together with their right of appeal.

## **15. Enterprise Zone Relief**

The Autumn Statement on 25 November 2015 confirmed Infinity Park Derby as an Enterprise Zone from 1 April 2016. Businesses basing themselves on Enterprise Zones can access a number of benefits including Business Rates Reliefs.

Business Rate Relief that is awarded to a business as a direct result of them basing themselves within an Enterprise Zone will be classed as DRR and therefore it is up to individual Councils to decide which businesses receive relief.

To qualify for DRR businesses have to locate on Infinity Park (or other qualifying designated Enterprise Zones) by 31 March 2021. Those businesses that do may be eligible for DRR of up to 100% of the Business Rates payable, up to a limit of £55,000 a year and £275,000 over a five year period.

The area covered by Infinity Park Derby is set out on the map included at Appendix B of this Policy. Businesses within the area edged blue may be eligible to receive up to 100% DRR (within the area edged red businesses will be able to apply for enhanced capital allowances). It is important to note that businesses will not be able to receive both DRR and enhanced capital allowances.

As well as locating within the relevant area of the Enterprise Zone, businesses may need to demonstrate how their business supports the vision of Infinity Park Derby and will contribute towards growth in the D2N2 local economy. The decision to ask a business to demonstrate how they support the vision of Infinity Park will rest solely with Derby City Council.

Tests that may apply include but are not limited to demonstrating one or more of the following:

- Increase in workforce;
- Increase in productivity / output;
- Increase in turnover;
- Increase in innovation.

### **State Aid De Minimis Limits**

Any award of Enterprise Zone Relief is likely to be classed as State Aid and must therefore comply with European Union (EU) law on State Aid. A business can receive State Aid up to the maximum value of 200,000 euros in a rolling three year period.

The onus of proof will lie with the business and they will be asked to make a declaration on State Aid when they apply for Enterprise Zone Relief.

In the event that an award of Enterprise Zone Relief is made before the business is asked to make a declaration, the award will be withdrawn if the declaration is not sent back to the Business Rates team within 28 days of it being requested.

## **UK withdrawal from the European Union (EU)**

Whilst the UK left the EU on 31 January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during the implementation period State aid rules will continue to apply as now and will be subject to control by the EU Commission as at present. Therefore DCC will continue to apply State aid rules, including De Minimis, to the relief for during the implementation period.

## **Applying for Enterprise Zone Relief**

Generally, applications for Enterprise Zone Relief will need to be in writing and on an approved application form. However, DCC reserves the right to determine an award for Enterprise Zone Relief in another way if it is deemed reasonable and more efficient to do so.

DCC may also request any other reasonable evidence in support of the organisation's application. If the ratepayer does not provide the required evidence, within 28 days, DCC reserves the right to either treat the application as withdrawn or to consider the application in the absence of the missing evidence. In doing so, DCC may disregard any unsubstantiated statements or draw its own conclusions from the evidence available.

DCC reserves the right, entirely at its discretion, to verify any information or evidence provided by the ratepayer by contacting third parties, other organisations and the ratepayer, subject to Data Protection.

## **Change of Circumstances**

All ratepayers receiving Enterprise Zone Relief must notify DCC of any change of circumstances in line with section 10 of this Policy.

## **Notification**

DCC will notify ratepayers of the outcome of their Enterprise Zone relief application in line with section 11 of this Policy.

## **Appeals**

Any appeals will be dealt with in line with section 12 of this Policy.

## **Reviewing Awards**

DCC reserves the right to ask any ratepayer to renew their application for Enterprise Zone relief annually.

## **16. Office Space Occupied By Local Newspapers Relief**

In the Written Ministerial Statement dated 27 January 2020 the Government confirmed their intention to continue to award up to £1,500 in discretionary rate relief for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament until 31 March 2025.

The Relief is to be specifically for local newspapers and will only be considered for what is considered to be a “traditional local newspaper.” The Relief will not be available to magazines.

The hereditament must be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.

The amount of Relief is limited to a maximum of one discount per newspaper title (for example, per newspaper name) and per property.

### **Applying for Office Space Occupied By Local Newspapers Relief**

This process is the same as set out for Enterprise Zone Relief, see section 15 of this Policy.

### **Change of Circumstances**

All ratepayers receiving Relief for an office space occupied by a local newspaper must notify DCC of any change of circumstances in line with section 10 of this Policy.

### **Notification**

DCC will notify ratepayers of the outcome of their Office Space Occupied By Local Newspapers Relief application in line with section 11 of this Policy.

### **Appeals**

Any appeals will be dealt with in line with section 12 of this Policy.

### **Reviewing Awards**

DCC reserves the right to ask any ratepayer to renew their application for Office Space Occupied by Local Newspapers Relief annually.

### **State Aid**

All awards of local newspaper Relief must comply with the rules on State Aid. The rules are the same as for Enterprise Zone Relief and are set out in section 15 of this Policy.

## 17. Supporting Small Business Relief (SSBR)

This Relief is available for ratepayers who, as a result of a change in their rateable value in the 2017 rating list, have lost some or all of their Small Business Rate Relief.

SSBR is available for the 2017/18 – 2021/22 financial years. Ratepayers that qualify for SSBR will have the yearly increase in their Business Rates bills limited to;

Financial year	Increase (greater of)
2017/18	5% plus inflation or £600
2018/19	7.5% plus inflation or £600
2019/20	10% plus inflation or £600
2020/21	15% plus inflation or £600
2021/22	15% plus inflation or £600

### Entitlement and awarding SSBR

Ratepayers meeting the Scheme criteria will automatically qualify for SSBR and providing ratepayers continue to be entitled, awards will automatically continue from year to year. Entitlement to SSBR will be automatically calculated using DCC's software system.

### Varying and revoking awards

The normal rules for varying and revoking awards, as set out in The Non-Domestic Rating (Discretionary Rating) Regulations 1989 (S.I. 1989/1059) and section 14 of this Policy will not apply for SSBR. If, following a change of circumstances, any ratepayer is entitled to a different amount of SSBR or is no longer entitled; that change will take effect immediately and the notice period will not apply.

Further, all entitlements to SSBR will end on 31 March 2022.

### Relationship with other Reliefs

Hereditaments eligible for Charity or Community Amateur Sports Club Relief or hereditaments which are unoccupied are not eligible for SSBR.

If a ratepayer's bill has been calculated using SSBR then no further award of Small Business Rate Relief or Section 44A Relief will be made.

Any award of SSBR will cease if the amount charged using SSBR is the same or more than it would be if SSBR was not awarded.

SSBR will be applied before any other discretionary rate relief.

If SSBR is awarded, a further discretionary award under the "Revaluation Support Relief" Scheme (see section 18 of this Policy) cannot be made.

## **Change of Circumstances**

All ratepayers receiving SSBR must notify DCC of any change of circumstances in line with section 10 of this Policy.

## **Notification**

DCC will notify ratepayers of entitlement to SSBR through the issue of an annual or revised Business Rates bill.

## **Appeals**

Any appeals will be dealt with in line with section 12 of this Policy.

## **Reviewing Awards**

DCC reserves the right to ask any ratepayer to renew their application for SSBR annually.

## **State Aid**

All awards of SSBR must comply with the rules on State Aid (see section 15 of this Policy). As entitlement to SSBR is automatic, the onus of proof that State Aid rules are being complied with will lie wholly with the ratepayer.



## 18. Revaluation Support Relief

In the 2017 March Budget, the Government announced a £300million discretionary fund over four years from 2017-18 to support those businesses that face the steepest increases in their Business Rates bills as a result of the revaluation.

Derby's allocation is;

<b>Year</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Amount £000s	522	254	104	15

To qualify for Revaluation Support Relief (RSR) the following criteria must be satisfied:

- The property's rateable value, as shown in the 2017 Rating List, is less than £200,000;
- The increase in the 2017/18 bill is more than 2% when compared to 16/17 before Reliefs (based upon yearly equivalents);
- The ratepayer is not entitled to nor receives SSBR (see section 17 of this Policy) or Pub Relief (see paragraph 19 of this Policy);
- The ratepayer is not entitled to nor receives Enterprise Zone Relief (see section 15 of this Policy);
- The property is not used for one of the following purposes:
  - (i) Banks;
  - (ii) Building societies;
  - (iii) Cash point;
  - (iv) Bureaux de change;
  - (v) Payday lenders;
  - (vi) Betting shops;
  - (vii) Casinos;
  - (viii) Arcades;
  - (ix) Bingo Halls;
  - (x) Pawn brokers;
  - (xi) Vaping stores;
  - (xii) Adult shops;
  - (xiii) Post office sorting office.
- The property must not be occupied by a national organisation;
- The property must not be occupied by DCC or one of its preceptors;
- The ratepayer must have been in rateable occupation on 31 March 2017 and 1 April 2017;

## **Amount of award**

DCC reserves the right to make any award it sees fit. However, generally the maximum award will be:

<b>Year</b>	<b>Maximum Award</b>
2017/18	15% of the 2017/18 bill but capped at £5,000
2018/19	5% of the 2018/19 bill but capped at £5,000
2019/20	2.5% of the 2019/20 bill but capped at £5,000
2020/21	1% of the 2020/21 bill but capped at £5,000

## **Entitlement and awarding RSR**

Generally, ratepayers meeting the Scheme criteria will automatically qualify for RSR.

However, DCC reserves the right to determine an award for RSR in another way if it is deemed reasonable and more efficient to do so.

DCC may request further evidence in support of the ratepayer's application. If the ratepayer does not provide the required evidence within 28 days of DCC's request, then DCC reserves the right to either treat the application as withdrawn or to consider the application in the absence of the missing evidence. Further, DCC may disregard any unsubstantiated statements or draw its own conclusions from other evidence available.

DCC may verify any information or evidence provided by the ratepayer by contacting third parties, other organisations and the ratepayer, subject to Data Protection.

## **Varying and revoking awards**

The normal rules for varying and revoking awards, as set out in The Non-Domestic Rating (Discretionary Rating) Regulations 1989 (S.I. 1989/1059) and section 14 of this Policy will not apply for RSR. If, following a change of circumstances, any ratepayer is entitled to a different amount of RSR or is no longer entitled that change will take effect immediately and the notice period will not apply. All entitlements to RSR will end on 31 March 2021.

## **Relationship with other reliefs**

If an eligible property is also eligible to Enterprise Zone Relief then Enterprise Zone Relief, not RSR, should be granted.

Similarly, if a property is eligible for DRR under Schemes for which Section 31 grant is payable – for example “Local Newspaper Relief” – authorities should first award Relief under those Schemes. Only having awarded Relief under those Schemes, should an additional Relief for RSR be considered.

RSR will not be awarded if an award of SSBR or Pub Relief has been made.

### **Change of Circumstances**

All ratepayers receiving RSR must notify DCC of any change of circumstances in line with section 10 of this Policy.

### **Notification**

DCC will notify ratepayers of entitlement to RSR through the issue of an annual or revised Business Rates bill.

### **Appeals**

Any appeals will be dealt with in line with section 12 of this Policy.

### **Reviewing Awards**

DCC reserves the right to ask any ratepayer to renew their application for RSR annually.

### **State Aid**

All awards of RSR must comply with the rules on State Aid (see section 15 of this Policy). As entitlement to RSR is automatic, the onus of proof that State Aid rules are being complied with will lie wholly with the ratepayer.

## **19. Pub Relief**

Pub Relief (PR) of up to £1,000 for each eligible property is available for the 2020/21 financial year.

To qualify for PR the following criteria must be satisfied;

- The property must be occupied;
- The property must have a rateable value under £100,000;
- The “pub” must be open to the general public;
- Generally there must be free entry, other than when occasional entertainment is provided;
- The “pub” must allow drinking without requiring food to be consumed;
- The “pub” must allow drinks to be purchased at a bar.

The following will not qualify for PR:

- Restaurants;
- Cafes;
- Nightclubs;
- Hotels;
- Snack bars;
- Guesthouses;
- Boarding houses;
- Sporting venues;
- Music venues;
- Festival sites;
- Theatres;
- Museums;
- Exhibition halls;
- Cinemas;
- Concert halls;
- Casinos.

### **Entitlement and awarding PR**

Ratepayers meeting the Scheme criteria will automatically qualify for PR. Entitlement to PR will be automatically calculated using DCC’s software system.

### **Varying and revoking awards**

The normal rules for varying and revoking awards, as set out in The Non-Domestic Rating (Discretionary Rating) Regulations 1989 (S.I. 1989/1059) and section 14 of this Policy will not apply for PR. If, following a change of circumstances, any ratepayer is entitled to a different amount of PR or is no longer entitled that change will take effect immediately and the notice period will not apply.

All entitlements to PR will end on 31 March 2021.

## **Relationship with other reliefs**

PR must be applied to bills after mandatory reliefs and all discretionary rate reliefs available prior to the Localism Act (i.e. charities/non-profit making organisations/CASCs) and those funded by section 31 grant, for example; retail discount. PR should be applied before all other locally funded section 47 reliefs.

If an eligible property is also eligible to Enterprise Zone Relief then Enterprise Zone Relief, not PR, should be granted.

If PR is awarded, a further discretionary award under the "Revaluation Support Relief" Scheme (see section 18 of this Policy) cannot be made.

## **Change of Circumstances**

All ratepayers receiving PR relief must notify DCC of any change of circumstances in line with section 10 of this Policy.

## **Notification**

DCC will notify ratepayers of entitlement to PR through the issue of an annual or revised Business Rates bill.

## **Appeals**

Any appeals will be dealt with in line with section 12 of this Policy.

## **State Aid**

All awards of PR must comply with the rules on State Aid (see section 15 of this Policy). As entitlement to PR is automatic, then the onus of proof that State Aid rules are being complied with will lie wholly with the ratepayer.

## **20. Retail Discount**

Retail discount of up to one third of the Business Rates bill will be awarded in the 2019/20 financial year and up to 50% of the Business Rates bill in the 2020/21 financial year if the following criteria are satisfied:

- The property is classed as a retail property and is occupied;
- The property has a rateable value of less than £51,000;
- The property must be wholly or mainly used as a shop, restaurant, café or drinking establishment. From 1 April 2020 the definition is extended to include cinemas and live music venues.

For the purposes of awarding relief this Policy considers shops, restaurants, cafes, and, drinking establishments to mean:

### **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, 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).

### **Hereditaments that are being used for the provision of the following services to visiting members of the public:**

- Hair and beauty services (such as: hair dressers, 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.

**Hereditaments 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.

From 1 April 2020 the definition is extended to include:

**Hereditaments which are being used as cinemas, and;**

**Hereditaments that are being used as live music venues:**

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments 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).
- Hereditaments 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).

Retail premises that are not included in the above list may still be considered for Retail Discount. In such cases Derby City Council will decide what level of proof and in what format that proof is required to determine whether or not Retail Discount is payable.

Retail Discount will not be available under this Policy for the following types of uses:

**Hereditaments 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, 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 offices;

Hereditaments that are not reasonably accessible to visiting members of the public will also not be able to access Retail Discount under this Policy.

The following list will also not be considered for Retail Discount:

- Theatres;
- Museums;
- Nightclubs;
- Hereditaments used for sport or physical recreation (eg gyms).

### **Entitlement and awarding Retail Discount**

Ratepayers meeting the Scheme criteria will automatically qualify for Retail Discount and providing ratepayers continue to be entitled, awards will automatically continue from year to year. Entitlement to Retail Discount will be automatically calculated using DCC's software system.

### **Varying and revoking awards**

The normal rules for varying and revoking awards, as set out in The Non-Domestic Rating (Discretionary Rating) Regulations 1989 (S.I. 1989/1059) and section 14 of this Policy will not apply for Retail Discount. If, following a change of circumstances, any ratepayer is entitled to a different amount of Retail Discount or is no longer entitled; that change will take effect immediately and the notice period will not apply.

### **Relationships with other Reliefs**

Retail discount will be awarded after entitlement to mandatory reliefs and, with the exception of the 2020/21 Pub Relief scheme, any other discretionary relief funded by Section 31 grants and any discretionary rate relief available before the introduction of the Localism Act (i.e. charities/non-profit making organisations/CASCs). Retail Discount will be awarded before any locally funded relief awarded under Section 47 of the 1988 Local Government Finance Act.

### **Change of Circumstances**

All ratepayers receiving Retail Discount must notify DCC of any change of circumstances in line with section 10 of this Policy.

### **Notification**

DCC will notify ratepayers of entitlement to Retail Discount through the issue of an annual or revised Business Rates bill.

### **Appeals**

Any appeals will be dealt with in line with section 12 of this Policy.



## **Reviewing Awards**

DCC reserves the right to ask any ratepayer to renew their application for Retail Discount annually.

## **State Aid**

All awards of Retail Discount must comply with the rules on State Aid (see section 15 of this Policy). As entitlement to Retail Discount is automatic, then the onus of proof that State Aid rules are being complied with will lie wholly with the ratepayer.

## Appendix A

Type of Organisation	Mandatory Relief	Criteria	Recommended maximum yearly award of Discretionary Relief
Registered Charities	80%	Local organisations that are open to all sections of the community, providing support, guidance, ie play schemes, training, youth groups.	Up to 20%
Registered Charities	80%	National organisations with local offices who benefit the Derby area, but also other parts of the country/world.	Up to 20%
Charity Shops	80%	Consideration must be made in these cases that a competitive advantage in the market place is not given if further relief is granted.	Up to 10%
Community Organisations	No	Local organisations that recognise diversity and benefit the residents of Derby.	Up to 100%
Social and Working Men's Clubs	No	Local or national affiliation, access and membership requirements, and social (bar) facilities and financial status are to be considered.	Up to 100%
Sports Clubs	No	Refer to 'Applications from Sports Clubs' in guidance notes.	Up to 100%
Miscellaneous Organisations	No	Purpose, funding, access and membership, social (bar facilities) and relevant financial status are to be considered	Up to 100%

Enterprise Zone Relief	No	Businesses basing themselves in an Enterprise Zone by 31 Mar 2021.	Up to 100%
Office Space Occupied By Local Newspapers Relief	No	For office space occupied by a local newspaper. Maximum of one discount per local newspaper title	Up to £1,500
Supporting Small Business Relief	No	See paragraph 17	See paragraph 17
Revaluation Support Relief	No	See paragraph 18	See paragraph 18
Pub Relief	No	See paragraph 19	Up to £1,000
Retail Discount	No	See paragraph 20	For 2019/20 - up to one third of the business rates bill. For 2020/21 up to 50% of the business rates bill

## Appendix B

**Infinity Park Derby Extension** – the Enterprise Zone in Derby.

Plan referred to showing Business Rates Discount and Enhanced Capital Allowances areas confirmed in Autumn Statement 2015.

