

DISCRETIONARY RATE RELIEF

GROWTH INCENTIVE RELIEF

Background

Prior to the Localism Act, Section 47 of the Local Government Finance Act 1988 (LGFA 1988), Councils were able to grant discretionary rate relief only in certain specified circumstances. They could top up the 80% mandatory relief available on premises occupied by charities and Community Amateur Sports Clubs and they could award up to 100% relief for non-profit making bodies.

Section 69 of the Localism Act 2011 amended Section 47 of the LGFA 1988, and came into effect on 1 April 2012. The purposes of that Act allowed for an extension of the existing provisions in that discretionary rate relief may be granted in any circumstances where a local authority sees fit, having regard to the effect on Council Tax payers in the area.

The decision to grant discretionary relief is left to the council in whose area the rated premises are located. The council may grant relief for all or part of the rate.

Any Ratepayer applying for relief under these provisions and who does not meet the criteria for existing discretionary rate relief must meet all of the following criteria and the amount of relief granted will be dependent on the following key factors:-

- The ratepayer must not be entitled to mandatory or 100% small business rate relief;
- The ratepayer must not be an organisation that could receive relief as a non-profit making organisation or as a sports club or similar;
- The premises and organisation must be of significant benefit to the residents of the borough.

The ratepayer must also demonstrate that they satisfy as much of the following criteria as possible:

- The award relates to business rates payable in respect of a new hereditament or an increase in rateable value of an existing hereditament and as a result of the new or extended hereditament the following benefits will be derived
 - New employment opportunities will be created;
 - The organisation must bring social, environmental or economic benefit to the community or;
 - Contribute to the sustainable development of the borough;

- The applicant must prove economic value of bringing empty commercial properties back into use and the following benefits derived (The property must have been vacant for a minimum period of 12 months):
 - New employment opportunities will be created;
 - The organisation must bring social, environmental or economic benefit to the community or;
 - Contribute to the sustainable development of the borough;
- Provide the resident of the borough with such services, opportunities or facilities that cannot be obtained locally or are not provided locally by another organisation;
- The ratepayer must demonstrate that assistance (provided by the discretionary rate relief (will be for a short time only and that any business/operation is financially viable in the medium and long term;
- The ratepayer must show that the activities of the organisation are consistent with the council plan.

Where a ratepayer can demonstrate that the criteria is met, the period and value of relief granted will be solely at the discretion of the council.

A formal application from the ratepayer will be required in each case and any relief granted, will be in line with State Aid Requirements

State Aid Requirements

The issue of some rating reliefs being considered as state aid is now of some significance and is briefly explained in the “Rate Relief for Charities and other Non-Profit Making Organisations” guidance note issued by the Office of the Deputy Prime Minister in December 2002.

Broadly, any award of discretionary rate relief is subject to State Aid De Minimis limits. The De Minimis regulations allow an undertaking to receive up to €200,000 of De Minimis Aid in a three-year period (consisting of the current financial year and the two previous financial years).

Cost of Awarding Relief

The Cost of awarding all forms of rate relief is split between central government, billing authorities and major preceptors on a fixed percentage basis.

Central Government bears 50% of the cost, the county 9% the fire authority 1% and billing authorities the remaining 40%.

In regard to Discretionary rate relief, if the relevant conditions are satisfied, the local authority has the discretion to award or refuse the application. When making their decision the local authority must consider the guidelines and appendices in our policy and take into account the impact that such awards might have on local authority tax payers in the area, as 40% of the cost is borne by the local authority.

Your application

Your application will be considered by the Council's Cabinet. This is the Council's main decision making group, made up of leading Councillors.

In order that an informed decision may be reached, it is important that:

- (i) every question in this form is answered as fully as possible – if the question does not apply to you the please write “not applicable” in the space provided for your answer; and
- (ii) the required documentary evidence accompanies the completed form.

If you do not answer the questions or evidence is not provided, then your application may not be considered.

Upon receipt of your application, provided you have answered all of the questions and have attached the necessary documentary evidence, a report will be prepared for the Cabinet meeting to consider.

As the report contains information about the financial or business affairs of applicants, all members of the public and press are excluded from the part of the meeting when these are considered. The Cabinet does not consider representations in person at its meetings, so please be sure that everything you wish to be taken into account is included in your written application. The information you have supplied will be treated in the strictest confidence.

Where an application has been refused, either initially or following an appeal, further applications will not be considered within a period of two years following the latest decision, except where:

- (i) The use of the property changes; or
- (ii) The objectives of the organisation change; or
- (iii) There have been other changes that may affect the Council's decision (for example where an organisation has taken action to address an issue which had previously precluded an award of relief).

You must continue to pay the rates pending the outcome of your application.

If you require any further information or would like help in completing this form please telephone the Business Rate Team, on 01252 398331, during normal office hours.



**APPLICATION
for
DISCRETIONARY RATE RELIEF IN RESPECT OF:
GROWTH INCENTIVE RELIEF**

PLEASE COMPLETE IN BLACK INK

Rate Reference Number:

(You may find this on your rate bill)

Ratepayer's Name:

Address of Rated Premises:

Description of Rated Premises:

(You may find this on your rate bill)

Rateable Value:

(You may find this on your rate bill)

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS AS FULLY AS POSSIBLE

Please indicate your business relationship to the property?

- ☐ Owner
- ☐ Tenant
- ☐ Leaseholder

Is the premises that relief is being applied for any of the following?

- ☐ New Build
- ☐ Extended Build
- ☐ Conversion of empty building
- ☐ None of the above (*please provide additional information in the box below*)

Are the premises currently registered as empty or empty prior to your business occupying the property?

- ☐ Yes
- ☐ No

If the premises were previously empty, how long were the premises empty for?

Please describe the nature of your business?

For what purposes does the organisation use the premises?

Is the property used for any other purposes?

Please provide details:

Are there any other businesses of a similar nature in the borough

- ☐ Yes
- ☐ No
- ☐ Not Known (*please provide further information as to how your business offers opportunities that other businesses do not offer*)

How many people are employed in the business? And of these employees, how many live locally in Rushmoor?

No of employees _____ Resident Locally _____

Please provide information about how new employment opportunities will be created?

Please give the reason for your application, including how the business brings social environmental or economic benefit to the borough and contributes towards the sustainable development of the borough:

Please explain why you consider your business benefits local taxpayers?

Please provide an up to date trading statement (showing the current financial situation of the organisation) plus a copy of the following audited or certified accounts for the last two years:

- Balance sheet
- Income and expenditure

DECLARATION

I confirm that all information given in this form is true to the best of my knowledge and belief. I understand if any information that I give is found to be inaccurate, my application will be disqualified.

Signature:

Name: (please print in block capitals)

E-Mail Address:

Daytime Telephone Number:

Website Address:

Privacy Notice – Business Rates

1. Identity of the Data Controller and contact details

Rushmoor Borough Council is the data controller for the personal information you provide. You can contact the Council by phone on 01252 398331, via email to businessrates@rushmoor.gov.uk or by writing to us at Council Offices, Farnborough Road, Farnborough GU14 7JU. You can contact the Council's Data Protection Officer at data.protection@rushmoor.gov.uk

2. What we need your information for and the legal basis for it

We need your information to administer and change the details of your business rates account. The law allows us to use your personal information in this way as carrying out responsibilities under the Local Government Finance Act 1998 is one of the Council's public tasks.

3. Use for any other purposes

If we need to use your information for any other purpose, we will normally inform you before using it, unless we believe you know about the new purpose already or there are legal reasons that prevent us from telling you.

4. Will you pass my information to anyone else?

We may share your information with other teams within the Council such as , Planning, Council Tax , Environmental Health, Audit and Corporate Investigations in order to provide our services, carry out our public tasks and to keep our records up to date. If you ask a Councillor for help we may pass information to them and other services to enable them to help you.

We may also pass information about you to third parties where permitted or required by law to do so. This may include other local authorities and government departments or agencies carrying out their public tasks, such as the Council's Bailiffs, Magistrates Court, Hampshire County Council, the Valuation Office, HMRC and the Police in carrying out criminal investigations.

5. How we will store and look after your information

Your data will be held electronically and will not be stored in a country outside the UK. All paper records containing your personal information will be held securely in our filing systems and archives.

6. How long we will retain your information

We will make sure we do not keep your details for any longer than is necessary and when we no longer have a need to keep your details, we will delete or destroy your details securely. For further information on our policy for retaining personal information, see our retention guidelines.

7. Your rights concerning your information

The General Data Protection Regulation gives you a number of rights concerning your personal information. See the list below. Not all rights apply in every case – it will depend on the legal basis for collecting your information and how we use it.

- The right to be informed
- The right of access
- The right to rectification
- Rights related to automated decision making, including profiling
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object

Further details on these rights can be found on our website at

<http://www.rushmoor.gov.uk/dataprotection>

8. Right to complain to the Information Commissioner's Office

If you are not happy with the way the Council is handling your personal information you have the right to lodge a complaint with the Information Commissioner's Office. (ICO).

You will find details of how to do so on the ICO website at <https://ico.org.uk/> or by phoning their helpline on 0303 123 1113.

9. Why we need your information and the consequences of not providing it

We need your information to carry out our responsibilities under the Local Government Finance Act 1988. If you knowingly provide inaccurate information, then you are committing an offence under the Fraud Act 2006, which could lead to a fine and / or imprisonment.