

Bath & North East Somerset Council		
DECISION MAKER:	Cllr Charles Gerrish, Cabinet Member for Resources	
MEETING/ DECISION DATE:	On or after 8 th July 2017(for single Member decision)	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2945
TITLE:	Amendment to National Non Domestic Rate Relief Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Revised Appendix C to the Discretionary rate relief Policy		

1 THE ISSUE

- 1.1 The updated Appendix C to the Bath and North East Somerset Council Non Domestic Rate Relief Policy gives guidance to officers administering claims for discretionary relief under discretionary powers provided by the Local Government Finance Act 1988 ("The 88 Act").

Appendix C covers:

Reoccupation Relief

Newspaper relief

Enterprise Zone Relief.

The update is required in order for the council to be able to determine applications in respect of the above reliefs which are new from April 2017

2 RECOMMENDATION

The Cabinet Member is asked to;

- 2.1 To approve the proposal relating to Enterprise Zone Relief in the attached appendix C
- 2.2 To note the criteria relating to newspaper relief and reoccupation relief as set out in the attached appendix C and in line with DCLG guidance

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The detailed financial issues are documented in the Appendix C report. There is no financial cost to the Council other than the administration of the schemes which will be carried out within existing resources.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Localism Act of 2011 ("The 11 Act") amended the discretionary powers available to Councils with effect from 1st April 2012. Specifically, section 69 of The 11 Act amended section 47 of the The 88 Act. Section 47 of the 88 Act enables the Council to grant relief to any ratepayer, including profit making organisations and individuals, with the proviso that awarding relief is in the interests of its Council Tax payers
- 4.2 Any use of this additional discretionary power would normally have to be funded in full by the local authority, as government funding is not normally available to offset the cost of granting this relief.
- 4.3 Since the amendments to The 88 Act, the Government has introduced further measures aimed at providing business rate relief to qualifying ratepayers whilst guaranteeing to reimburse Councils for the local share of discretionary relief by way of a grant under section 31 of the Local Government Act 2003 ("The 03 Act"). This also applies in the case where the Council retains 100% of the Business rates it collects.
- 4.4 State Aid rules will have to be applied in cases which exceed the de-Minimis levels set and these are documented in Appendix C.
- 4.5 Guidance on operating the reliefs is provided by DCLG which is referenced in Appendix C.

5 THE REPORT

- 5.1 The Government has introduced a number of measures to provide business rate relief to qualifying ratepayers and guaranteed to reimburse local authorities for the local share of these discretionary reliefs using a grant under Section 31 The 03 Act.
- 5.2 The relief relating to reoccupation relief and newspaper relief is prescriptive and, although a discretionary power, guidance is provided on its administration in the DCLG Guidance.
- 5.3 Enterprise Zone relief is less prescriptive and the Council needs to consider the type of businesses it wishes to support in the designated area.
- 5.4 The Government has awarded Enterprise Zone status to the existing Bath Enterprise Area including an extension at Roseberry Place and a new site at Old Mills in the Somer Valley. Enterprise Zone status allows businesses to obtain business rates relief for a period of 5 years and requires the Council to formally approve a policy in order to make the necessary awards.
- 5.5 Set out in Appendix C is a proposed scheme which is aligned with that currently in use in the Bristol Enterprise Zone as approved by the LEP. The Bath and North East Somerset Council Appendix C, however, clarifies that the ratepayer must be in occupation before relief is awarded.

6 RATIONALE

- 6.1 The Government has amended the maps referred to in the Non-Domestic Rating Contributions (England) Regulations 1992 to include the new Enterprise Zone areas and so The Bath and North East Somerset Council Non Domestic Rate Relief Policy requires amendment in order that Enterprise Zone relief may be awarded. In order to give effect to those amendments Appendix C has been amended to reflect the legislative changes, comply with DCLG Guidance and accord with that used by Bristol City Council approved by the LEP

7 OTHER OPTIONS CONSIDERED

- 7.1 We looked at schemes operated across the country including West Of England Partners and other Councils such as East Devon. There are limited options open for such schemes and as the Council is keen to promote growth within our Enterprise Zone the Appendix C as now drafted would appear to be the most appropriate for our District.

8 CONSULTATION

- 8.1 Given the limited options for Enterprise Zone relief it was considered the BANES scheme should generally align with schemes in the West of England. Accordingly the other Local Authorities which comprise the West of England Combined Authority were consulted and guidance from DCLG and advice from Legal Services was considered

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Ian Savigar, Divisional Director For Customer services</i>
Background papers	<i>None</i>
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